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SUMMARY ACCOUNT OF RECENT DUBLIN/LONDON TALKS AT OFFICIAL LEVEL

Meetings at official level to discuss the Council of Ireland concept took place in London on 1 January and 22 January 1973. In between these meetings documents setting out each side's views on the matter were exchanged.

Copies of reports of the two meetings and of the texts of the documents exchanged are attached.

From these contacts it emerged that the British are contemplating only a very minimum type Council of Ireland, a purely consultative body, perhaps at official level only, to consider only such matters as its participants may agree to consider and to make recommendations to the Dublin and Belfast administrations. Its future evolution would be dependent on the consent and goodwill of the participants. Of course, such a Council would be likely to be fully acceptable to the Unionists since its agenda and operations would, in practice, be fully subject to their veto.

6 March 1973

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Col. J. Duffield
revised file

1. It is presumably Mr. Heath's intention to disclose the main elements of the overall package solution which will be set out in the coming White Paper.

Council of Ireland

2. From the contacts at official level (described in a separate paper) we know that the British side envisage a minimum-type Council, a body whose agenda and functions would be subject to veto from the Unionist side and whose powers, in any event, would be recommendatory only. Mr. Heath's principal argument in favour of such a body would be that a strong Council cannot be imposed on the Unionists and that a Council can evolve into something substantial only according as Unionist opinion comes around to accepting such evolution.

3. Only a strong Council of Ireland would meet the requirements of the present political situation. The Green Paper recognised the existence of the so-called Irish Dimension. We regard this Dimension as being one of the key elements in the whole Northern question and it has to be provided for in some fashion. We recognise the position and sensitivities of the Unionists. However, we could not admit for a moment that they have any right to a veto on the Irish dimension. A lasting solution cannot be found in a purely Six Counties context. The identity and aspirations of the Northern minority must be given some recognition. A Council left dependent for its effectiveness on some future change of heart among the Unionists would not be acceptable as a due recognition of the Irish Dimension.

4. Indeed a Council of Ireland would not be necessary for the kind of activity that is contemplated by the British; North/South consultations can be conducted, as in the past, without setting up any formal structure for them. Indeed, the establishment of a Council, if it lacked real powers, would

only give rise to false hopes. A Council which is not seen to produce results could quickly become an object of derision.

5. We do not envisage a Council of Ireland limited to the discussion of difficulties arising between North and South. It should be able to work so as to bring both parts of the country closer together, that is to say, to set them on converging paths so as to encourage eventual reunification. To be effective and workable it should have definite functions and powers and strong structures. It would require expert and detailed examination to determine what functions the Council might usefully have. Some possibilities are electric power, transport, tourism, physical planning, environment, pollution and mineral and oil exploitation. Delegation of powers would be necessary in some cases. The Council's structures should be strong, including perhaps an executive decision-making body, a deliberative organ for parliamentarians and a permanent secretariat.

6. It is possible that Mr. Heath may say that the White Paper will not contain any very definite proposals about a Council - that it would leave the matter for subsequent settlement between the Dublin Government and the new Northern Executive. In this event Mr. Cosgrave might perhaps say that it would be unfortunate if the Irish Dimension were put on the long finger in this way. The recent history of the North seems to show that things always grow worse rather than better when necessary decisions are delayed or postponed. The Irish dimension is a real factor in the situation and it has to be provided for in some way. It is not a side-issue or a minor detail that can be ignored indefinitely.

New Northern assembly

7. It seems to be generally accepted that the British Government

intends to provide for a unicameral Assembly with a membership of 75 - 100. This seems unobjectionable from our viewpoint.

8. There are some indications, however, that the British have been having second thoughts about introducing a proportional representation system for the new Assembly. The Unionists, of course, are opposed to the introduction of PR. It is advocated by the SDLP, Alliance, the NILP and the Ulster Liberal Party. It is suggested that Mr. Cosgrave should press for the introduction of PR as a system specially suitable to the Northern Ireland situation. In general, it should favour the minority and moderate groups generally.

9. It is generally expected that the British Government will not allow the new Assembly to have any control of security powers. It seems very desirable, of course, that the Assembly should not have any such powers.

New Northern executive

10. In the Northern situation it is necessary for the minority to have an adequate share in the exercise of executive power. The British seem to be leaning in this direction but we have no indication as to what precisely they have in mind. In the Green Paper a number of possible systems were referred to. Generally speaking, it is probably the case that any type of executive which both majority and minority representatives are prepared to accept and work would be acceptable to a Dublin Government.

Westminster's role

11. It seems reasonable to assume from the Green Paper that the office of the Secretary of State for Northern Ireland will be continued. There would seem, indeed, to be no alternative to this at the present time since Stormont in its old form is not being restored.

Northern Ireland representation at Westminster

12. It is to be anticipated that the White Paper will propose increased representation of Northern Ireland at Westminster - perhaps 18 - 20 members as compared with 12 at present. Mr. Heath's argument in favour of this would be that it is only equitable in view of the reduced powers of the proposed new Northern administration. However, increased representation at Westminster would tend to reinforce the status of Northern Ireland as part of the U.K. It would run counter to the concept of the Irish dimension and would diminish the importance of a Council of Ireland if such were established.

"Recognition" and "law and order" issues

13. Mr. Heath may revert to two matters on which the British side laid particular emphasis during the talks at official level. These, they said, were matters on which Unionist opinion was particularly sensitive. Firstly, would the South recognise a new Northern arrangement in the context of a settlement which was otherwise acceptable? Secondly, would the South accept provision for the preservation of law and order on an all-Ireland basis?

14. It is suggested that Mr. Cosgrave might reply that, in the context of a generally accepted settlement, the South would be prepared to work wholeheartedly with a new Northern executive. The South's readiness to participate in an effective Council of Ireland is in itself evidence of this. So far as law and order is concerned, the South would be prepared to consider any workable proposals for dealing with these matters on an all-Ireland basis. However, Mr. Cosgrave might wish to add, this naturally brings up the question of the importance of establishing a policing system in the North which would be acceptable to both communities there. The R.U.C. is simply not acceptable

to the Northern minority and it is difficult to see how any general settlement can have a fair chance of working if this situation is not ~~forced~~^{faced} up to.

A Bill of Rights

15. There is strong support among the minority for the introduction of a Bill of Rights in Northern Ireland. Even the Unionist Party favours this and it would be a desirable development provided that, as the British Green Paper put it, "any provisions which might be incorporated in legislation should have a practical and not just a declaratory effect".

6 March 1973