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ROINN AN TAOISIGH

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NORTHERN IRELAND

SECRET

Taoiseach,

Sir Robert Armstrong, Cabinet Secretary, Ambassador Goodison and Mr. David Goodall, FCO, met Messrs. Donlon and Lillis, and Ambassador Dorr, with the undersigned, yesterday, as arranged, to discuss further the ideas which have been developing in relation to Northern Ireland. We worked on the basis of the attached Speaking Note, a copy of which was handed to the British side. Mr. Lillis will be producing a fuller account of the meeting later. These are some preliminary notes on the conclusions etc.

Sir Robert Armstrong said that the new Secretary of State, Mr. Hurd, was a close friend of his, whom he had known for forty years. He was capable, discreet, and hard-working.

The British would have to sell the new arrangements, on which much further work remains to be done, to the Unionists on the basis that they were really in the Unionists' interests in that they would, hopefully, attain peace and stability in Northern Ireland, without basically damaging the Unionist position.

The British could not go along with any proposals which involved the abolition of the RUC but could accept arrangements which involve a fairly radical restructuring. The suggestion was made that the UDR might be abolished as part of any restructuring.

They are now talking of Irish "involvement" in Northern Ireland affairs rather than simply "consultation". We will have to decide whether we want a plenipotentiary in Northern Ireland or a representative, with a senior Minister, remaining in Dublin.

The new arrangements would involve consideration of three different types of powers - Westminster Powers e.g. Defence, Foreign Affairs, and Security; Commission Powers - in which we would be fully involved; and Assembly Powers which would, hopefully, be devolved on a Northern Ireland Assembly.

The proposed Joint Security Commission, in which we would have representation, would be involved in security strategy, with the power to decide policy, make senior appointments in the police, and issue directives. Operational control would be with the police operating under the new arrangements.

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Matters which will have to be looked at, in greater detail, by the group, and brought to some degree of definition are -

- (1) arrangements for the Courts;
- (2) a Law Commission to review the Criminal Law throughout Ireland;
- (3) a Joint Security Commission with oversight of the police and security arrangements generally;
- (4) policing - how the police are to be organised, in particular so as to attract local support;
- (5) the Ministerial Commission, under the Anglo-Irish Inter-governmental Council (AIIC) to provide a mechanism for Irish involvement in Northern Ireland affairs;
- (6) arrangements for devolution to a Northern Ireland Assembly and Executive;
- (7) a Parliamentary tier;
- (8) a draft statement of objectives, which may or may not be used, following your meeting with the Prime Minister in November;
- (9) the legal basis for whatever arrangements may be agreed e.g. an international agreement, to be registered with the UN;
- (10) the proposals in relations to Articles 2 and 3.

The British side indicated that because of the range and intricacy of the matters for consideration they were proposing to bring in more persons to work on the projects, including, in particular, the Secretary of the Northern Ireland Office and a Mr. Bourn who is also in that Office, and is an expert in security matters. They are suggesting a two-day meeting, and have put forward dates in the week beginning 8th October. We too will have to widen our circle.

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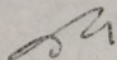
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The merits or otherwise of a conference involving parties outside the two Governments were discussed. The British side said their feeling was that the Prime Minister would be strongly against any formal involvement of opposition parties and that if there was to be a conference its participants would be chosen on the Sunningdale model.

I would like to discuss these matters generally with you.



20th September, 1984.

cc. Tanaiste
Mr. Sean Donlon, Secretary, Department of Foreign Affairs
Mr. Noel Dorr
Mr. Michael Lillis, Assistant Secretary, Department of Foreign Affairs.

SECRET

D R A F T

Nally/Armstrong Discussion

19 December 1984 - Iveagh House

Sept.

Mr Nally was accompanied by Mr Donlon, Ambassador Dorr and the undersigned. Sir Robert Armstrong was accompanied by David Goodall and Ambassador Goodison. The meeting began at about 10.45 a.m. and continued informally over lunch and thereafter until about 4.45 p.m.

