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A Possible Approach to Mrs Thatcher*(By Michael Hillis)*

1. On the eve of his departure for New York, the Minister asked me to set out my ideas in this area.
2. The greatest and most immediate problem that we face is the attitude of Mrs Thatcher. We have been reliably informed that Northern Ireland is not now a priority as far as she is concerned and, moreover, that she believes that any initiative on the part of government on Northern Ireland can only make matters worse. So far as the fundamental issues are concerned, the evidence is that Mrs Thatcher is, both by conviction and in terms of her role and position in her Party, a Unionist. There is the added problem that she is probably not open to conviction by Secretary of State Prior, while on the other hand she seems to take Powell more seriously.
3. We also face a problem which emanates primarily from the NIO civil service but which may well have permeated Whitehall and Stormont, namely a growing assumption that by arresting the political and military leadership of the Provisional IRA at this time, the security problem and by implication the stability and political problems of Northern Ireland may be resolved.
4. The urgency of our situation derives from the fact that the agenda of priorities of the Thatcher Government is now being established. It is important, we have been told, that Northern Ireland be inserted into that agenda within weeks if it is to receive adequate attention in the months and years ahead. A second urgent factor is the prospect of a Summit within weeks and, while the main public theme of the Summit will probably be "normalisation", it is clearly essential that the Irish side should now succeed in engaging Mrs Thatcher's interest in the possibility of more fundamental action in relation to the Northern Ireland problem. A third urgent factor is the fact, as communicated both by officials to us and by Mr Prior to the Minister, that Prior is now engaged in finalising his own "package" for an initiative to be taken on Northern Ireland in the next year.
5. Recent reports which are relevant to the arguments set out in this paper are: The Irish Dimension - Recent Exchanges (15 August 1983), conversation with Seamus Mallon (22 August 1983), conversation

with John Hume (30 August 1983), Informal Exchanges with Mr Goodall of the Cabinet Office (8 September 1983), conversation with Nicholas Scott, Minister at the NIO (12 September 1983) and the British Irish Association Conference - Impressions (23 September 1983). Also relevant, of course, are reports of the Taoiseach's own meetings with Mrs Thatcher and, in particular, the exchanges between the Minister and Secretary of State Prior.

6. There is a particular need for scepticism, it seems to me, about British intentions at this time. It is also necessary to be sceptical about their capacity to deliver on some of their ideas. For example, given the confident intransigence in public and in private of Official Unionists, not to speak of the DUP, one must be sceptical of Mr Prior's capacity to deliver a power sharing solution. One must also be sceptical about his capacity to convince Mrs Thatcher of the rightness or feasibility of this course. One must also retain doubts about the larger prospects held out both by Mr Prior and by senior British Civil Servants in relation to, for example, joint sovereignty. One must ask oneself three central questions: (i) do any of these ideas have any authority from Mrs Thatcher? (ii) do any of Mr Prior's ideas carry the authority of any base now within the Cabinet? (iii) does this whole experience we have had at Ministerial and official level in recent weeks represent anything more than the determination of Mr Prior and British Civil Servants to get the SDLP into the Assembly? Personally, I find it difficult to believe that that is not the central British ambition and, moreover, however well-intentioned some of our interlocutors may be, I have great difficulty in believing that any of them can at this stage deliver either the British Government or the Unionists.
7. As reported, in the course of recent exchanges with the British I thought it wise to express some scepticism on a personal basis both about their capacity to deliver power sharing and, more seriously, about the adequacy of power sharing as a solution to the present serious problems in Northern Ireland. I argued that the crisis was now more profound and more extensive on the nationalist side than in 1973 when power sharing seemed indeed an adequate response. The primary need now is to attack the widespread alienation both adequately and centrally in any arrangement. Both Governments have a common need to reverse a drift away from

stability. It is essential that the principle of public authority be made acceptable to the nationalist community. To that end it must contain a considerable "green" dimension. That must apply not alone to the operations of the security forces but to the structure of the judiciary as well.

