

NATIONAL ARCHIVES

IRELAND



Reference Code:	2014/105/827
Creation Date(s):	17 November 1984
Extent and medium:	12 pages
Creator(s):	Department of the Taoiseach
Access Conditions:	Open
Copyright:	National Archives, Ireland. May only be reproduced with the written permission of the Director of the National Archives.

List of Points for Taoiseach's tete-a-tetePossible Objectives

1. Official level exchanges of an exploratory nature have been going on for several months. We have reached a point where the issues are now fairly clear to both sides but where a political signal from the two Heads of Government is necessary to get down to actual negotiations. The first objective might be that the Taoiseach, if he is satisfied that the parameters are broad enough to permit of negotiations, should secure Mrs Thatcher's agreement that the two sides would now begin to work on the detail of all of the items now identified by the two sides with a view to devising actual proposals which the two Governments might agree.
2. To secure by way of communique an indication that the two Leaders have, in effect, authorised that a process of negotiation will now begin based on the core issue identified in the Realities and Requirements section of the Forum Report i.e. the conflict of identities and the need to accommodate both (this is implied in the British proposed communique).
3. To try to secure the Prime Minister's compliance with the principle that neither side will embarrass the other in their public presentation of the results of the meeting and notably will avoid excluding possible options in an absolute way. (This may be very difficult as British Ministers have repeatedly formally excluded all three of the Forum Report options).
4. To secure her agreement to another Summit meeting early in the new year.

Mrs Thatcher's State of Mind

We are aware of the enormous impact of both Brighton and the assassination of Mrs Gandhi. It appears that the traumatic effects are still unsettling Mrs Thatcher.

From various accounts given to us by those present and those who have otherwise spoken to her themselves, Mrs Thatcher's state of mind at her preparatory meeting was rather negative. Apparently this is not all that unusual. It is important, however, to note the source of her stridency: on the 3rd November the British sent to Mrs Thatcher in New Delhi a British internal document which set out the position of the two sides as well as agreed positions. Mrs Thatcher approved this version of the original draft which, from an Irish point of view had been very considerably improved (she made two textual changes only, replacing "British Government" with "United Kingdom Government"). On our side Irish officials reported to Ministers that there seemed to be a considerable retreat in British thinking: this had been reflected much more in the exchanges than in the original British document or in the "improved" British document. On that basis we formally attacked the British position by presenting a Speaking Note which drew attention to a retreat by the British on two fronts (form of devolution and the possible link between devolution and the implementation of the new arrangements) and used the opportunity to harden the description of our position "for the record". There is no doubt that it is much better that the British should have been made aware of these Irish concerns and, as they would see them, changes in position, in advance of the Summit rather than that they should emerge unheralded between the Taoiseach and the Prime Minister or around the table in the larger group. On the other hand, it is important for the Irish delegation to realise that British officials feel that it was a considerable achievement for them to be able to "agree" a new and improved version of their internal paper with the Irish side and, much more significantly, to have that improved version approved by the Prime Minister. Thus, before we presented our Speaking Note the feeling on the British side

was that there was a real basis for negotiation within the parameters of their improved statement of position and that the prospects of this being confirmed at the Summit were excellent. Whatever suspicions one may have of their tactics and calculations, it is difficult to deny that in a certain sense they were entitled to be chagrined and extremely worried when we presented our Speaking Note in the rather uncompromising terms that we used. From what we have heard, their reaction was mild compared to that of the Prime Minister. There is, accordingly, like it or not, a certain sense on the British side perhaps extending most strongly to the Prime Minister that we acted in bad faith and are now looking for far too much. As against that, there is the fact that both Armstrong and Goodall among the officials understand why we had to raise the two complaints we did and there are indications that the Prime Minister may have been brought to see something of our entitlement to do this.