The Irish side spoke by and large on the basis of the attached Speaking Note which had been cleared by the Taoiseach. This note on the exchanges concentrates principally on what the British side said.

Armstrong began by saying that he had been struck by something the Taoiseach had said to the Prime Minister about the Nally/Armstrong discussions: that they were not really negotiations but rather an attempt to look in common at a problem which we share. He said that that described the British approach very well. He felt that the present discussion was a useful opportunity for us to get together soon after the meeting between the Prime Minister and the Taoiseach and to take stock.

He said that it was now clear that some elements in our discussions were beginning to "show" and to be talked about. On both sides we have problems of time-table. We must, however, increase the tempo. The next major stage in our proceedings is the Summit of 19th November.

At the Armstrong/Nally level we should think of our next meeting as being an extended one, enlarging our circle to include experts particularly in the security area.

As he saw it, the Irish side might say that what we are now talking about is a package in which the "involvement" of the Irish Government in running the affairs of Northern Ireland would be balanced by a referendum on Articles 2 and 3. He had the impression, moreover, that while we would see that involvement as being necessary over a wide range of matters, the nub is security both in its form and its arrangements.

We have talked about a Joint Security Commission which might have an oversight role. We need to work out what form that Commission would take. We have also talked about an All-Ireland Law Commission.

We would, of course, see the Irish Government having a right to be "involved" in other matters. British thinking included the possibility of an Irish representative resident in Belfast, perhaps at Ministerial level, perhaps at senior official level. The Irish side would have a formal right to be consulted on certain topics although the right of consultation would not necessarily be confined to those topics.

A separate aspect of security which has emerged in the discussions is: what do you do on the ground? It has emerged from the discussions on security that the Irish are not just talking about cooperation at the political level to oversee security, but acceptability of the security forces on the ground. This thread has gone right through our discussions. There is still a good way to go. He suggested that the meeting should attempt to define the problems with greater clarity with a view to bringing in experts.

Nally said that he agreed with this approach. Both sides accepted that alienation is a very real problem. The difficulty is to secure a balance in various ways.

Armstrong intervened to agree. He said we are walking a tightrope: what would it be that would reduce alienation and be acceptable to the nationalists without being intolerable to the unionists? He said that in one sense it is an inhibition that there is a new Secretary of State who will not have yet formed his own judgement on our discussions. On the other hand, he said that he had great confidence in the new man who is a "close friend". He said he is very different from Jim Prior, more of an intellectual although perhaps a less experienced politician. He said he has "considerable wisdom". "We should have a great chance with him."

Nally, on the lines of the Speaking Note, pointed out the dangers in talking of "very small steps" on the British side while one "enormous step" is being demanded on our side.

Armstrong said that the British side would have to concern themselves with this. They recognise the "magnitude" of the step on the Irish side. They hope that we will see the enormity of the undertaking that they are facing. The danger of maximal and minimal presentation of what might emerge will be very great when it comes to the moment of "packaging".

Nally said that the reality was that both the maximum and minimum presentation would be made, with great force, by both extremes. There was the real danger to

Goodall referred to the speech of the Minister for Foreign Affairs at the British Irish Association and said that in one sense it seemed to be preparing people for something quite dramatic. *see page 10*

Lillis said that it was important that the British should see that the Minister, in stressing the grievances of the Northern nationalists and the need to redress them urgently, was in fact putting the focus not on the immediate attainment of Irish unity but on the very real problem of radically improving the lot of the nationalist community in Northern Ireland. This was very important in terms of nationalist public opinion and we could already see positive results: people were beginning to understand that this was the urgent task of Irish nationalism. It was necessary to prepare the ground on our side for what might emerge.

Dorr said that the maximal/minimal presentation by competing interests against the package, North and South and in Britain, would to some extent be guarded against by the reality and the content of the Governmental agreement. That agreement would create a new reality.

Armstrong said that what is involved from the British/unionist point of view is a massive gesture. It might look small in Southern nationalist eyes but the fact there would be a building in Belfast with an Irish flag and an Irish representative would be very difficult for those on the other side to accept.

