

Prime Minister. 8

Irish expectations remain unrealistic, although RTA thinks that they are being gradually worn down. I think you will have to make very clear to Dr. Fitzgerald on 3 September that Joint Authority is not on offer either in name or in practice. He needs to give Nally more realistic instructions for the next round if it is to get anywhere.

Ref. A084/2235

PRIME MINISTER

Anglo-Irish Relations: Northern Ireland

The Secretary of the Irish Government, Mr Nally, came to see me on 30 July to convey the initial Irish response to the points I had put to him in Dublin on 16 July (my minute of 19 July). Mr Nally was accompanied by Mr Lillis of the Irish Department of Foreign Affairs and by the Irish Ambassador in London, Mr Dorr. I was accompanied by Mr Goodall and by the British Ambassador in Dublin, Mr Goodison.

2. Mr Nally began by emphasising that what he had to say represented only a preliminary reaction by Irish Ministers to our last round of discussions (at which I had made it clear that the role which we were proposing for the Irish Government in Northern Ireland was a consultative and not an authority-sharing one). He said that, at first sight, the British approach appeared to the Irish side to be inadequate in two respects: it would be insufficient to overcome the alienation of the minority community from the forces of law and order in Northern Ireland, while at the same time its "gradualist" character would arouse unionist fears of creeping unification. The Irish side believed that we should aim for arrangements which would be seen by all concerned to be durable, and which would at the same time be sufficiently "radical" to win the support of the minority and give the Irish Government a reasonable chance of carrying their referendum to amend Articles 2 and 3 of the Irish Constitution. To meet the latter requirement, any new arrangements for the Government of Northern Ireland would have to provide "substantial authority" to an Irish Government, and be seen to do so. At this point Mr Nally again stressed that his comments did not reflect the considered views of Irish Ministers and were intended to be exploratory rather than definitive.

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3. Mr Nally then turned to the security aspect, which he said was of central importance. He acknowledged the respect felt for the RUC as an efficient, technically advanced and reasonably impartial force by both the Garda and sections of the minority community in the North. At the same time he pointed out that the security forces in the North, including the RUC, were seen by the unionists as "theirs" and by the nationalist as essentially alien and consequently as instruments of coercion. The policy of "Ulsterisation", the decline in the number of Catholics joining the RUC and the rearming of the RUC to meet the terrorist threat had all helped to strengthen this impression. There was no realistic prospect of ending the alienation of the minorities unless minority areas could be policed by a "nationalist-backed" force. Although they recognised that this could not be achieved at once, the Irish believed that a bold initiative was required in that direction: something comparable to the decision by the Government of the Free State in 1922, at the height of the Irish Civil War, to establish an unarmed police force throughout the State. The Irish Government shared British misgivings about Irish security forces operating north of the border but believed it might be possible to reorganise the police so that the present RUC would operate - as an unarmed force - in those areas of the Province where the unionists were in a majority; there would be a second force, also unarmed, recruited from the Catholic community and/or perhaps from the Garda, to police the overwhelmingly nationalist areas; and a third force would be established - perhaps initially by secondment from the RUC and the Garda - which would be armed and be responsible for anti-terrorist operations throughout the Province. All three forces might be subordinate to the proposed Joint Security Commission which would in turn be subsidiary to, and operate within, a joint political framework which remained to be explored. But it would be unrealistic to think that the Irish Commissioner of Police - assuming that elements in the new force(s) would be drawn from the Garda and hence be under his command - could be responsible to a British Secretary of State. This pointed to some form of joint authority



between the British and Irish Governments. Alternatively (and Mr Nally subsequently indicated a strong preference for this solution), if it proved possible to establish a devolved, power-sharing administration in Northern Ireland then responsibility for control of the police could be devolved to that administration, leaving the Secretary of State with his constitutional responsibilities for decisions about the use of British soldiers.

4. As to the joint political framework, Mr Nally said that the Irish still had no clear ideas as to the form it might take: it could be an extension of the present Anglo-Irish Intergovernmental Council, or there could be an Irish Government representative (perhaps a Minister) resident in Northern Ireland or there could be regular and systematised meetings of British and Irish Ministers. Other ideas which had been mentioned - an all-Ireland Law Commission and Court, a Bill of Rights, a joint parliamentary "tier" to the AIIC and repeal of the Flags and Emblems Act - were all worth careful examination as elements in any package of new arrangements, but it was essential to get the political and security structures right first.

5. Responding to Mr Nally, I said that we shared the Irish concern to end the alienation of the minority community. We did not exclude the possibility of moving eventually to the establishment of a separate police force with responsibility for dealing with certain categories of crime such as terrorism in certain areas, and recognised that precedents existed for this, eg in the German Bundesgrenzschütz. Such a force, which would have to be armed, might be responsible to a Joint Security Commission. But it could not be established overnight: much working out would be required and the police themselves would need to be involved in the process. Graduation was thus inevitable: hence our suggestions for starting with liaison officers and joint crime squads. Moreover, our suggestions that a Joint Security Commission should be tasked to investigate the possibility of moving towards joint policing had been made on the understanding that the joint arrangements would apply on both sides of the border. If they were to apply only to



the North, ultimate authority and control would have to remain with the Secretary of State for Northern Ireland, even though he might decide to exercise that authority through a Joint Security Commission and thus in consultation with the Irish Government.