- 8. I should add, as I have reported, that a second reason for advancing these arguments is to try to create some room for manoeuvre for our own Government in our dialogue with the British: one should not be confined to a range of options as suggested by them.
- 9. Let us assume, as seems reasonable both from developments within the Forum and private exchanges with the SDLP, that "joint sovereignty" in Northern Ireland, whether as an interim or a final solution, is the present goal of constitutional Irish nationalism.
- 10. I would suggest that this goal can be approached in two ways: either from the "bottom up" or from the "top down". As approached from the "top down", such an arrangement would involve a formal change in the constitutional status of Northern Ireland and a joint decision-making arrangement for both Governments for the government of Northern Ireland in all fundamental areas of government including Defence, Law Enforcement, Foreign Affairs and Revenue Collection and extending downwards to the non-contentious areas which otherwise it would be envisaged would be devolved to the Assembly in the first phase of devolution. Such a project would seem virtually certain to meet with rejection by Mrs Thatcher and a powerful Unionist reaction.
- 11. Alternatively, and approached from the "bottom up", joint sovereignty would involve a full and equal Irish role in security (Army, police and prisons) and in the judiciary. It happens that these areas are the areas of principal interest to Britain in Northern Ireland as well as coincidentally the areas where they are most willing either to cooperate or to have discussions with us. They also happen to be the fundamental areas of sovereignty involving as they do the most basic functions of government and its most emotive symbols (in this case the Army, the Tricolour and Courts).

I would argue that recent history in Northern Ireland has demonstrated that any arrangement that does not include these elements will be simply inadequate to meet the present situation there.

12. Internally on the Irish side we might perhaps attempt privately and publicly to develop a new perspective on the Northern Ireland crisis i.e. that we would try to achieve, not what would be gratifying or desirable in a London-Dublin contest, but rather what we believe is necessary to produce conditions of stability in Northern Ireland. One of the concluding paragraphs of the speech of the Minister for Justice in Oxford perhaps sums up this approach:

"The challenge to both Governments is very simply to ask ourselves together - not what we want, but what workable arrangement can we devise together which will give to the people of Northern Ireland what they want and what they need. It seems to me that their fundamental requirement is for stability, for order. Moreover, I do not see how that can be achieved unless the fundamental requirements of both traditions in Northern Ireland are acknowledged and accommodated by both Governments. Unacceptable pressures and threats against either side must be removed. The test of any solution must be that it be realistic: that it be such that the principle of public authority, down to and including the policeman on the streets in Northern Ireland, be acceptable and accepted throughout the community. Anything short of that would be unrealistic and only make matters worse. That solution will involve the necessity that Irish nationalism accommodates the Unionist identity and the necessity that Britain accommodates the Irish nationalist identity."

13. A similar approach might be taken privately and publicly with the British.
14. The next question to ask is: if this argument so far is generally correct, how would an arrangement which would implement this approach work out? We have hitherto in the Anglo-Irish Division refrained from doing research on this approach, principally on

the interest of confidentiality: the necessary research would involve a good deal of inter-divisional and inter-departmental consultation. It is also probably too early to examine these issues in depth given the timetable of the Forum and the probable Anglo-Irish timetable. I would recall that we are simply trying to ensure both that Mrs Thatcher puts the issue on her agenda now that her own priorities are being established and that Mr Prior, who is also preparing his own initiative, does not confine himself to actions which we would judge to be either not feasible or inadequate. It might be helpful, however, to set out one possible version, bearing in mind that it has not been examined either constitutionally, legally or for military or administrative feasibility.

15. One might envisage:

- the Irish Army involved in both a separate peace-keeping role in nationalist urban areas and in joint security operations in rural areas;
- the Irish Army to be under the control of the Irish Government and to use its normal insignia;
- each case of joint Irish-British peace-keeping operations to take place under a joint or alternating military command;
- the overall peace-keeping operation to take place under a joint and equal military command or an alternating command;
- operations of the police and prison services to be similarly organised;
- the judiciary North and South to be for certain purposes subsidiary to an All-Ireland Court which would operate in the two jurisdictions.

16. Among the implications of such a scheme would be:

- the necessity that there be joint Governmental decision making on security matters in Northern Ireland and in relation to the all-Ireland judiciary, and
- the possible necessity that emergency measures be taken against extremists on both sides in order to protect security personnel, measures which in the view of SDLP leaders could only be taken now-a-days North or South in the circumstances of a strong Irish involvement in Northern Ireland.