Dorr said that the Intergovernmental agreement would itself make the commitments of both sides clear and this would help overcome the problem.

Lillis referred back to a remark made at an earlier discussion about "writing each other's speeches". He suggested, in a personal capacity, that there should be as far as possible exchanges of speeches before delivery by both sides. This was done occasionally but might become more necessary the closer we came to working things out.

Armstrong referred to the exchanges which had taken place during the weekend before Prior's speech in the House of Commons.

Nally said that there was a great danger that the Government would be attacked here on the basis that we had given up a claim and all the British have given in response is a promise of consultation.

Armstrong said that the stakes are very high both in Dublin and in Northern Ireland. Within the Nally/Armstrong framework "we" have talked about consultation and have explained "our" objection to Joint Sovereignty and Joint Authority. "When it comes to saying what it is about, we may be able to use other phrases. You will have noticed me talking about involvement but with this group here we have to make it clear that we are talking about consultation. We might not use the word 'consultation' in any public document."

Nally observed that while matters had not been clarified in this respect we would probably be thinking about changing the claim to an aspiration, including an abjuration of violence and an emphasis on consent.

Armstrong said it was interesting and to them encouraging that we were thinking of using the AIIC framework.

Nally said that we want to use the AIIC because it exists and has not caused problems hitherto and because a succession of Irish Governments have been involved in its establishment. Without wishing to settle the matter there and then he felt he should say that in relation to the Irish Government's representative, we would be thinking of a senior Minister.

Goodall asked whether that would have to be the same person as the one in Belfast (i.e. would the Minister in the Interministerial Commission have to be the same person as the permanent resident representative in Belfast?).

Armstrong said that their preliminary thoughts were that a senior Minister resident in Belfast might be a very visible target in every sense of the term. "Do you have to have this plenipotentiary in Belfast; would it not be better to have someone there who would refer to the plenipotentiary in Dublin?" It might be in the Irish interest in some situations to have someone who would, for example, have to go to Dublin for instructions.

Dorr said that a Minister would, of course, have responsibilities both to his constituency and to the Dail. It does not have to be an all-or-nothing system. Something intermediate might be the best solution.

Nally mentioned in passing the problem of providing security for the Irish "presence".

Armstrong said "Indeed".

Armstrong said that it would be desirable to have someone in charge of considerable rank. That Minister might, for example, spend two days a week in Belfast. There would, however, have to be an office in Belfast flying the Irish flag and with permanent secretariat headed by a very senior official.

(Note: It was made clear to the British side that a copy of the Speaking Note would be handed over by us. This was done at this point and the discussion thereafter and until lunch-time largely followed the Irish note.)

Armstrong said that a good deal of agreement seemed to be emerging on using the AIIC framework to establish the Ministerial Commission for Northern Ireland, having a senior Minister either resident in Belfast or frequently visiting there and otherwise having a permanent Irish presence.

There followed a discussion about the excepted powers, the reserved powers and the devolved powers including a discussion of terminology. Tentative agreement emerged on three points:

- It was agreed that for the purposes of discussion within the Nally/Armstrong framework the terms Westminster powers, Ministerial Commission powers and Assembly powers would be used for what in our documentation we have hitherto called the excepted powers, the reserved powers and the devolved powers;
- It was also agreed that a right of consultation would not be excluded in relation to the Westminster powers;
- It was further agreed that in the event that it was not possible to devolve powers, that the "formal right of consultation" or, in the Irish submission, the obligation on Britain to consult the Irish side will apply, not alone to the Ministerial Commission powers but also to all the Assembly powers i.e. to all the powers other than the Westminster powers (external defence, foreign affairs, finance).

Dorr suggested that another way of looking at the Ministerial Commission powers and the Assembly powers would be to say that taken together, they represent the powers devolved to the Secretary of State by Westminster. This was agreed.

The discussions then moved on to the question of the Court.

Nally explained that we saw it as being necessary that the Joint Court should be established forthwith.

Armstrong said that it might be necessary in their jurisdiction to have legislation if there were a Court which included judges not appointed by the Queen.

