

Ref. A084/3016

MR POWELL

---

Anglo-Irish Relations: Northern Ireland

There have been two further developments with the Irish, of which Ministers will need to take stock at tomorrow afternoon's briefing meeting.

2. First, the Irish Government were clearly alarmed by the fact that, at my last meeting with Mr Nally, the British side took the position that the introduction of a measure of devolution on an acceptable basis was an integral part of the "balanced" sets of proposals which we had been discussing in my talks with Mr Nally. They do not disagree upon the necessity of a measure of devolution. Their fear is that, if the rest of the proposals are made conditional upon the introduction of an acceptable measure of devolution, they will find themselves committed to a referendum on a change in their constitution in anticipation of a measure of devolution which we are then unable to deliver because of Unionist resistance to any measure of devolution which might be acceptable to the nationalists. In this context they have reminded us that a measure of devolution could be more acceptable to Unionists, in so far as it removed devolved matters out of the range of consultation with the Irish Government; and they have reasserted the advantages of making the Secretary of State, or another British Minister, the chief executive of a devolved government.

3. At the same time they have expressed serious concern that we should be thinking in terms of a devolved government in Northern Ireland on a majority rule rather than a power-sharing basis. They understand the difficulty of persuading the Unionists to accept anything like "power sharing"; but they believe that devolution on a majority rule basis would compound the "alienation" of the nationalist community and preclude its participation in or acceptance of devolution arrangements.

4. They have now further suggested that, until such time as devolution took effect, functions which would otherwise be devolved should be remitted to an interim executive chaired by the Secretary of State and including a number of persons nominated from outside the Northern Ireland Assembly - including the Irish Government's proposed representative in Belfast. They do not see the Irish representative involved in this way as being a participant in decision making or as detracting from the British Government's ultimate power of decision.

5. They also revive a suggestion made earlier that, in cases of disagreement between the Secretary of State for Northern Ireland and the Irish representative, there should be a right of recourse to the Prime Minister and the Taoiseach.

6. These points were made to Mr Goodall by Mr Lillis yesterday; Mr Lillis left with Mr Goodall an Irish speaking note, a copy of which I attach. The same points were made to me by the Irish Ambassador this morning.

7. Mr Lillis also emphasised, under instruction, that, although the Irish side accepted that the essence of the proposed arrangements was consultative and would not involve joint authority, the use of the word "consultative" as a description of those arrangements continued to be a serious obstacle from the Irish Government's point of view.

8. The fact is that they are looking for something which can face both ways: an arrangement which they can present as giving the Irish Government "an effective say" in decision making in Northern Ireland, and something which we can present as not detracting from the ultimate power of the British Government to make the decisions.

9. The second development is that the Irish have now come back with a revised version of the draft communique passage on Northern Ireland. It is much longer than our draft, and it amounts to a proposal for an agreed declaration by the Prime Minister and the Taoiseach. I attach a copy of the Irish draft herewith.

10. In presenting it, the Irish Ambassador emphasised to me that there were considerable expectations, at any rate in Ireland, for the outcome of this Summit, following the Forum Report, Mr Prior's speech of 2 July and the various proposals of the political parties in Northern Ireland; and that his Ministers felt that our draft would be seen as an inadequate response from Heads of Government at this time. Their draft represented their attempt to set out a position which they thought was agreed between the two Governments.

11. I said that I should have to consult the Prime Minister and her colleagues, both about whether they were prepared to contemplate a draft communique passage as long as this and, if they were, about the drafting of it. I went through a number of points which, at first reading, seemed to me likely to present the British Government with difficulties.

12. At the Prime Minister's meeting tomorrow she will wish to consider with her colleagues whether they would be prepared to go along with a declaration on the lines suggested by the Irish Government. I have gone through the draft, and I attach a version of it with manuscript amendments which seem to me to be the minimum required to make it tolerable from our point of view.

13. One possibility for handling this might be for Ministers to authorise me to indicate to the Irish Ambassador that the Prime Minister would wish herself to discuss with the Taoiseach when they meet whether to go for the shorter British version or something on the lines of the longer Irish version; and also to indicate to him, without prejudice to that discussion, the amendments that we would require to make to the Irish draft, if the Prime Minister and the Taoiseach were to decide that something on those lines should go ahead.