The Prime Minister's cast of mind is strongly negative and this could create a real difficulty for the Taoiseach. Thus, she may be (probably will be) inclined to launch her approach by listing the possibilities which are excluded and in a way which minimises or reduces the possibility of securing substantial advances for our side during the actual negotiation e.g. she will almost certainly rule out the Unitary State, Federal/Confederal and even Joint Authority and try to persuade the Taoiseach to accept that the role of the Irish Government is in consultation only etc. An answer to this approach would seem to be that the Taoiseach should try to avoid, if at all possible, the area of precise definition and try to confine himself to agreeing with her on the inclusion of the main elements describing them in broad brush strokes at most. All of the advice from people we would judge to be well-intentioned on the British side has been that it is critically important the Taoiseach should try to avoid detail as that would lead to a drafting contest. It might well be that this would have the effect in every conceivable instance of narrowing the parameters for negotiation.

General Points

1. Window of Opportunity

The Forum Report has focussed the expectations and the desires of nationalist opinion on real rather than ideological issues. The identity and the corresponding rights of Northern unionists have been accepted by Irish nationalism for the first time.

Opinion polls both in Britain and in Ireland have shown a remarkable convergence in accepting that there should be a role for the Irish Government in Northern Ireland. A major opinion poll in our own State, published some days ago, showed a willingness to consider options other than those of the Forum Report and a preparedness to accept that there might be solutions other than Irish unity which would work as well or perhaps even better. This poll also confirmed that most people in the South are concerned far more about the disadvantaged situation of nationalists than they are about ideology: they want to see the lot of the Northern nationalists improved in some significant way and if that happens they would support a solution. The Unionists too have begun to move at least in principle and we have recognised that publicly. All of this should make our task somewhat "easier" to face. There is, moreover, when you consider all the circumstances, a moral obligation on us not to allow this unique and historic opportunity to slip.

My Government is strong and stable, as is yours. Such a combination of political circumstances - enormously important if we are to attempt anything together - is very unusual indeed in Anglo-Irish relations.

The Taoiseach can probably take it that Mrs Thatcher will be conscious that she is probably the last Prime Minister committed to maintaining the Union in some solid form or another even though the alternative Leaders would in office almost certainly in practice themselves honour the "guarantee",

however reluctantly. It might be put to her that this is the only foreseeable opportunity to arrange a transition to a more acceptable form of government for Northern Ireland in conditions of fundamental security.

We are told by several well-informed authoritative figures that Mrs Thatcher has a strong sense of her historic role. The Taoiseach might appeal to this instinct in an appropriate way. We are also told that Mrs Thatcher has a considerable distaste for the complexities of the political problems in Northern Ireland and that only the historic dimension of the challenge is likely to attract her commitment to act.

2. The dangerous situation we face

The threat we discussed last November has not diminished. Our information is that while those who are strongly in support of constitutional nationalism have been encouraged to remain steadfast by the efforts of the Irish Government, the problem of alienation has continued to spread among those who do not have this commitment. The experience of the Northern minority (40% and growing) has been such that they are inclined to despair. We have been trying very hard to focus their hopes on real and attainable objectives rather than on British withdrawal or Irish unity. We have had some success and this has been acknowledged but there is a sector, particularly among the young, that we have failed to reach. The present-day Sinn Fein with its Marxist policies is ably led but it would not have the success it is having were it not able to feed on a real sense of grievance.

There is not the slightest doubt that if you and I fail, the SDLP, who have been holding the line in extremely difficult circumstances, must collapse fairly soon. Nationalists in Northern Ireland would then have no alternative but to vote for those who use violence. Some would, of course, abstain but there would be enough despair to ensure that the IRA would be able to say that they had a mandate from the people for their campaign of violence in our two countries. It would be an historic tragedy were we to allow that to happen.

3. The Irish Constitution

It is our strong feeling that British Ministers, while they say they understand the enormity of the difficulty of changing the Constitution, do not have a sufficiently real sense of what is involved. It is suggested that the Taoiseach might try to convey something of this directly to the Prime Minister e.g. the Civil War background, the deep and bitter contest that would unfold over 100 days, the uncertainty of SDLP opinion, the probably intervention of the IRA, the certainty that attempts would be made by unionist leaders to destabilise any move towards amendment by asserting that nothing that the South can do, including these amendments, would have the slightest effect on Northern unionist opinion etc.