Goodall said that it would be necessary to check this with the Lord Chancellor's Department. He added that the British original thought had been that the All-Ireland Law Commission would, a la Sunningdale, itself devise the modalities for establishing such a Court. It was a fact that the Northern Ireland judiciary, and specifically Lowry, are against the notion of a a Court. It might be necessary to persuade the judiciary to go along with it.

Lillis said that it was absolutely essential that a Joint Court be established immediately in order to deal with the problem of alienation.

In an exchange between them, Armstrong seemed to take this point while Goodall continued to have doubts. They undertook to come back to us on this.

Nally made it clear that we would not necessarily confine our suggestions to a Joint Court but might also/alternatively look to a single Court with an appellate function.

Goodall, returning to the powers of the Ministerial Commission, said that if you proceed on the hypothesis that this might include everything now done by the Secretary of State unless and until there is devolution, then we would have to consider

the question of the appointed Boards e.g. on housing, some of which have achieved considerable respectability on all sides. Would those Boards continue to operate under the new system? Would the Secretary of State continue to exercise his current power in relation to those Boards in consultation with the Irish Minister? Those powers now comprise the nomination of members and the issuing of policy guidelines.

The Irish side said that that is how we would see the problem i.e. the Ministerial Commission would deal with both of those areas and the Boards would get on with their business.

Dorr repeated his definition of the function that would be involved for the Ministerial Commission this side of possible solution i.e. the functions of the Secretary of State except for the Westminster powers would obligatorily be subject to consultation until devolution took place while consultation would also be possible, even necessary, in some instances in the case of the Westminster powers.

Both Armstrong and Goodall said Yes.

Armstrong said that he could see that situation being presented in ways which could be "scarey" for unionists. We would have to consider this carefully when it came to public presentation.

Nally asked about the situation for the Irish if disagreement took place within the consultation process. Where would that leave the Irish Government?

Goodall said we are now talking about the worst case. The majority community would be anxious to have powers transferred back to them and, in relation to the Assembly powers, would therefore have a strong reason for working the system. In relation to the case of disagreement, he said it was very difficult to envisage that the British Government could tolerate such a situation.

Nally said that the Parliamentary Tier might be important for political reasons.

Dorr said that the Tier might give the Opposition in both countries some role by definition.

Nally wondered whether it would work out at say 20 from Dublin, 20 from London and 20 from the Assembly.

Armstrong said that the Prime Minister had made the point very strongly that she has little regard for the European Parliament or any similar body. She has also made it clear on several occasions to the Irish side that her advice is that the establishment of such a body is a matter for Parliament.

Goodall said that the British side had done some work on this. They can see a place for it.

Turning to a more general political problem, Goodall asked what would be the legitimacy of these new arrangements in British Parliamentary democratic terms. He asked: is the Irish Government representing the minority? If so, on what basis? Are there going to be issues on which there is a clash of issues between North and South e.g. industrial investment?

Armstrong said that he found this issue less bothersome than Goodall. The Irish Government represents no-one but itself. Obviously it talks to the nationalist leadership. The Secretary of State will have his own relationship with the minority. But one could not have a situation where the Secretary of State represents the majority and the Irish Minister represents the minority.

Dorr, speaking personally, said that there would not be a legal sense in which the Irish Government would represent the minority. There would be a real political sense, however, in which it would. Something of that order would become a reality through the political effects of the system.

Donlon said that it might well be that the whole arrangement would over time serve the purpose of reassuring both the

unionists and the nationalists. He saw the usefulness of this scheme from the nationalist point of view as being in giving some substance to their aspiration.

Nally said that what we were trying to construct would necessarily be "most peculiar" by any standards. He had been struck by a remark by Armstrong at an earlier discussion that it would be necessary to have structures which would be without precedent.

Armstrong said that he was not retreating from that statement. He said the overall system would have constitutional legitimacy in British terms in the sense that ultimate sovereignty would continue at least with Westminster. He said that he would defend the arrangement as an exercise of political wisdom. Why do you bring in the Irish Government? Because half-a-million people in Northern Ireland who are now in danger are becoming alienated will, as a result, feel better about the situation.

