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Confidential

Meeting between the Taoiseach and Prime Minister Thatcher in Brussels on the occasion of the European Council meeting of 29-30 March, 1982.

Steering Note

1. The meeting between the Taoiseach and Mrs. Thatcher will provide the first opportunity for discussions on Northern Ireland at the political level with British representatives since the Taoiseach returned to office. Given the public statements on Northern Ireland and Anglo-Irish relations made by the Taoiseach in the Dail on 9, 23 and 25 March, in America on 16 and 17 March, and jointly with the SDLP in Dublin on 22 March the British Prime Minister can hardly claim to be ignorant of our policy on these matters.

2. As regards the British Government's approach, efforts are at present concentrated on the "Prior initiative" the aim of which is to institute an elected Assembly for Northern Ireland which would have the task of preparing a report on the devolution of administrative powers from the British Government to a regional executive on a basis of "shared responsibility" as between the two parts of the community. The Northern Secretary of State's ideas for his initiative are described in detail in other parts of this brief, but it will be recalled that they include as possibilities:-

- "rolling devolution", i.e. the notion of piecemeal devolution of different areas of administration at different times;
- weighted majority (70%) decisions by the Assembly to be required before any devolution proposal could be recommended by Mr. Prior to Westminster;

- cross-community support as a further requirement before any such recommendation could be made;
- a committee system to provide Assembly committees corresponding to Northern Ireland Departments, having monitoring functions over legislation and administration in each Department;
- salaries for the chairman and two Deputy Chairmen of each Assembly Committee;
- Appointment, as each successive area of administration is devolved by London, of an executive for Northern Ireland consisting of agreed Assembly members who may be appointed by virtue of the same weighted majority vote which is cast in favour of the relevant sectoral devolution;
- claw-back of devolved powers by London if administration of the given area in Northern Ireland ceased to command a 70% weighted majority or to have the requisite cross-community support.

3. Information about the progress of Mr. Prior's ideas and the formulation of his proposals has been systematically leaked to journalists since last Autumn. It has been given to us regularly by Mr. Prior himself and by British officials both in London and Dublin (most recently on 19 March here) and we have also had information conveyed to us by SDLP, OUP and Alliance Party sources in the course of systematic contacts. None of the contacts with the British on this subject has taken place without our expressing our negative views of various aspects of the proposal. While we have commented on the illogicalities and complexities of the devolution process envisaged, our criticism has been concentrated on the internal six-county nature of the initiative,

the absence of an Irish dimension and the absence of any link between the arrangements contemplated and the Anglo-Irish process and structure.

4. The only apparent effect of representations from us and the SDLP on these crucial matters to date has been a modification of the British attitude towards an Anglo-Irish parliamentary institution about which Mr. Prior has recently spoken more openly, indicating that it might come into existence later this year, than Mrs. Thatcher or other British spokesmen had done before (cp. the Downing Street Communique of 6 November 1981). However Mr. Prior considers that any representation of the proposed Northern Ireland assembly in the parliamentary institution should be voluntary, i.e. unionists would be entirely free to abstain from participation. (The British in any case see the Anglo-Irish parliamentary tier as having the same character as the many bilateral Inter-Parliamentary Union groups in existence). In addition to this slightly advanced position on the parliamentary tier, Prior has offered wording to the SDLP about the "two political and cultural identities" in Northern Ireland and about minority and majority rights.

5. At present only the Alliance Party professes to see merit in Mr. Prior's initiative and is prepared to collaborate in its realisation. The DUP rejects all ideas contrary to majority rule in the initiative, but has indicated that it will fight any election which may be called. Indeed, Paisley reportedly regards the 30% blocking veto, inherent in the 70% weighted majority proposal, as a target and a challenge. The OUP has rejected the proposals and supports instead as a basis for action now on devolution the 1975 Convention majority report. Given the DUP attitude to an election, however, and the intense DUP-OUP rivalry, it is certain that the OUP will also contest any election that might be legislated for. The naturally negative SDLP attitude has been most recently expressed in the joint statement issued on 22 March after Mr. Hume and three of his

colleagues met the Taoiseach in Dublin. Both sides on that occasion considered that the proposals, as they were emerging, were unworkable. They found them deficient in that they concentrated on the details of an administration for Northern Ireland without due regard for the border dimensions of the problem. The SDLP is to have a further final meeting with Mr. Prior but does not expect its views to be altered.