6. More generally, we impressed on the Irish side the dangers for morale and effectiveness of any proposals to break up the RUC or to divide responsibility for security in the North geographically between different police forces. We also emphasised that it was simplistic to imagine that it would be easy to identify, still less to demarcate, areas in which the nationalists were in an overwhelming majority; and we pointed out that dividing the Province up for the purposes of policing and security would be liable to be seen as a first step towards repartition. Moreover, even in the main nationalist enclaves such as West Belfast, an Irish force would be as likely to be at risk from terrorist as a British one. Mr Nally ruefully admitted that this was so, and said that he would have no difficulty with the idea of a "third force" which would in reality be drawn mainly from the RUC provided that it was responsible to the Joint Security Commission. Mr Dorr recalled that our common objective should be to create a police force or forces with which the minority as well as the majority community could reasonably be expected to identify. He had recently made clear on instructions that, if this could be achieved by reforms short of those which Mr Nally had floated with us earlier, Irish Ministers would be very ready to consider them. We concluded this part of the discussion by agreeing that both sides would reflect further on the possible form which joint or reformed security arrangements might take, bearing in mind the legitimate anxieties of both the minority and the majority and the need to maintain operational effectiveness.

7. We then pressed the Irish closely on what they meant by the "inadequacy" of our ideas for institutionalised consultation and the need to which Mr Nally had referred for the Irish Government to be given a measure of "substantial authority" in the North.



We pointed out that the Irish were seeking to rule out the reciprocal application of any joint arrangements to areas south of the border as politically impossible for them. It must be apparent that this would make the exercise of any Irish authority north of the border much more difficult for the unionists to accept. We had made it clear on 16 July that joint authority on the lines indicated in the Forum Report was not on offer, and Irish Ministers would have to recognise this. At the same time, they should recognise that the offer of institutionalised consultation would create a completely new political climate in Northern Ireland and would give the Irish Government a very significant measure of political influence there. It would establish a consultative structure which neither Government would want to jeopardise by unresolved disagreement. The British side was open to suggestions as to the areas which such consultation might cover and on the form or structures through which it might operate: it might for example be done through an intensified and restructured AIIC or through some form of Irish official presence in the North, or both. We expressed some doubt about the idea of an Irish Ministerial presence in Belfast. We asked whether, by talking of "substantial authority", the Irish were in effect saying that consultative arrangements could in no circumstances be enough for them.

8. After some hesitation, Mr Nally said that he recognised that "consultation was probably what it would come down to in the end"; but he agreed with me that great care would be needed in finding language with which this could be presented to the public, and particularly to the two communities in Northern Ireland. The proposals should be "transparent": it would be important not to offer conflicting interpretations of what the new arrangements would mean to the electorates north and south of the border. At the same time the Irish Government's hands were to some extent tied by the Forum Report, especially in relation to joint authority. A settlement which could not be reconciled with the terms of the Forum Report might make it impossible to carry a referendum on a change in Articles 2 and 3 of the Irish Constitution, and put the Irish Government at risk. But they recognised the corresponding

political difficulties facing the British Government. Further time was needed for consideration on the Irish side. (Mr Lillis told us separately that there had in fact been no proper discussion with the Taoiseach following our last exchange on 16 July, and that they had not yet been able to explore the implications of "institutionalised consultation" with him in any detail.) Meanwhile, the Taoiseach remained fully committed to the exploratory process in which we were engaged. He continued to be extremely concerned at the risk of leaks, of which there seemed recently to have been examples from both sides, and remained anxious to ensure that knowledge of our exchanges should be kept within the tightest possible circle. But the Irish side was also anxious to maintain the momentum of the discussions, and would welcome a further meeting as soon as possible. It was agreed that the earliest realistic date would be around the middle of September.

9. Although not much measurable progress was made, I think the meeting was useful. It emerged with great clarity that the two central issues are security arrangements which command the confidence of both communities in Northern Ireland, and the need for some sort of joint political framework and how best to provide that. For the Irish, it was an important step in the process of lowering their expectations on the political framework and bringing them to terms with the concept of consultation as distinct from joint authority. This is a slow business; but I think that Mr Nally and Mr Lillis will now encourage the Taoiseach to look more positively at the possibilities which a consultative role for the Irish Government in the North would afford. It was clear that, while explaining the Irish Government's misgivings about our ideas, Mr Nally was under instructions not to reject them. At our next round in September (assuming that Ministers are content for me to continue these exchanges for a further round) we can expect the Irish side to come forward with ideas of their own which move further in our direction.



10. On the security front, the meeting confirmed my impression that the Irish preoccupation with the need for new policing arrangements reflects their genuine belief that the present situation is a major obstacle to reconciliation in the North. They are convinced that in the tribal circumstances of Northern Ireland the minority community will never identify with a police force which is more than 90 per cent Protestant, backed either by the (alien) British Army or by a UDR which is more than 97 per cent Protestant. The fact that this situation is in large part a consequence of terrorism and intimidation does not, in the Irish view, make it any easier for the nationalists to accept. I think that this particular Irish concern needs to be taken seriously and requires further thought on the British side. It may be that, if we could find some way of moving to meet nationalist concerns on policing, the Irish Government's requirements on the political/consultative front could be correspondingly scaled down.

11. It was clear that the Irish Government had given no further thought to the precise form of possible amendments to Articles 2 and 3 of the Irish Constitution. We marked that as a subject which would need to be pursued in later exchanges.

12. I am sending copies of this minute to the Foreign and Commonwealth Secretary, the Secretary of State for Northern Ireland, Sir Antony Acland, Mr Robert Andrew, Mr David Goodall and Sir Philip Woodfield.

3 August 1984

approved by ROBERT ARMSTRONG
and signed in his absence.

Lindsay Wilkinson