Lillis said that the introductory paragraphs (a) and (b) of our Speaking Note constituted the central principles of the Report of the New Ireland Forum. In constitutional terms the new arrangements would constitute a working out of those principles, although granted within British sovereignty. He also referred to the acceptance by Mr Prior when as Secretary of State in an interview in the Irish News on 26 July he said "I made it personally clear in my Commons speech that the Republic's Government did have a legitimate interest in the affairs of Northern Ireland when it was very much seen to be representing the views of the nationalist community. I accepted the legitimacy of that interest."

Turning to security, Nally said that the problem would not be solved through purely political structures on the one hand or through purely security structures on the other. A basic issue on our side is that you must be seen to be involved in the control of the security structure and that would involve control also at the operational level.

Armstrong said that we have to think and talk about security at at least two levels. Firstly, at the policy level we have been thinking about a Joint Security Commission which would be another manifestation of the Ministerial Commission "with others added". There would be a right of consultation on security policy. We see this Commission meeting on security matters regularly e.g. four times per year. It would review security policy. There would be consultation about senior appointments. There would also be consultation about directives to the security forces. 97wd.
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The Joint Security Commission would have to be supported by some body meeting more frequently which would need a secretariat and might need to create sub-committees. "I can see all this working rather as the Ministerial Commission would in other fields." The minority should be reassured by this.

The second level is "on the ground, actual policing". The Irish are saying that this package will not be sufficient if it does not contain something on the ground. We understand that. We think if you go for anything which will involve disbanding or disarming the RUC, we will run into difficulties which will wreck the whole thing. Query: What can we do which will be adequate but which does not involve that? Starting at the other end, one could explore the scope for setting up a new counter-terrorist force. At the moment there is exchange of intelligence and the RUC and the Garda have their system of cooperation. It might be possible to think of a joint force. There is even the possibility that this force might operate on both sides of the border, with the RUC in the lead in the North and the Garda in the lead in the South. That might deal in some degree with the alienation problem in the North. Within this second level there is a second question: whether there is scope for going further without disbanding the RUC while ensuring acceptability to the minority. Is there more to be done by recruitment into the RUC? Recruitment of Catholics into the RUC has recently increased (we were told at another level that recruitment figures for Catholics into the RUC were 12% last year). Would Catholics who joined be branded? Is

there scope for Catholics to predominate for purposes of policing Catholic areas within the RUC? "In no other situation within the UK can I imagine such an idea being considered. I do not know what security experts would think of it. That is more likely to get us somewhere than the kind of thing you are talking about: separate police forces operating in Northern Ireland disarmed." He added that we would have to discuss these matters in detail with our experts on each side and together with our experts present. He wondered whether the Joint Security Commission could be given a remit to pursue these matters as an objective: e.g. to recruit much larger numbers of Catholics, and to have the Joint Security Commission promote "community policing" in a variety of ways. These are matters on which we around the table can in practice pronounce.

Goodall said that the remit for the Joint Security Commission could be quite important . It could involve them devising a programme of action to integrate the police into the community as a whole and particularly into the minority community. The Commander of the joint anti-terrorist force could be appointed by the Commission. The Chief Constable of the RUC might be similarly appointed. Operational control would rest, not with either Government, but with the Commanders. The difficulty is to find people who would join up.

Armstrong said that one thing he had very much in mind is that change in this area cannot be brought about instantaneously or overnight. You can overnight create the Commission and give it its remit and have it begin its work in relation to appointments and policy. To deliver on recruitment on the new objectives on the ground will take time: months rather than weeks and perhaps years.

Goodall repeated that the objective might be to bring in large numbers of Catholics and to focus them on policing of the minority community. There would be an objection to entirely separate local community forces because police investigation involves considerable central resources which could not be held by the separate units for administrative and executive reasons.

At this point the meeting broke up for lunch. The discussion of the whole package, and specifically security, resumed towards the end of lunch.

Nally said that the objectives should be to have the Joint Security Commission appoint security chief(s) and to provide guidelines on security policy. In addition, it would be necessary to do something about the situation on the ground.

