SECRET AND PERSONAL

Prime Minister 35

This is the draft reply to the Irish speaking note. It seems generally all right, though the end of para 5 and para 6 could be strengthened. Discuss with DH and GH on Sunday at 6.30? CDP 16/11

Ref. A084/3037

MR POWELL

Anglo-Irish Relations: Northern Ireland

In your letter of 14 November to Mr Appleyard you recalled the Prime Minister's instruction that a vigorous reply should be prepared to the Irish Speaking Note left with Mr Goodall by Mr Lillis on 12 November.

2. I now attach the draft of such a reply. It is described as a Speaking Note. The draft has been agreed between the Cabinet Office, the Foreign and Commonwealth Office and the Northern Ireland Office.

3. If the Prime Minister and her colleagues are content with it, it is proposed that Mr Goodall should hand it over to Mr Lillis on the evening of Sunday 18 November, explaining that the British side had thought it desirable to ensure that there was no misunderstanding as to the British position on the matters referred to in the Irish Speaking Note. He would say that that is the purpose of this Speaking Note, that it should be regarded as part of the Armstrong/Nally exchanges, and that we do not envisage that either the Irish Speaking Note or the British reply need be discussed in the course of the talks between the Prime Minister and the Taoiseach.

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

R

Approved by
ROBERT ARMSTRONG
and signed in his absence.

16 November 1984

SECRET AND PERSONAL

DRAFT SPEAKING NOTE

Having studied the communication made on instructions by Mr Lillis to Mr Goodall on 12 November, the British side judges it necessary to clarify its understanding of the position reached between the two sides in Dublin on 3-4 November 1984.

2. The British side remains of the view, which it understands to be the view of the Irish side also, that the objective of the current talks which have been undertaken by officials on an exploratory and non-committal basis, is to identify for submission to Ministers a set of proposals on which both sides might agree as a means of promoting peace and stability in Northern Ireland and, as a necessary element in that process, helping to strengthen the confidence of the minority community in the forces of law and order and in the political institutions of Northern Ireland.

3. The position of the British side throughout the talks has been and remains that joint authority, or arrangements tantamount to or apparently suggestive of joint authority, are unacceptable to the United Kingdom Government. At no time has the British side accepted the contention that "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". Nor has it ever entertained the suggestion that the Irish Government might be a participant in decision-making as part of an interim executive chaired by the Secretary of State for Northern Ireland.

4. It remains the position of the British side that in return for action by the Irish Government to waive its territorial claim and formally to acknowledge this by the amendment of Articles 2 and 3 of the Irish Constitution, and to acknowledge that Northern Ireland remains part of the

United Kingdom unless and until the majority of its inhabitants might wish otherwise, the United Kingdom Government could accord the Irish Government a right to contribute, on a systematic and institutionalised basis, to the consideration by the United Kingdom Government of a range of policy matters, including security, as a means of strengthening the confidence of the minority community in Northern Ireland in the institutions of government there. The British side emphasises that to accord the Irish Government an institutionalised role in relation to the affairs of Northern Ireland would be a very large step for a United Kingdom Government to take and could only be comtemplated in return for the formal acknowledgement by the Irish Government that Northern Ireland is and will remain part of the United Kingdom for the foreseeable future.

5. As regards the conditions on which the proposals under discussion might be implemented, it was agreed between the two sides in Dublin on 3-4 November that a system of devolved government in Northern Ireland would be integral to any new arrangements; that it was part of the central concept under discussion that such a system would need to command the acceptance of both the majority and the minority communities in Northern Ireland; and that the support and encouragement of the Irish Government would be needed in order to bring about the participation of the minority community in such arrangements. It is not the British position that the establishment of devolved government in Northern Ireland on a basis acceptable to both communities would be a necessary condition for the implementation of <u>any</u> of the other proposals under discussion. But the British side believes that if it proved impossible to establish a system of devolved government in Northern Ireland, then the range of matters which could be the subject of institutionalised consultation between the Irish and British Governments would need careful definition in order to ensure that the extent of

such consultation was consistent with the continued good government of Northern Ireland and with securing the acquiescence of the majority in that arrangement. Such acquiescence would be more difficult to obtain in the absence of clear progress towards devolved government.

6. The British side continues to believe that any system of devolved government for Northern Ireland would have to command widespread acceptance throughout the community. But it wishes the Irish side to understand that, if the Irish Government were to be permitted to establish a resident official representative in Northern Ireland with a formal right to be consulted by the United Kingdom Government on matters affecting the lives and well-being of the minority, the Northern majority's refusal to participate in devolved government based on power sharing would be likely to be further entrenched. It is in that context that the United Kingdom Government would wish to examine alternative bases for devolution which, by providing effective safeguards for the minority, might be acceptable to them.

7. The British side places on record that, while the support and encouragement of the Irish Government would be valuable in persuading the minority community in the North to participate in devolved government, at no point has the British side accepted that the Irish Government has a formal locus standi to agree to or dissent from whatever arrangements for the government of Northern Ireland may be decided upon by the Government of the United Kingdom of which Northern Ireland is a part.

8. As regards security arrangements, and a possible Joint Security Commission, the British side wishes to record that it has serious reservations about a dual structure, one part of which would be concerned only with Northern Ireland. In

the British view reciprocity should form an essential feature of the security arrangements. While noting the views on the security forces put forward by the Irish side, the British side emphasises that any changes in the structure of either the RUC or the UDR would be strongly opposed by the majority community. It has hitherto been the position of both sides, and it remains the position of the British side, that any action taken to strengthen the confidence of the minority community in the forces of law and order in Northern Ireland should not diminish the effectiveness of the fight against terrorism.

9. On the basis of the position described in this speaking note, the British side wishes to leave no doubt about its desire to continue the process of seeking jointly to identify a set of measures which would be adequate, durable and transparent in the sense of those words which were agreed between the two sides in Dublin on 3-4 November; and hopes that the Irish side is ready to continue to proceed in the same spirit.