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

RA

ROBERT ARMSTRONG

13 November 1984

Speaking Note

1. The Irish side have reflected carefully on the exchanges which took place in Dublin on 2nd and 3rd November and have sought instructions.

2. The following suggestions, which do not imply any commitment on the part of the Irish Government, are intended to ensure that the British side have the clearer understanding of our position in several important respects which has emerged as a result of the last round of exchanges and of our subsequent consideration of them.

3. It now seems clear to us - and this was partly acknowledged on the 3rd November by the British side - that there have been two important developments in the British position in recent weeks, both of which, on reflection, must cause us grave concern. The first relates to the condition suggested by the British side for the introduction of the measures which would give the Irish Government an institutionalised role in relation to Northern Ireland, namely, that this might depend on the establishment of a devolved government for Northern Ireland. We see this as a new and unheralded element in your approach. We would ask you to consider its possible implications for the Irish Government, and indeed for the British Government, if it were to be followed in practice.

4. As we would see it, the implementation of the measures that it is envisaged that the British Government would undertake could thus depend on two formal conditions: (a) successful action by the Irish Government to change certain provisions of the Irish Constitution and (b) the successful introduction by the British Government of a measure of devolved government in Northern Ireland "on an acceptable basis" and with the support of the Irish Government.

5. It is our belief that, in the launching of a new effort to bring lasting peace and stability to Northern Ireland, as it is now being discussed between us, it is the Irish Government and indeed the Irish State which must face all at once the greater dangers inherent both in the campaign itself and in the possibility of a defeat in the constitutional referendum on which the Government would be strongly, obdurately and perhaps violently opposed. We fully accept that the British Government would itself face very great political and security difficulties in the pursuit of progress on this issue but your Government has significantly greater political room for manoeuvre than ours on the issue and your Government, moreover, would not face dangers comparable in their scale or their nature to those our Government would face. Nor would the United Kingdom as a whole face threats comparable to those which would confront the Irish State.

6. The British side have, we believe, correctly understood the view of the Irish side that the Irish Government would be prepared, as part of a balanced set of proposals, to take action to change the Irish Constitution. The introduction of devolved government in Northern Ireland is, in the view of public opinion both North and South, a difficult and, in the eyes of many, an impossible prospect. The Irish side believes that it must be obvious that it would be madness for an Irish Government to call on the Irish electorate to take the enormous step of changing the Constitution in order to secure the implementation of certain measures by the British Government which would, however, only happen in the highly uncertain event that devolved government could be established in Northern Ireland. We strongly believe, moreover, that it would be against the interest of the British Government that an Irish Government should be put in the position of undertaking such a foolhardy venture.

7. This first development which we perceive in your position is compounded by another related development, namely, that the British side, while insisting on the introduction of devolved

government for Northern Ireland, seems to doubt the feasibility of a form of executive being established which would have participation by political representatives from both sides of the community divide in Northern Ireland, and at the same time, seems to suggest that a devolved government could be established without such support which would yet be both "acceptable" in Northern Ireland and have the support of the Irish Government. Should this interpretation of the British side's position on these two points be correct, one conclusion might be that the Irish Government would be expected to embark on a constitutional referendum against a background whereby the British Government's hitherto admirably consistent commitment to cross-community participation in devolved government for Northern Ireland would be abandoned for a readiness to implement devolution on the basis of majority rule (which would be seen in itself as a significantly retrograde development in British policy viewed from a nationalist standpoint). Should those circumstances arise, the Irish side believes that it would be impossible and indeed irresponsible for an Irish Government to undertake a referendum.