This seemed to be acceptable to the British side. But it should be said that on this topic both sides agreed that, more than in relation to any other matter, they would have to go away and think, consult their experts and take instructions.

Lillis said that we might have very solid reasons for concern arising from an incident such as the Andersonstown confrontation. After such an event what would be the position of the Irish Government not alone in relation to security but in relation to the whole arrangement? What do the British side mean by the notion that the Irish side would have a "power of nuclear impact" in the event of a disagreement in the area of consultation? In practice it was difficult to see that the Irish side would have any real room for manoeuvre in the event that the British chose to ignore Irish advice however insistently given.

Goodall (who was also playing devil's advocate) said that at a certain point each side would have to consider the whole negative side of the arrangement from its own viewpoint. There was no gainsaying the fact that, in theory at least, the Irish would to face up the limits of the consultation process.

Dorr said that in the Downes case there would have been consultation on the issue of a exclusion order.

Donlon said that this was the normal practice anyway but it had not occurred in this case.

Dorr said if there had not been agreement on the exclusion order and if the Downes tragedy had taken place there would have been an Irish involvement in the investigation afterwards thereby providing substantial reassurance to the minority.

Armstrong said that it was inconceivable to him that an event such as Andersonstown could have arisen under the new arrangement. The British would be putting themselves in an untenable position by ignoring Irish advice about minority feelings at any stage of such an episode if it developed before, during and after. He recognised that there are, however, risks involved but they exist on both sides. On the other hand, to launch such a new arrangement successfully would be a "very great prize indeed".

A further discussion took place on security in which the Irish side stressed the problem of alienation. Armstrong said that it seemed to him that on the British side they now understood much more clearly what we felt were the needs of the situation. He hoped that we saw more clearly what they felt were the the limitations on their room for manoeuvre. Another way of putting this, he said, was that they wanted to be able to say to the unionists that the unionists were losing nothing by the new arrangements and that what was happening was that the nationalists were being given what they needed so that peace and stability could be created. The question was put to him that what this meant surely was that the unionists were losing nothing that they were entitled to but that they would lose any element of a position of supremacy. Armstrong agreed with this.

After lunch there was a lengthy discussion of procedure. It was suggested that each side would write a number of papers with a view to exchanging them before or at the next meeting. These papers would deal with:

1. All-Ireland Court;
2. Law Commission to harmonise the criminal law throughout Ireland;

3. Joint Security Commission;
4. Policing;
5. The Ministerial Commission under the Anglo-Irish Intergovernmental Council to provide for the involvement of the Irish Government in the government of Northern Ireland;
6. Devolution to a Northern Ireland Assembly and Executive;
7. Parliamentary Tier;
8. A draft statement of objectives/principles;
9. The legal basis and implications in each jurisdiction of arrangements which would be agreed i.e. Anglo-Irish agreement ;
10. Articles 2 and 3.

In discussion it was decided that the Irish side would not supply any papers to the British side in relation to Articles 2 and 3. It was also decided that it was too soon to exchange papers on policing and that there would be an expert or two on each side to help us at the next meeting on the topic of policing with a view to exchanging papers on policing shortly thereafter. The British would propose to nominate Mr Robert Andrew, Permanent Secretary at the NIO, and Mr John Bourne, Deputy Permanent Secretary in charge of security affairs at the NIO. We did not nominate any expert on our side.

Armstrong said that it should be the object now to secure agreement at the official level to the elements in the package (this would obviously be without commitment) and to aim at having that decided upon by the Heads of Government when they meet.