17. It might also be necessary to find a name for this "joint sovereignty" arrangement other than "joint sovereignty" itself. Perhaps other more technical names such as "joint security operations" and "joint judiciary" might be considered. Such distinctions are central to the approach "from the bottom up".

18. For such a system of "Joint Sovereignty" to work, it would be necessary that the arrangement be at least minimally tolerable to Mrs Thatcher and to the Unionist section of the community in Northern Ireland. As such she would probably wish to be able to present it, on her side, as being essentially a practical arrangement to produce stability and not a fundamentally different situation. In reality it would of course be a fundamentally and irreversibly different situation. Nevertheless the fiction (as it would have substantially become) that Northern Ireland remained, under this new arrangement, an integral part of the UK would have to be publicly maintained by the British. This, the fundamental Unionist desideratum, would have to be formally, as it were, conceded. It might also be necessary to concede at least for a time the secondary Unionist desideratum, a measure of majority rule in the non-contentious areas which are envisaged for the first phase of devolution under the Assembly Act. Thirdly, to secure British acquiescence, it would probably be necessary that the SDLP "concede" participation in the Assembly without a role in the local Northern Ireland Executive. (Note: we are aware that Hume would probably be prepared to make these concessions in the circumstances of an adequate Joint Sovereignty arrangement.)

19. Some might be inclined to dismiss this "package" out of hand as: "Giving everything they demand to the British and the Unionists and gaining nothing for the Irish State or Irish nationalism except the expense and the disagreeable and dangerous task of putting our soldiers on the streets of Northern Ireland to do their dirty work for the British". To so react would be, I suggest, to misunderstand the nature of the problem of Northern Ireland as it now presents itself to this State and consequently to misconceive of the central elements of an adequate and workable solution. It would be to conceive of the essence of our interest in a solution to the Northern Ireland crisis as being essentially

winning a diplomatic contest between Ireland and Britain in which the criterion of success is the victory by classical Irish desiderata over British resistance i.e. "Brits out". In fact the central object of this approach is, far from intruding an Irish dimension into the fundamental areas of government of Northern Ireland for its own sake, rather doing so only because it is necessary to do so to create stability. The criterion of objective success would therefore be the extent to which stability is effectively created. The objective advantages (political, economic and social) of such an achievement for this State are overwhelmingly obvious.

20. It is nevertheless essential that, for such a radical and probably rather expensive project to be undertaken, some substantial political gains for Irish nationalism should be perceived. To my mind they would be as follows:

- the establishment at the most fundamental level and in an irreversible way of Irish sovereignty on equal terms alongside British sovereignty within Northern Ireland;
- the provision of a system of security protection in the most tangible way conceivable for the threatened minority in Northern Ireland;
- the acknowledgement of the nationalist identity of the minority in Northern Ireland by Britain, again in the most tangible way conceivable;
- the construction of circumstances which would permit and require the full involvement of the Irish Government as an equal partner in all fundamental decisions involving the future of Northern Ireland and in all decisions at possible moments of local tension e.g. resulting from the eventual impact of population trends;
- the effective implementation of the Northern nationalist demand of August 1969 whose non-fulfilment at that time (for excellent reasons) has ever since limited the confidence in the Irish Government felt by that minority: in its current reformulation by the columnist John Healy what is envisaged is "Not Brits Out, but Irish In".

21. There would probably also be those on the British side who would dismiss such a programme as "inadequate" from a nationalist viewpoint. Such dismissals should not be taken too seriously, I believe, as they might well conceal either a resistance to the fundamental character of these ideas or a preference for far more modest steps.

22. At any rate it is probably too early to pronounce definitively on these or competing proposals. What matters now is to secure the interest of one person, Mrs Thatcher. It is suggested that an approach based on the analysis behind the admittedly rather vague proposals outlined in the body of this paper is likely to commend itself to her attention. If this approach or a similar approach are agreed it will be necessary to refine it in terms of presentation and of what is known of Mrs Thatcher's attitudes in the coming weeks.

M.J. Lillis

29 September 1983

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