8. Throughout these exchanges our side has stressed the importance of devolved government on an acceptable basis and we can readily agree that this should be central to any new arrangements if they are to succeed and if they are to endure. You have correctly interpreted our understanding that any form of devolved government to be "acceptable" must be on a power-sharing basis. At one point in this series of exchanges we explained, in response to a query as to whether we could agree to "majority rule" in the context of the consultative arrangements now envisaged by the British side, that we could only contemplate "majority rule" in the context of "Joint Authority". In other words, as we explained, it was essential that the Irish nationalist role be that of an equal participant in decision-making either at the Ministerial Commission level or at the level of devolved government; otherwise we believe that the arrangements would not be adequate in themselves to reverse the problem of alienation or adequate to provide

sufficient political grounds for an Irish Government to win a constitutional referendum. That remains the position of the Irish side and should be noted as such.

9. We recognise that there would be considerable unionist opposition to joining with the SDLP in a power-sharing executive and we have sought to overcome this serious difficulty by making two complementary suggestions:

- first by arguing that it is necessary that the j o i n t arrangements should involve all the functions which might be devolved unless and until an Executive were established to deal with them; this we argued would provide an powerful incentive to unionists to participate in a devolved government (and we believe that it would similarly be a significant incentive to the SDLP);
  
- second, believing as we do that the fear of Irish unity which inhibits unionists from contemplating participation in a power-sharing arrangement or supporting other measures of reassurance to Northern Ireland nationalists, is at heart grounded in a lack of certainty about British rather than Irish intentions, we have argued that it would help to reassure unionists in this sense if the Secretary of State or some other British Minister were to undertake for as long as might be necessary the role of Chief Executive or Chairman in a devolved government; we have also argued that such a measure would serve to overcome the considerable practical difficulty of bringing the two sides together.

10. Following reflection, it now seems to us that it would add considerably to the effect of the first of these two incentives if the role of the Irish Government's Ministerial representative in those functions intended in principle to be devolved to a devolved executive/<sup>was</sup> to be, pending such devolution, that of a participant in decision-making possibly within an interim executive chaired by the Secretary of State and including a number of other

persons nominated to the executive from outside the Northern Ireland Assembly - unless and until a devolved executive based on the Assembly were formed. We do not see the involvement of an Irish Minister or representative in this or in other matters as a participant in decision-making as being inconsistent with the British position that ultimate power of decision would continue to lie with the British Government. We would wish you to register this as our position.

11. In regard to the institutional arrangements for the involvement of the Irish Government in the affairs of Northern Ireland, the Irish side believes that a British suggestion made at an earlier stage in the dialogue has considerable merit, namely that there might be in cases of disagreement between the Secretary of State and the Irish Minister a right to exercise an appeal to the Prime Minister and the Taoiseach, meeting together. The Irish side would wish this suggestion to be noted.

12. We have also given some thought to the exchanges which took place on the Joint Security Commission, exchanges which we believe made some progress towards clarifying the positions of the two sides and even reducing some of the differences between them. It occurs to us now that there might be considerable practical merit in contemplating two different institutions within the AIIC to deal with the two different sets of ideas which we discussed on the 2nd and 3rd November viz. security cooperation and security within Northern Ireland. We would accordingly suggest that, if the overall set of measures were agreed, the best approach might be to establish a Joint Security Commission for Northern Ireland within the Ministerial Commission for Northern Ireland of the AIIC to accommodate the role of the Irish Minister in that Commission in respect of security matters in Northern Ireland while at the same time organising Anglo-Irish meetings on security <sup>[cooperation]</sup> separately within the AIIC. We believe that such a dual structure would be more workable and more "transparent" and would more effectively promote the two distinct goals of maximum security cooperation and

/...

maximum confidence in the security system within Northern Ireland on the part of the nationalist minority which we both desire, than to attempt to contain both within a single institution.

13. While wishing in this paper to avoid the details of policing which we agree should be matters for security experts, we think it essential to register the conviction of our side that the extremely difficult relationship between the UDR and the nationalist minority in Northern Ireland is an area crucial to the question of minority confidence in any new arrangements. We believe that the issues involved in setting up a more acceptable military establishment based on the local population (if such an establishment is necessary) should again be discussed by experts.

14. There are three other items which are of importance to the Irish side and which we would wish to have noted accordingly:

- we would wish the Joint Security Commission for Northern Ireland to have an important role in relation to a police complaints procedure in addition to the other items which the British side has correctly noted;
- we believe that the Flags and Emblems Act should be repealed;
- we further hold that legislative obstacles to Members of the Northern Ireland Assembly being elected to and sitting in the Houses of the Oireachtas should be removed.