There was also a discussion on the possibility of a statement of principles. Lillis indicated that there was much common ground between the realities and requirements, on the one hand, and Mr Prior's speech in the House of Commons on the Forum Report as well as the document "The Way Forward", on the other. It was possible to find general principles which constituted common ground there although there clearly was little significant common ground as to any specific proposals to be derived from those three texts. He argued that it was essential to have a statement of principles so that the public would realise that the Governments had put the whole question on a new and higher level. The other parties involved would then have to focus on what was the common ground of the two Governments in terms of their own reactions to "involvement" thereafter. The British side indicated that they would now be prepared to consider drafting a text. (Note: we are aware that they have done some work on this.) The British side envisaged that the Summit itself might issue a draft statement of "objectives", a term they prefer to "principles". They would not rule out the Heads of Government deciding to hold a conference very soon after the Summit. The Governments would not reveal the contents of what they had agreed as to the new arrangements before such a conference. The British side felt that the Prime Minister would be opposed to the inclusion of Opposition parties in London or even in Dublin in the conference, a suggestion which we asked them to consider, but they said they would have to refer to higher authority for a definitive reaction.

There was also a brief discussion of the question of devolution. Goodall asked whether, if there were devolution within the new arrangement, would there have to be a power-sharing system or whether, given the concessions to nationalism in the arrangement itself, majority rule with some safeguards would suffice. Lillis said that a power-sharing executive would be essential. Had the British found it possible to contemplate either Joint Authority or Joint Sovereignty in the full sense, a power-sharing executive might not be absolutely essential. Under the current proposals it

would be, however, because otherwise there would be no nationalist participation in decision-making at any level. Lillis mentioned that in 1981 the Government here had been attracted by what had appeared to us to be the idea then about to be proposed by Secretary of State Prior i.e. non-boycottable executive with the Secretary of State presiding and those places in the executive which were not filled by Northern Ireland politicians nominated to it by the Secretary of State taken up by British junior ministers. We would need, however, to check with our authorities on what would be desirable or workable in the present circumstances. It emerged that Armstrong and Goodall did not agree as to whether there was a likelihood that, under the proposals now under consideration, the constitutional parties in the North, and particularly the unionists, would participate in a devolved administration, Armstrong being optimistic, Goodall pessimistic.

It was agreed to aim at a two-day meeting in England, either in London or in the country, during the week beginning Friday, 5th October and possible including one day of a weekend. It was also agreed that another meeting/meetings would be necessary before the Summit.

M.J. Lillis

20 September 1984

c.c. Personal & Secret (subject to amendment by other participants)

Taoiseach
Tanaiste
Minister
Secretary
Mr Nally
Ambassador Dorr

Copy of Speaking Note is attached with this note.

Speaking Note

This is without commitment.

1. We have been thinking about our recent exchanges and we think that the shape of a package is beginning to emerge on both sides. In our approach on our side we have tried to think of a package that would "work" i.e. be adequate to reverse alienation and sufficient to balance against a referendum. Of course, the first part of this proposition, a package that would be adequate to reverse alienation, is as much, in fact more, in Britain's interest than in ours. Nevertheless we have both tried to feel our way without preconditions towards a common view of what indeed might work and we have made some, although not yet enough, progress. The judgement on the second point, sufficient to balance a referendum, is a political one for Dublin. It is not separate from the first: that which would be enough to reverse alienation visibly would of itself constitute the most important element in the necessary balance.

2. Before coming to the package which we think may now be emerging, let me say that there is a certain danger in excessively understating in Ministerial public statements the possibility of movements. To speak of "only very small steps" being possible, while hinting that Dublin must take a single enormous step all at once, is to risk upsetting our very delicately balanced enterprise. At the same time it is another symptom of the necessity to get this process substantially into the domain of public politics - somehow. We shall return to that point.

3. We think that because of the continuing larger uncertainty about each other's ideas about security, it is as well to discuss that point separately. In saying this we see the security component as an integral and extremely important element but a subsidiary constituent element of the whole.

4. Let me start therefore with the other elements. We would see at the "centre of the package

- An Anglo-Irish Ministerial Commission for Northern Ireland within the Anglo-Irish Intergovernmental Council legally based on an Anglo-Irish Agreement;

- The two Governments, through the Agreement, would

- (a) each solemnly recognise and guarantee the equal validity of both the nationalist and unionist identities in Ireland;
- (b) each guarantee that both identities must have satisfactory, secure and durable political, administrative and political/symbolic expression;
- (c) together establish a framework for consultation on aspects of the government of Northern Ireland through an Anglo-Irish Ministerial Commission for Northern Ireland;
- (d) the framework for the new arrangements should be such that, on the one hand, they should be durable and, on the other hand, that they should provide for the possibility of Irish unity;
- (e) the Commission would be subsidiary to the Anglo-Irish Intergovernmental Council.

