

PRIME MINISTER

ANGLO-IRISH RELATIONS: NORTHERN IRELAND

A

Sir Robert Armstrong's note (attached) describes his latest round of Armstrong/Nally talks, at which he handed over the UK proposal agreed in OD(I).

The talks went rather badly. The Irish professed dismay at:

- the absence of provision for consultation on economic and social matters;
- our inability to agree to the establishment of joint courts.

Both points were predictable and probably manageable. On the other hand they were reasonably forthcoming on binding assurances on the constitutional status of Northern Ireland and on SDLP participation in a devolved administration.

More surprising and potentially more serious they took strong exception to the revised paragraph 2 about the role of the Standing Committee, in particular the deletion of the phrase which had appeared in earlier versions: "Every effort would be made to resolve any differences rather than simply reporting them to the two governments."

The considered view of RTA and others present is that if we stick to our latest version of paragraph 2, Irish Ministers will conclude that we are not negotiating in good faith, break off the negotiations and blame us for the breakdown.

RTA therefore proposes revised language for paragraph 2 as a means of keeping the negotiations alive. His proposal is supported by the Foreign Secretary and the Northern Ireland Secretary. The Foreign Secretary would be prepared to go further and retreat to the language shown to the Irish on 21 January.

B
C

Not every effort - that could mean conceding to the Republican against our better judgment.

Other questions will need to be considered by OD(I) in slower time. The immediate questions are: do you accept that a revised version of paragraph 2 is needed to save the talks? If so, can you accept RTA's version?

Yes no

No - I don't like the phrase every effort -

To enable you to compare texts I attach immediately behind:

strenuous efforts, yes every effort - no.

- (a) text of paragraph 2 handed over to the Irish on 29 April and rejected by them;
- (b) the text which RTA proposes that you now agree to substitute;
- (c) the 21 January text shown to the Irish but subsequently withdrawn.

It is a difficult decision. Your colleagues tend to dismiss it as simply a presentational point vis-à-vis the Irish Government. They seem to forget that it is also an important presentational point vis-à-vis the Unionists. A text which fails to spell out that the British Government would retain full responsibility for decisions would cause some problems in that quarter: it is probably more important to spell ^{this} out than say that there is no derogation from sovereignty, since the whole agreement is anyway based on the presumption that sovereignty cannot be affected. It would therefore be better and more explicit to say:

* { vigorous & strenuous

"... every effort would be made through the Standing Committee to resolve any differences. But the British Government would retain full responsibility for decisions. The focus of ..."

Agree to press hard for this, with Sir Robert Armstrong's formulation (b) as a final fall-back?

delete every - substitute as proposed at

CDD

C.D. POWELL

9 May 1985

VC3ADN

TEXT REJECTED BY THE IRISH (a)

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.

(b)

COMPROMISE TEXT PROPOSED BY
RTA & SUPPORTED BY FCS AND NIS

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

21 JANUARY TEXT

ANNEX A

(c)

MODEL A

AIIC STANDING COMMITTEE

Constitution of the Committee

1. There would be established within the framework of the Anglo-Irish Inter-governmental Council (AIIC) a body to consider on a regular basis;

- a. legal matters;
- b. policing and security questions;
- c. issues arising from Northern Ireland's nationalist population's perception of its identity.

Other topics might be added by agreement.

The Committee will be a body of 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100

2. Unlike the existing AIIC machinery this body would be primarily concerned with North/South rather than East/West relationships and would meet on a regular rather than an ad hoc basis. (It might be known as the Standing Committee of the AIIC.) As in the case of other parts of the AIIC machinery, the Committee would be essentially a forum for discussion, leaving decision-taking to the two Governments. But, in accordance with the general practice of the AIIC, every effort would be made to resolve any differences rather than simply reporting them to the two Governments. Attention at the highest level would thus be given to the matters in question; 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 an application in the Republic.

3. The Committee would meet at Ministerial or official level, as required, either in Belfast or Dublin. There would be regular Ministerial meetings, say once every three months; and special meetings could be convened when necessary at the request of either side. Officials might meet in sub-committees more frequently. Membership would be small and flexible. There would be a small joint secretariat which could be located in Belfast. When the Committee met at Ministerial level the Secretary of State