6. Mr. Prior's proposals were considered by a British cabinet Committee on 25 March and were reportedly cleared in principle. It is believed that they will now go forward for endorsement by the full Cabinet in the week beginning 29 March (presumably at a meeting after the European Council which is on Monday and Tuesday of that week). The Cabinet decision will be the final one though the preparation and publication of the ensuing White Paper and accompanying legislation may not, it is expected, take place until the following week (that of 5 April).

7. The Taoiseach will wish to assert with Mrs. Thatcher his desire to be consulted about the initiative before final decisions are taken. The effect of Mrs. Thatcher's conceding such a demand would be to delay the British initiative, at least by some days, so that a meeting, presumably between the Minister for Foreign Affairs and Mr. Prior, could be set up and held.

8. On previous form there would seem reason to doubt that Mrs. Thatcher would comply with a request for consultations. She might do this on the grounds that the Government had been "consulted" in the sense that we had been informed at the official level (and under the previous Government at the political level) of what was proposed and had thus had an opportunity to express our views - an opportunity which we had availed ourselves of both at the official level and indeed publicly at the highest political level (Taoiseach's joint

statement with the SDLP). She might enquire whether we wished to have consultations simply so as to repeat the condemnation of the initiative which we have already pronounced and might say that, if that were so, consultations would have no value. She might even say that the whole question of Mr. Prior's initiative is one of British national sovereignty and that, bearing in mind that we and the Northern Irish parties had been fully informed of what was proposed and had pronounced our views thereon, London would now proceed to legislate. Part of the background to Mrs. Thatcher's thinking on this question is set forth in a report from Mr. Ó'Ceallaigh of the Embassy, London, included in the brief, which should be read in the knowledge, now available to us, that she seems to have come down in favour of the devolution initiative.

9. The Taoiseach will no doubt consider answering such a reaction on the part of Mrs. Thatcher by invoking the new Anglo-Irish relationship which he and she have been responsible for creating. The placing of our relations on a new plane and the commitment to developing the unique relationship between our countries in the interests of promoting peace, stability and reconciliation would normally seem to require proper consultation of our Government at the political level before the British should decide on so important (if in our view ill-judged) an initiative as that now contemplated.

10. Reference in this context to the Anglo-Irish process might lead on to an exposé of the alternative which we would prefer to Mr. Prior's proposals, namely the development of the Anglo-Irish dialogue about the Northern Ireland problem in a way which would lead to a conference involving both Governments and representatives of both parts of the community in Northern Ireland. In pressing this alternative approach, the Taoiseach could give his analysis of the present situation, stressing appropriately that Northern Ireland has failed as a political entity and that a withdrawal of the British "guarantee" to unionists there holds the key to the healthy

evolution of their political thinking towards the acceptance of an agreed all-Ireland model in which their rights and traditions would be scrupulously respected and guaranteed. The Taoiseach could give his view that the Anglo-Irish parliamentary tier should be set up without delay, that it should include nominated political representatives from Northern Ireland and that it should have a concrete function in the Anglo-Irish process.

11. As regards other topics, should time permit of their discussion, it is very likely that Mrs. Thatcher will refer to security cooperation. While she may express gratification at the continued success of the Gárdaí in detecting and arresting subversives and in discovering explosives and arms, she may also refer to the discussions, initiated at Downing Street on 6 November last, between the Attorneys General on improving cooperation notably to deal with the fugitive offender. Under the previous Government the British had more than once expressed disappointment at the rate of progress in those discussions.

Department of Foreign Affairs
26 March 1982