- Certain excepted powers would be reserved to Britain as the sovereign power. These would include defence, foreign policy and finance. It would be provided in the Agreement that
 - the excepted areas of responsibility could, if the Irish side wished, be a matter for consultation within the Anglo-Irish Commission for Northern Ireland.
- The Commission would be an inter-Governmental body comprising representatives of the two Governments with one Minister of Cabinet rank responsible on a full-time basis in each Government.
- The Irish Minister would have offices in Belfast.
- A number of areas would be matters reserved to the British Minister but requiring consultation within the Commission: nomination of a power-sharing Northern Ireland Executive; courts; certain issues of identity e.g. flags and emblems, language, placenames etc.; broadcasting; posts and telecommunications. Any or all of the reserved powers could, by agreement between the two Governments, be transferred to the Executive.
- There would be an elected Assembly in Northern Ireland which would be a legislative body. There would also be a power-sharing Executive which would be appointed by the British Secretary of State following consultation with the Irish Minister.
- The Assembly and the Executive would together operate the full range of the remaining devolved powers subject to a series of checks and balances;
- There would be an All-Ireland Court dealing with a range of matters, appointed jointly by the Irish Government

and the Northern Ireland Executive. There would also be a North-South Law Commission charged with the harmonisation of the criminal law.

There would be a Parliamentary Tier involving at a minimum the Dail, the House of Commons and the Assembly; conceivably the Anglo-Irish Intergovernmental Council and its subsidiary Anglo-Irish Ministerial Commission for Northern Ireland could "report" to the Parliamentary Tier; alternatively the Intergovernmental Council could "report" to the Tier while the Ministerial Commission could "report" jointly to the Assembly and separately to Westminster and the Dail; these are questions yet to be researched; there has not yet been any discussion of substance with the British.

5. Security is a very difficult area. The present system "belongs" to one side, but does not "belong" in any real communal sense to the other; in fact, despite efforts to maintain high standards in one of its components, the RUC, in one way or another the three main components of the system of security are felt by the minority to constitute an alien occupation force. This is not the fault of any individual; it reflects the inadequacy of the overall structure of authority as perceived by the minority. While we feel that the UDR is probably unredeemable, we are not suggesting that the RUC be disbanded. Rather we feel that it must be augmented by a separate force based in the nationalist community which would itself primarily police the areas of nationalist concentration. We believe that there is a powerful argument for having the two community police forces disarmed and having a third Northern Ireland-wide force which would be armed to deal primarily with the terrorist threat. We would alternatively see merit also in a multiplicity of much more local forces instead of the two community forces mentioned earlier: such local forces operate successfully in a number of European countries including in Belgium, a country which has a certain problem of communal conflict, although admittedly not as dangerous as that of Northern Ireland.

6. We believe that a Joint Security Commission should itself in several major respects directly control the security forces and should jointly appoint the chief officer/officers of those forces. Those officer/officers should be removed at the proposition of either the Irish or the British side. Our judgement is that any Irish Government role short of this would be seen by nationalists as meaningless and, in situations of tension, as indicating that the role of the Irish Government is only to rubberstamp decisions disastrous for the minority. Such a position would be dangerous for the stability of Northern Ireland and intolerable to an Irish Government.

7. On the separate question of a possible statement of principles, we believed that the emerging public speculation could damage our present enterprise unless focussed on some public initiative involving both Governments. A statement of principles would seem to offer the best security. It would have the additional merit of directing the attention of Northern nationalists and unionists in a concrete direction and thus creating the setting for a possible conference.

8. We would see merit in a conference and would like to enquire as to whether your thinking has developed on this question. Would the Prime Minister see a role in such a conference for the Opposition Parties in both countries?