IRISH DRAFT

12 November 1984

DRAFT SECTION ON NORTHERN IRELAND

They had a full exchange of views on developments in relation to Northern Ireland since their last major bilateral meeting one year ago. In their discussions they took fully into account the report of the New Ireland Forum; the position of the British Government as set out in the debate in the House of Commons on 2 July 1984; and the proposals of the constitutional, democratic parties in Northern Ireland as set out in the respective documents which each has published in recent months.

Following this detailed exchange of views the Taoiseach and the Prime Minister agreed on the following declaration:

1. There is a conflict of identity in Northern Ireland. This conflict has found expression in community division, instability and violence within Northern Ireland; and the consequences affect all of the people of both islands.

2. A majority of the people of Northern Ireland want to maintain its present status as part of the United Kingdom. On the other hand a substantial minority within Northern Ireland identify with the majority, nationalist tradition in the island as a whole. They share the aspiration of that tradition, affirmed again in the Report of the New Ireland Forum, to bring the two parts of the island together, by agreement, in a new and sovereign Ireland.

3. It is strongly in the interest of all of the people of Northern Ireland, of both our Governments and of all of the people whom we represent that there be lasting peace, based on justice and tolerance, within Northern Ireland and in Ireland as a whole.

4. As leaders of the two sovereign Governments in these islands, we seek to encourage and promote this aim. We believe that it can be furthered by the strengthening and development of the existing close relations between our two countries and peoples. This will help to set a broader context for dialogue based on mutual acceptance and accommodation.

5. Violence or the threat of violence cannot achieve this. On the contrary, it creates new hostility and anger; it increases division; and it brings great human suffering and pain.

6. As democratically chosen leaders of democratically elected Governments, we repudiate violence. We are strongly committed to the democratic process and to democratic values; and we are

determined, with the support of our peoples, to defend and sustain democracy against attack. We therefore reject any attempt to promote political objectives by violent means or by the threat of violence; and we will cooperate to the full in opposing those who adopt or support such methods.

7. The democratic process in our countries rests on consent, freely given, and on a broad base of community support for the institutions of government. We believe that a recognition of this reality is crucial - both in relation to the present situation in Northern Ireland and in relation to any future political development which may take place in the island of Ireland.

8. It is quite clear that a majority of the population of Northern Ireland want to maintain its present status as a part of the United Kingdom. Recognizing this as a reality, we both join in stating clearly on behalf of our Governments, that any change in the present constitutional status of Northern Ireland within the United Kingdom would only come about with the free consent of a majority of the people of Northern Ireland.

9. Equally, in accordance with the principle of consent, we both accept that if, in the future, a majority of the people of Northern Ireland wish and consent to join in establishing new political structures within the island of Ireland as a whole, then that wish should be supported and given effect. It is clear of course that new political arrangements of this kind within the island could work only if they were freely negotiated and agreed to by the people of the North and by the people of the South.

10. It is evident that the need for consent and broad community support for the democratic process applies too in Northern Ireland. We believe that the immediate and urgent necessity is to find a way to accommodate the legitimate rights of both communities in Northern Ireland in political structures acceptable to both. The identity of both communities must be recognised and accommodated to an extent that will encourage full confidence and participation in the democratic political

process and full support for the security forces which uphold democratic institutions.

11. We commit ourselves and our Governments, in consultation with democratic, constitutional, parties in Northern Ireland, to a new effort to create these necessary conditions for peace, justice, stability and reconciliation. To that end, we have agreed to maintain a close and continuing dialogue between our two Governments over the coming months in the framework of the Anglo-Irish Intergovernmental Council with a view to working towards a set of proposals to achieve our aims. We call on all who want peace in Ireland and close and friendly relations between our two countries for support and help in this endeavour.

