



Ref. A085/1277

PRIME MINISTER

Anglo-Irish Relations: Northern Ireland

I had a further meeting with Mr Nally at Chevening House on 29 and 30 April 1985. I was accompanied by Mr Andrew and Mr Brennan (Northern Ireland Office), Mr Goodall (Foreign and Commonwealth Office), Mr Mallaby (Cabinet Office) and Sir Alan Goodison; Mr Nally was accompanied by Mr Donlon and Mr Lillis (Department of Foreign Affairs), Mr Andrew Ward and Mr Declan Quigley (Ministry of Justice) and Mr Noel Dorr.

2. I gave Mr Nally the revised British text about a new Standing Committee, as amended and approved by OD(I) on 24 April. The Irish team were given the opportunity to consider the text overnight. The following morning Mr Nally described the reaction of his delegation as "extreme disappointment". He said that the Irish had earlier received the impression that there was much more common ground between us; and this had also been the Taoiseach's impression from his meeting with you on 30 March. It would be impossible to gain acceptance in the Irish Republic or from the SDLP for many elements in the text. The Irish Government would be unable to defend itself convincingly against the inevitable criticism that it was associating itself with the maintenance of security in Northern Ireland without acquiring any influence over policy. The public controversy could destabilise the situation in Northern Ireland - where Sinn Fein's claim that violence paid would be reinforced - and also relations between Dublin and London.

3. I do not think that the Irish delegation were entirely surprised to find no equivalent to their paragraph 14, which would provide explicitly for consultation on policy aspects of



economic and social matters of interest to the minority community, or to find that there was no commitment to set up joint courts (only a readiness to see the idea considered). But they were clearly much dismayed by, and expressed particularly strong disappointment about, the changes made to paragraph 2 of our new text, ie the one which provides that the Standing Committee's role would in effect be merely consultative. The Irish fully accepted that the British Government would retain sole responsibility (subject to devolution) for all decisions concerning Northern Ireland. But they complained that our new draft fundamentally altered the balance of earlier versions. In particular, instead of speaking first about the work of the Committee in resolving differences and then stressing that there would be no derogation of sovereignty, we had spoken first about there being no derogation of sovereignty (adding for good measure the flat statement that "the British Government would retain full responsibility for decisions") and only then had we gone on to speak about the work of the Standing Committee, deleting the statement, to which Irish Ministers attached particular importance, that in the Standing Committee "every effort would be made to resolve any differences rather than simply reporting them to the two Governments". The Irish pointed out that the British proposal of 21 January 1985 had not included the statement about the British Government "retaining full responsibility" and had included the statement about "resolving differences". The Irish delegation clearly thought that the redrafted paragraph 2 represented a significant hardening of the British position, and a distinct step back from the position at Chequers and in the British proposal of 21 January. We formed the definite impression that, if the British proposal was put to Irish Ministers unchanged from the text of 29 April, they would react as Mr Nally and his colleagues had done to this modification of our earlier text for paragraph 2, and would be likely to conclude that we were not negotiating in good faith for an agreement, and to decide that the talks should be broken off and the British Government blamed for the breakdown.



4. We discussed this matter at some length. After the discussion the British side thought that the Irish Government would probably be prepared to accept a revision of paragraph 2 which restored the structure and some of the elements of the corresponding paragraph in the British proposal of 21 January; a possible text (with the amended passage underlined) would be on these lines:

"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 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. Attention would thus be given to these matters at the highest level. In the interest of promoting peace and stability, every effort would be made through the Standing Committee to resolve any differences. But there would be no derogation of sovereignty on the part of either the United Kingdom or the Republic. 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 application by the Irish authorities in the Republic."

5. The Taoiseach is at present visiting North America and Irish officials are deferring submission of our text to their Ministers until they hear whether we can offer revised language for paragraph 2.

6. You will wish to consider whether the above version of paragraph 2 is acceptable as a basis for keeping the Anglo-Irish negotiations going, so that we can see whether the other



outstanding matters are capable of resolution.

7. The two major areas of more substantive difference are:

- (1) The Irish pressed for a clear statement in the text that joint courts would be established. The form, but not the principle, could be left for discussion in the Standing Committee. I explained that the objections of the Lord Chief Justice of Northern Ireland, not to speak of the likely reactions of the Unionists, made it very difficult for the British Government to commit itself at this stage to the introduction of joint courts, even in principle; we could at best undertake to give the idea further consideration, and then see if the reactions to it were moderated when it was seen in the context of the agreement as a whole.

- (2) The Irish side said that it was essential that the text should empower the Standing Committee to discuss economic and social matters more widely than is provided for in our new text. I argued that the latter allowed for discussion of cross-border co-operation in the economic and social fields (paragraph 18) and of economic and social discrimination (paragraph 8); and that this was already a significant remit. But the Irish delegation made it clear that this did not go far enough: the Irish Government would need a provision in the agreement which would allow policy aspects of economic and social matters in Northern Ireland, in so far as they bore on the interests of the minority community, to be included in the matters on which the Irish Government had a right to be consulted, so long as they were not devolved to a Northern Irish administration. There seemed to be two main considerations in their minds:

- (1) they needed this if they were to carry the SDLP (and particularly Mr John Hume and Mr Seamus Mallon) with them;



(2) they thought that the inclusion of such a provision in the agreement would constitute a powerful inducement to the Unionists to agree to a measure of devolution which would allow these matters to be dealt with by the parties in Northern Ireland and would exclude the Irish Government from them.

8. Some progress was made on other aspects in our talks at Chevening. The Irish side confirmed that they were willing to include in a preamble or the main body of an Anglo-Irish agreement a formal, binding assurance on the constitutional status of Northern Ireland. They said that it would be politically necessary to the Irish Government to have public SDLP support in concluding an agreement; and that they would use all their influence with the SDLP to secure that support and to persuade the SDLP to participate in a devolved administration. On a specific point, the Irish said that they were willing to accede to the European Convention for the Suppression of Terrorism and were confident that this would require neither an amendment to their constitution nor a referendum.

9. I judge that there is no prospect of an agreement unless we are prepared to amend paragraph 2 of the British text as proposed in paragraph 4 above; and that, if we are not prepared to amend paragraph 2 as proposed, the Irish Government will decide that there is no further purpose in continuing the talks, will break them off, and will blame us for their breakdown, accusing us of bad faith in resiling from positions taken up at Chequers in November and in our proposal of 21 January. We therefore need to know whether Ministers are content that paragraph 2 of the British text of 29 April should be amended as proposed before it is put to Irish Ministers. If they are, we will send the Irish a text amended accordingly. This should clear the way for a further round of exploratory talks with Irish officials in mid-May, on the basis of the decisions already taken by OD(I).



In these talks we should be able to discover whether there is any possibility of bringing the Irish Government to accept the text on economic and social matters as it stands, or (if not) what adjustments to the text might bring them to accept it. I should then report in detail on the state of the talks. A further meeting of OD(I) might be appropriate in the second half of May.

10. I am sending copies of this minute to the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland.

REA

ROBERT ARMSTRONG

7 May 1985