The Major Issues

1. The Taoiseach has indicated that he broadly intends to confine himself to a number of major issues. While bearing in mind that it is advisable to avoid all points of detail, not to speak of drafting, it is also assumed that the two basic texts on which the Prime Minister would base her approach to the Summit are the British Statement of Position in its "improved" version of 3rd November and the Irish Speaking Note of 12th November. It is suggested that the Taoiseach give some consideration to both these documents. The Irish side is formally in possession of the version of 3 November only of the British document; we cannot acknowledge that we have their earlier, and even less acceptable version, of 2nd November. We have set the British document out in three columns: the British side, the Agreed Position and the Irish side, a form which gives the reader a clearer indication of the British appreciation of the state of play as of 3rd November. They had assumed that the negotiation which might follow the Summit would be within the parameters of that document i.e. the Irish side would start broadly from the position described either in the column "Agreed Position" or in the column "Irish side" and

vice versa. They accept with reluctance that our Speaking Note of 12th November and the issues raised in it are now part of the area to be negotiated as well.

Devolution as a condition for implementation

The Taoiseach would need to satisfy himself that the Prime Minister understands that there could not be any question of an agreement whose implementation would be conditional on the establishment of devolved Government in Northern Ireland. Our approach has been to support the idea of devolution and to ensure that the agreement provides for the possibility of devolution and, moreover, contains as many incentives as can be devised both to the unionists and to the SDLP to participate in devolved government. These points were rehearsed in our Speaking Note delivered on the 12th November as well as in earlier exchanges.

Form of Devolution

Again the Taoiseach would need to satisfy himself that Mrs Thatcher understands that the Irish Government and the nationalist section of the community in Northern Ireland would not be able to contemplate majority rule within the overall package such as is now being considered. Our positions on this matter and on the issue of the previous paragraph have, however, been put clearly and trenchantly to the British side in written form. While the Taoiseach would obviously not wish to labour this point in a confrontational way, our position is so obvious and so logical that our arguments could be used, if necessary, to counter the charge of our "raising the ante" or sheer bad faith.

Joint Arrangements

The difficulty here is the nature of the Irish Government's role in the decision-making process. The British understand clearly that we could not accept a role such as consultation in its minimalist sense e.g. a process whereby our Ministers would

be informed but would not necessarily have any influence in a decision-making process. In our Speaking Note of 15th October which is, of course, on the record although Mrs Thatcher probably has not read it, we suggested the following formula:

(Para. 6): "The Anglo-Irish agreement would contain a provision whereby both Governments would accept a formal obligation to seek agreement on all issues arising and a formal acceptance that this process must be made to work successfully in order to ensure the maintenance of stability in Northern Ireland. In the case of security a separate system of decision-making would be provided for."

In our Speaking Note of 12th November we asked that it be recorded that the suggestion, originally from the British side, that in cases where the two Ministers failed to agree there would be an appeal to the two Heads of Government meeting together.

In our Speaking Note of 12th November we furthermore ^{suggested} ~~called for~~ a special system of decision-making to be used by an Interim Executive which might possibly comprise the Secretary of State as Chairman, the Irish Minister and a number of other non-politicians appointed by them. We explained that such an institution would be set up in the event that it did not prove possible to establish an Executive from the Assembly on an acceptable basis.

The British position is that Joint Authority is not possible and that the ultimate power of decision must rest with the British Government (see British Statement of Position of 3rd November, para. 5). It is perhaps worth noting the more positive elements in their definition of what they see as a process of "consultation"

(British position, para. 5) "What might be envisaged is a formal obligation on the British Government to consult and a right for the Irish Government to be consulted."

(Para. 5) "The British side envisages that the British Government could accept a formal obligation to allow the Irish Government a right to contribute to the formulation of policy on a range of agreed matters and would give full weight to the Irish Government's views."

.....

(Agreed position: para. 4) "Action by the British to accord the Irish Government the right to contribute, on a systematic and institutionalised basis, to the consideration by the British Government of a range of policy matters as a means of strengthening the confidence of the minority community in Northern Ireland in the institutions of government."

