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OD(L) (85) 1st Meeting

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CABINET

DEFENCE AND OVERSEA POLICY COMMITTEE

SUB-COMMITTEE ON UNITED KINGDOM RELATIONS WITH
THE REPUBLIC OF IRELAND

MINUTES of a Meeting held at
10 Downing Street on
WEDNESDAY 24 APRIL 1985 at 5.00 pm

PRESENT

The Rt Hon Margaret Thatcher MP
Prime Minister

The Rt Hon Viscount Whitelaw
Lord President of the Council

The Rt Hon Sir Geoffrey Howe QC MP
Secretary of State for Foreign
and Commonwealth Affairs

The Rt Hon Michael Heseltine MP
Secretary of State for Defence

The Rt Hon John Biffen MP
Lord Privy Seal

The Rt Hon Peter Rees QC MP
Chief Secretary, Treasury

The Rt Hon Douglas Hurd MP
Secretary of State for
Northern Ireland

The Rt Hon Earl of Gowrie
Chancellor of the Duchy of Lancaster

The Rt Hon Sir Michael Havers QC MP
Attorney General

The Rt Hon John Wakeham MP
Parliamentary Secretary, Treasury

SECRETARIAT

Sir Robert Armstrong
Mr B G Cartledge
Mr C L G Mallaby
Mr D R C Christopher

SUBJECT

ANGLO-IRISH RELATIONS

ENGLAND-IRISH RELATIONS

The Sub-Committee considered a note by the Secretary of State for Foreign and Commonwealth Affairs and the Secretary of State for Northern Ireland (OD(I) (85) 2) on the position reached in the exploratory dialogue with the Irish over the possible establishment of a structure of consultations with the Irish on matters affecting Northern Ireland.

THE SECRETARY OF STATE FOR NORTHERN IRELAND said that security in Northern Ireland was on a plateau. The security forces had been reasonably successful; the number of killings was down. Co-operation with the Irish security forces was not bad, though there was plenty of room for improvement. The present situation could be maintained, albeit at a cost. But there would be no breakthrough without increased security co-operation with the South and greater co-operation from the Catholic community in the North, who constituted 37 per cent of the population of the province. Voting patterns showed that of these approximately one third supported the Irish Republic Army (IRA) and two thirds remained opposed, albeit passively, to violence. The proposal outlined in OD(I) (85) 2 opened up the possibility of greater cross-border co-operation and the unfreezing of Catholic opinion in the North. There was still some way to go in the negotiations, and much would depend on whether the Unionist reaction to the proposals was manageable. Once the Northern Ireland local elections of 15 May were over he expected them to be more receptive than at present.

THE SECRETARY OF STATE FOR FOREIGN AND COMMONWEALTH AFFAIRS said that the proposal was not in itself a solution to the Irish problem. In talks with Irish Ministers he had attempted to lower expectations; they were considering the proposal seriously. Breakdown of the negotiations would make the Irish less ready to co-operate on security matters, and would affect United States opinion. But the main reason for seeking an agreement along the lines proposed was that it was worth while in itself. It would require presentation from two quite different perspectives in the North and the South. The Unionists would look for reassurance of the constitutional status of Northern Ireland. The ideal form for such reassurance would be amendments to articles 2 and 3 of the Irish Constitution. This was not possible for the Irish Government on the basis of the present proposals, but they were offering a formal intergovernmental agreement embodying recognition of the border on the basis of a formula first worked out in 1973. At the same time it was

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important that any proposal for involving the Irish Government on a consultative basis in the affairs of Northern Ireland should lead to participation by the Social Democratic and Labour Party (SDLP) in the search for a devolved settlement.

In discussion the following points were made -

a. The present system of Government in Northern Ireland could not continue indefinitely. There was now an opportunity for constructive change and increased co-operation provided by an open-minded Government in Dublin. The price was an agreement that implicitly acknowledged that the chosen representatives of a third of the population of the province regarded themselves as Irish. While it was unrealistic to hope for the repeal now of Articles 2 and 3 of the Irish Constitution, formal recognition of the border by the South in an intergovernmental agreement would be a considerable prize.

b. The success of any agreement would depend on an accurate assessment of the reaction of the Unionist majority. If they did not accept it, the consequences would be recrimination and bitterness. There was a danger that their present sense of confidence would be disturbed by the proposed consultative arrangements. Both Unionist parties should be considered. As changes in local administration resulted from the new arrangements, so Unionist resistance might intensify and tensions increase. On the other hand the Unionists were not satisfied by the present situation and it was in their interests to unfreeze Catholic attitudes and achieve greater co-operation in order to reduce support for terrorism. They needed institutions in which they could feel secure.

c. Success would also depend on agreement by the SDLP to participate in the search for a devolved settlement in Northern Ireland and ultimately in the Assembly. If they did not the Unionists would have been antagonised, without achieving any greater co-operation from the minority community. Much depended on Mr Hume and the respective influence on him of Dr Fitzgerald and Mr Haughey. He would need to be persuaded by both the United Kingdom and Irish Governments.

d. Just as the Irish Government would need assurances from the United Kingdom Government that the Unionist reaction would be manageable, so there would need to be satisfactory assurances from the Irish that the SDLP would participate in the Assembly. Otherwise any form of confidence building measures, as suggested by the Irish, would be unacceptable.

e. Neither the Unionists nor the SDLP should be approached about the proposals until after the local elections on 15 May.

f. While it was likely that the immediate reaction of the IRA would be an increase in violence in an attempt to prevent the agreement working, the longer term benefits, given agreement by all sides, should ensure that support for the IRA would diminish and that there would be greater co-operation with the Royal Ulster Constabulary.

g. Any proposal for a system of joint courts for trying terrorist crimes would be unacceptable to the Lord Chief Justice of Northern Ireland and to the Northern Irish judiciary.

h. While Irish signature of the European Convention for the Suppression of Terrorism would be beneficial in handling extradition cases, it was unlikely to happen since it would require a referendum in the Irish Republic.

THE PRIME MINISTER, summing up the discussion, said that the Government's policy in Northern Ireland was to promote stability, a permanent boundary recognised by the Irish Government and an effective devolved administration. The draft proposal offered the prospects of greater cross border co-operation with the South, greater co-operation from the minority community within Northern Ireland and a firm recognition of the border by the Irish Government. The success of the proposal would depend on the reaction of the Unionist majority and on whether it would result in the participation by the SDLP in the Assembly. Only when this was clearer could 'confidence building measures' be considered. Confidential soundings should be taken by the Secretary of State for Northern Ireland of the leaders of both communities, but not until after the local elections on 15 May. The third sentence of paragraph 17 of the draft proposal should be amended to read

"It could consider whether there is a case for establishing a system of joint courts for trying terrorist crimes". Subject to that amendment, the proposal should now be handed over to the Irish. The issue should be brought to Cabinet at a later stage.

The Sub-Committee -

1. Took note, with approval, of the Prime Minister's summing up.
2. Invited the Foreign and Commonwealth Secretary, the Secretary of State for Northern Ireland and the Secretary of the Cabinet to be guided accordingly.

Cabinet Office
25 April 1985