

E.R.

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① Mr Bell M 102/5
② POL

PAB/635/RE

Mr Moriarty - M - DESK BY 10.30am

cc: PS/S of S (I&B) M
PS/PUS (I&B) M
Mr Bell ✓
Mr Blelloch
Mr Marshall M
Mr Wyatt o/r
Mr Burns
Mr Ranson
Mr Buxton M
Miss Davies
Miss MacGlashan
Mr Gilliland
Mr Abbott M

ANGLO-IRISH JOINT STUDIES: INSTITUTIONS

1. You asked for an assessment of the likely Unionist reaction to the sort of proposals on "institutional structures" circulated with the Cabinet Office minute of 29 April.
2. General Unionist feeling would of course be against any proposals on these lines. As a result of the Dublin summits, and the secrecy surrounding them, Unionists suspect that a sell-out is taking place behind their backs. Their suspicions have been fanned by Mr Paisley and the ambiguous statements of Mr Haughey and Mr Lenihan. Even Unionists who are prepared to believe Ministers when they say that the Government is determined to uphold the constitutional position have a sneaking fear that the Prime Minister has been unwittingly drawn onto a slippery slope towards a united Ireland by the wily Mr Haughey.
3. The key factor for Unionists - "moderates" as well as DUP - is that while they are willing to talk to the South as good neighbours over the garden fence (and a great deal of business goes on daily without publicity), they will not tolerate anything which smacks of supra-national arrangements or which might give Southern politicians a standing to interfere in the affairs of the North. For them, the biggest sticking point in the proposals on "institutional structures" would probably be the resurrection of the term "Council", a word which has heavy overtones in the North. (There are of course

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Advantages in the term: it suggests an on-going activity with room for growth (which is why the Unionists dislike it), and this may be one of the things which Ministers hope to achieve from the "unique relationship".) Alternatives could be "Council for Co-operation" or perhaps "Commission", a term favoured in the model treaty attached to the European Outline Convention on Transfrontier Co-operation (which the Dublin Government have signed and ratified - we have done neither). Unionists would also greatly dislike the proposals for a Parliamentary Assembly, proposals which would probably be going too far at this stage. Less objectionable, but not easily acceptable for Unionist opinion, would be proposals for a Joint Secretariat and specific mention of a North-South dimension.

4. Mr Paisley and his colleagues are bound to react sharply to any proposals on institutional structures: not only on principle, but because they have a major political interest in raising an outcry. The important factor would be the reaction of other Unionists - and it is not easy to forecast the result of a determined effort by Mr Paisley and his friends to stir them up. Nevertheless, our view is that their reaction should be manageable, though timing and presentation would be important. As regards timing, present conditions are arguably as favourable as they are likely to be in the foreseeable future. The Government's firmness in the face of the hunger-strike, its determination to take adequate security measures and the success of those measures so far have for the present gained the grudging approval of Unionists. With luck, this approval should last until July, the earliest date at which the proposals for institutional structures would seem likely to be made public. The results of the local elections on 20 May should enable us better to assess how the wind is blowing.

5. It would be important to persuade the Dublin Government and the SDLP not to claim in public that a major nationalist victory had been won, and to hold them firmly to the position that the axis of the new institutions was Dublin/London, not Dublin/Belfast. Emphasis on the latter point could do much to still and counter Unionist protests. It would also help sidestep charges that the Government was selling Unionists out behind their backs. Other points could

Also be made to Unionist opinion at the time the proposals were made public, for example:

- (a) that the constitutional guarantee remained valid;
- (b) that the proposals concerned institutional, not constitutional arrangements;
- (c) that a considerable body of North/South and East/West co-operation already existed; and
- (d) that the new arrangements were being pursued in the interests not just of the people of Northern Ireland, but of the 55 million people who live in Great Britain.

6. We should also take into account the implications of any undue weakening of the proposals for the minority community and the Dublin Government. For the latter, the proposals presumably form an essential part of the Joint Studies; and the Joint Studies make it easier for the Government in the South to continue security co-operation across the border and to keep comparatively silent over issues as the hunger strike. Inside Northern Ireland, any apparent weakening of intent on our part would make it more difficult for moderate Catholic politicians (some of whom already know what is afoot through the Dublin Government) to resist the already strong pressure on them from the "green" end of the spectrum. It would make it more difficult for us (and moderate Catholics) to convince nationalists in the North that they can pursue their goals by non-violent means. On a wider front, it would mean a severe check to the only constructive political move (the Joint Studies) at present on the table. At a time when the Government is unpopular in some sections of the Catholic community for its alleged inflexibility over the hunger strike, we need to encourage Catholics into political co-operation, not give the impression that they are being punished for their instinctive sympathy with Sands.


7. Your minute asked simply for an assessment of the likely Unionist reaction to the proposals. We should perhaps also ask

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to what degree we should allow ourselves to be influenced by the possibility of unfavourable reactions. If we restrict ourselves to agreeing proposals which are likely to cause the minimum offence to Unionists, we rule out any possibility of changing the dimensions of the "Irish problem" or of opening the way to a course which might offer the prospect of alleviation and ultimately, perhaps, even a solution. Nor will we thus achieve the "unique relationship" between the UK and the Republic which Ministers believe to be desirable on other (ie non-Northern Ireland) grounds. In other words, Ministers are not going to reap the benefits for the sake of which they decided to embark on the Joint Studies, unless they are prepared to offend Unionist opinion. Para 4 above attempts to set out which proposals would provoke most Unionist opposition.

8. In sum, therefore, we believe there are strong arguments in favour of proceeding with the sort of proposals for institutional structures which are now under consideration. Though Protestant extremists would hotly attack them, and most other Unionists would regard them with suspicion, they should not provoke unmanageable opposition. Timing and presentation would be important.

9. Mr Bell, Mr Blelloch and Mr Wyatt agree broadly with this assessment.



D E S BLATHERWICK
Political Affairs Division

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