

NATIONAL ARCHIVES

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ROINN AN TAOISIGH

Uimhir.....

SECRET AND PERSONAL

Northern Ireland

Taoiseach

The Irish and British delegations met in London on Sunday and Monday, 13th and 14th October. The subjects covered were, in the main,

- (1) timing of the Summit, if any;
- (2) status of Northern Ireland;
- (3) Secretariat;
- (4) texts;
- (5) communique references to the Convention on Terrorism;
- (6) name of any new body to be established;
- (7) UDR; and
- (8) Fund.

Timing

You will know the position on this.

Status

The British are pushing that there should be a recognition on our part "that any change in the constitutional status of Northern Ireland as part of the United Kingdom would only come about with the consent of a majority of the people of Northern Ireland".

We argued that the wording of the preamble must be stuck to; that Article 2 of the Constitution remains and that what we are saying is that as a matter of practical reality there would be no change in the present position unless there is consent of a majority of the people of Northern Ireland. The British accept that this is "a matter of prediction" rather than a legal interpretation. Work is going ahead and should be completed before the end of next week on exact formulations which will be suggested to you and to the British Prime Minister for use in dealing with this most sensitive issue.

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2.

Secretariat

We said that, initially at least, the Secretariat should not be a bureaucratic organisation. It should be flexible so as to be able to deal quickly and effectively with the innumerable different pressures and stresses to which it will no doubt be subjected. As time wears on, bureaucratic convention can grow up out of practice and precedent. It would, however, be a great mistake to allow rules laid down beforehand, in the abstract, to determine future courses of action. The British appear to accept this approach.

We also argued for a stronger recognition than in the British note they have given us of the necessity that the Secretariat should be in a position, as far as possible, "to resolve differences". Their work should be aimed at getting results and limiting as far as is practicable the flow of work for resolution at Ministerial level. The British fear that the Secretariat - and the /Commission/ - may be used as a way of limiting the discretion of the Northern Secretary of State or of other Ministers. We said we recognised this problem but that the way in which the Secretariat - and the /Commission/ - worked will depend very much on the status and flexibility of the Secretariat staff.

We said, and the British appeared to accept, that as soon as an Agreement is signed, persons would be designated as secretaries on each side. These individuals would meet, with the guidance of the Steering Committee, if required, to draw up an agenda and, perhaps, draft conclusions, for the first meeting which would be held in about a week or 10 days from the conclusion of the last parliamentary debate to ratify the Agreement. The secretaries would, unless required to absent themselves, attend the meeting, with the Ministers, take records and arrange all organisational details. The Irish Secretariat would then remain in Stormont (depending on circumstances) to carry out whatever it was that the /Commission/ wanted done and to prepare for the next meeting.

We did not, at this stage, convey the composition of the likely Irish Ministerial team.

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3.

Texts

We said that we could accept the insertion of the words at the end of Article 2(b) indicating that each Government retains responsibility for the decisions and administration of Government within its own jurisdiction. We did not accept the deletion of the word "permanent" before Secretariat in Article 3 but have indicated, ad referendum, that the substitution of some words like "on a continuing basis" might be acceptable.

On the text generally, and in relation, in particular, to status, the British have made it very clear that if there is any departure from the declarations in the preamble, the whole arrangement will fall.

Convention on the Suppression of Terrorism

In the communique, we have got, as the Government appeared to wish, the insertion of the words "at its initial meetings" in paragraph 7 for the reference to the Committee's considering "in the first instance" certain items.

We have also got words to the effect that the two sides are committed to "work for early progress" rather than that the two sides "look for" early progress.

The passage which had been paragraph 8 - indicating that "Against this background, the Taoiseach said it was the intention of his Government to accede" is now no longer a separate paragraph but runs into the preceding paragraph. In other words virtually all the changes which the Government had looked for have been achieved. The only exception is that the words "it was the intention" have not been changed to "it would be the intention". The British, when this change was suggested started to put up a considerable barrage - so we did not pursue the matter too strenuously.

Title of Body

We have now been through virtually every collective noun in the Oxford New English Dictionary, Chambers and Roget's Thesaurus.* The choice seems to be narrowing down to Commission (which the British won't have), Conference, Council, or Committee (which we won't have). It looks as if one of these terms will be chosen with a qualifying adjective intended to soften or take away the objectionable features of the noun.

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4.

UDR: Recent Incidents

The British handed us a paper summarising their intentions in relation to the Force. We reserved comments until we had an opportunity of reading the paper. However, we remarked immediately that the paper did not appear to go far enough in relation to the UDR in rural areas of Armagh - outside those in South Armagh already patrolled by the British Army. We had in mind in particular, Mr Mallon's constituency.

Mr Lillis raised in a forthright manner the recent shooting of two youths indulging in the robbery of a car and, apparently, using it to try to drive down a UDR patrol. He suggested that there should, perhaps, be an automatic suspension of personnel who shoot civilians found, in the event, to have been unarmed, - on lines similar to what apparently happens in Britain, on this type of occasion. The British received this suggestion with something less than favour, indicating that no matter what the practice or procedure, the suspension of a member of the security forces would always and inevitably attract a taint to that individual. They would do this only if there were prima facie evidence of fault.

They will, they think, not be publishing the Stalker Report which they say is the property of the RUC and which they have not officially seen. If in the end, the matter is to be publicised, they would expect that this will happen by way of parliamentary statement, as is the normal procedure in these cases.

Fund

There was some brief discussion of the connection between timing and expenditure and other technical matters, connected with the Fund.

General

The main issues now outstanding:-

- (1) timing of Summit, if it is to take place;
- (2) the name of the body;
- (3) the terminology to be used on the question of "status" and on the question of how the new arrangements meet the Chequers criterion that "the identities of both the majority and the minority community in Northern Ireland should be recognised and respected, and reflected in the structures and processes of Northern Ireland in ways acceptable to both communities".

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5.

Some are making the case that arrangements which are so obviously not acceptable to the Unionist community do not fit this criterion. There are obvious answers to this argument. Texts on the subject are being prepared.

A sub-group consisting of Messrs Dorr and Lillis, on our side, and Messrs Goodall (?), Mallaby and Brennan are meeting and would hope to have the text of questions and answers on these and other points available by next week.

You know the timing of the proposed British Cabinet meeting to finalise matters as far as they are concerned. A similar timetable will be necessary here.

The dates tentatively fixed for the next plenary meeting at official level is 29/30 October, in Dublin.

16 October 1985

Copies to:

Tánaiste
Minister for Foreign Affairs
Minister for Justice
Attorney General

Ambassador Dorr
Messrs. Ward, Donlon, Lillis
and Quigley.

*Council
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Authority
Board
Lodge
Convention
Congregation
Convocation
Organisation
Chamber
Bureau
Centre
Meeting

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