IRISH DRAFT  
with minimum revisions  
(changes underlined)

12 November 1984

DRAFT SECTION ON NORTHERN IRELAND

The Prime Minister and the Taoiseach

They had a full exchange of views on developments in relation to Northern Ireland since their last major bilateral meeting a ~~one~~ year ago. In their discussions they took fully into account the report of the New Ireland Forum; the position of the British Government as set out in the debate in the House of Commons on 2 July 1984; and the proposals of the constitutional ~~constitutional & democratic~~ political parties in Northern Ireland as set out in the ~~respective~~ documents which each has published in recent months.

Prime Minister and the

Following this detailed exchange of views the Taoiseach ~~and the Prime Minister~~ agreed on the following declaration:

*The conflict of identity between the two communities*

1. ~~There is a conflict of identity~~ in Northern Ireland. ~~This conflict~~ has found expression in community division, instability and violence within Northern Ireland, and the consequences affect all of the people of both islands.

2. A majority of the people of Northern Ireland want to maintain its present status as part of the United Kingdom. On the other hand a substantial minority within Northern Ireland identify with the ~~majority~~ nationalist tradition in the island ~~as a whole~~. ~~They~~ share the aspiration of that tradition, affirmed again in the Report of the New Ireland Forum, to bring the two parts of the island together, by agreement, in a new and sovereign Ireland.

*Inish*

3. It is strongly in the interest of all of the people of Northern Ireland, of both our Governments and of all of the people whom we represent that there ~~be~~ lasting peace, based on justice and tolerance, within Northern Ireland and in Ireland as a whole.

*should*

4. As leaders of the two sovereign Governments in these islands, we seek to encourage and promote this aim. We believe that it can be furthered by the strengthening and development of the existing close relations between our two countries and peoples. ~~This will help to set a broader context for dialogue based on mutual acceptance and accommodation.~~

5. Violence or the threat of violence cannot achieve this. On the contrary, it creates new hostility and anger; it increases division; and it brings great human suffering and pain.

6. As democratically chosen leaders of democratically elected Governments, we repudiate violence. We are strongly committed to the democratic process and to democratic values; and we are

determined, with the support of our peoples, to defend and sustain democracy against attack. We therefore reject any attempt to promote political objectives by violent means or by the threat of violence; and we will cooperate to the full in opposing those who adopt or support such methods.

7. The democratic process in our countries rests on consent, freely given, and on a broad base of community support for the institutions of government. We believe that a recognition of this reality is crucial - both in relation to the present situation in Northern Ireland and in relation to any future political development which may take place in the island of Ireland.

and processes

8. It is quite clear that a majority of the population of Northern Ireland want to maintain its present status as a part of the United Kingdom. ~~Recognizing this as a reality,~~ We both join in stating clearly, on behalf of our Governments, that any change in the present constitutional status of Northern Ireland within the United Kingdom could only come about with the free consent of a majority of the people of Northern Ireland.

9. Equally, in accordance with the principle of consent, we both accept that if, in the future, a majority of the people of Northern Ireland wish and consent to join in establishing new political structures within the island of Ireland as a whole, then that wish should be supported and given effect. It is clear of course that new political arrangements of this kind within the island could work only if they were ~~freely negotiated and agreed to~~ by the people of the North and by the people of the South.

were to

10. It is evident that the need for consent and broad community support for the democratic process applies too in Northern Ireland. We believe that the immediate and urgent necessity is to find a way to accommodate the legitimate rights of both communities in Northern Ireland in ~~political structures acceptable to both.~~ The identity of both communities must be recognised and accommodated ~~to an extent that will~~ encourage full confidence and participation in the democratic political

a process of government which both can accept

the majority and the minority

So as to

process and full support for the security forces which uphold democratic institutions.

11. We commit ourselves and our Governments ~~in consultation with democratic, constitutional, parties in Northern Ireland,~~ to a new effort to create these necessary conditions for peace, justice, stability and reconciliation. To that end, we have agreed to maintain a close and continuing dialogue between our two Governments over the coming months in the framework of the Anglo-Irish Intergovernmental Council with a view to working towards a set of proposals to achieve our aims. We call on all who want peace in Ireland and close and friendly relations between our two countries, for support and help in this endeavour.

The constituent  
political parties  
in Northern  
Ireland, and  
all those