It has been pointed out repeatedly to the British in exchanges that use of the word "consultation" is unacceptable to us and we have, as outlined above, sought a form of participation in decision-making in all areas which is far more concrete and substantial than "mere consultation". At a minimum, we are seeking a system of decision-making which would involve an effort by the two sides to agree reinforced by a system of appeal rather than a formal gesture of consultation without a formal obligation to attempt to agree reinforced by a system of appeal. We are, in other words, seeking the essence of Joint Authority although we do not insist on the term.

We have indicated to the British that in the area of security a "separate system of decision-making" would be required. This is not stated in a full-blooded way in the British Statement of Position of 3rd November, but the British record the Irish position as being that the Joint Security Commission itself would have an "important role" in the making of appointments of senior officers of the police force, the establishment of security policy guidelines etc. On the 12th November in our Speaking Note we added that we wished also to have an important role in any police complaints procedure.

The operational definition of an "important role" is not stated. It is a matter for judgement as to whether the Taoiseach would wish to have this clarified in his meeting with the Prime Minister or whether that would emerge in the negotiations to be conducted by experts. There would seem to be a case for the latter especially if the form of the "important role" would be provided for in an autonomous body appointed by the Joint Security Commission rather than in the exercise of decision-making directly by the two Ministers.

Form of Joint Arrangements

This is dealt with in paras. 9 and 10 of the British Statement of Position which adequately describes the positions of the two sides. The main point at issue is whether the joint arrangements should be called a Commission or something else. It is suggested that the Taoiseach should not enter such an area of detail which could be left to official negotiations.

Joint Security Commission

The Taoiseach has asked that consideration should be given again, before he begins his talks, to the question of the form which we would wish to see this Commission taking: whether we would wish the Commission itself to deal with North/South security cooperation as well as security policy for Northern Ireland. In our Speaking Note of 12th November, which is now on the table (para. 12) we have suggested that the Joint Security Commission should comprise the two Ministers in the North and that other meetings involving the Minister for Justice and his British opposite number should take place separately with the AIIC. Perhaps it would be best to leave this position as stated for the moment so as to give our side an opportunity to reflect further: this in essence would appear to be a question of political and administrative convenience and could perhaps be left to the negotiation.

Ulster Defence Regiment

Robert Armstrong was incorrect in suggesting to Noel Dorr that we had not previously raised the question of the UDR. We had done so on several occasions and once in the form of a Speaking Note handed over on the 19th September (para. 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 inadequacies 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 on the nationalist community which would primarily police the areas of nationalist concentration

Lamp posts problem

This is a clever ploy which the NIO officials are attempting to use so as to reduce the potential involvement of the Irish Minister as far as possible. They are arguing that it would be impracticable to involve the Irish Minister in literally every decision of the Secretary of State e.g. lamp posts. The reality is, of course, that the Secretary of State himself is rarely involved in questions such as lamp posts and if he were it would be essential that the Irish Minister would have the right to participate in decisions about such matters. It is the case that the Secretary of State is obliged to intervene in a range of relatively petty matters precisely because of patterns of discrimination at local government level. We have accordingly included in the Brief recent information on local

government practices of discrimination such as would require Ministerial involvement. The Irish Minister's staff, on the other hand, might be hard put to deal with literally every issue that arose pending the establishment of devolved government. This is why the suggestion of an Interim Executive has considerable attraction. On the other hand, it should be possible when one comes to the detail of negotiation to find a formula whereby we could be assured that the Irish Minister had the appropriate involvement in all decisions which personally involved or should involve the Secretary of State or his Ministers.

Extradition

We have been notified that Mrs Thatcher would like to discuss the development of security cooperation and the question of home-made explosives. That may be for publicity purposes. The Department of Justice will brief the Taoiseach on these questions.

The Attorney General has mentioned that consideration should be given to our raising the issue of extradition, an issue on which they have considerable obligations to us and on which they are certainly acutely embarrassed. The best arrangement might be that the Irish Ministers would be briefed by the Attorney prior to departure.

17 November 1984