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Government Meeting with SDLP, 10 September 1984

Draft Steering Note

1. The question of a meeting between the Taoiseach, the Tanaiste and the Minister, on the one hand, and an SDLP delegation, on the other, was agreed over a month ago in Strasbourg. On that occasion the Taoiseach made it clear that he would be ready to meet the SDLP at that time. Mr Hume said that his own plans (holidays) would not permit an early meeting.
2. Mr Hume has made it clear that the need for a meeting, from his side, is to enable him and his colleagues to demonstrate to their party that the Forum process is still being actively pursued.
3. Mr Hume has indicated that he would ideally like to be able to say that he had sought from the Government ^{on the British Government} agreement to call for a conference of the parties to discuss the implementation of the Realities and Requirements as set out in the Forum Report.
4. It has been indicated informally and at official level to Hume that it might be disadvantageous to the common interest of the Government and the SDLP, that the Government should be seen at this stage publicly to be pressing for such a conference. In other words, for the Government to call for a conference would make it more difficult to get agreement to a conference.
5. On the other hand, there is advantage, from the Government's point of view, in having the SDLP call for the emphasis to be laid on the Realities and Requirements as defined in the Forum Report. This is precisely the Government's own emphasis as defined in the Government's statement on the Forum Report of 17 May (copy attached). It also helps to take the emphasis away from the three illustrative options set out in the Forum Report which were a source of bitter and confusing controversy.
6. It is regrettable that not all members of the SDLP delegation can be trusted not to "leak" anything that the Government might ask them to keep confidential. Indeed, the opposite is the case.

7. Thus, it might be unwise to say to the SDLP that it is against their own interest to ask for a conference because that is precisely the point which is being discussed between the Government and the British Government. In other words, it is not a rhetorical request but something to which we are trying to secure British agreement. It is likely, if not certain, that such a confidence, if imparted to the delegation, would be leaked.
8. It would seem, therefore, in relation to the demand for a conference, if it is raised by the SDLP, that the Government take the request on board and promise to consider it without making any commitment.
9. The Government's efforts on behalf of nationalist grievances in Northern Ireland have been particularly intensive over the past year. This is well-known to the visitors and is widely appreciated both by the Northern nationalist press and by the SDLP at large. Examples are: prisoners rights both in Northern Ireland and in Britain, behaviour of the RUC and the UDR (shoot-to-kill, harassment, RUC incursions), the two visits to Drumadd UDR Barracks, the use of plastic bullets (most recently in the case of the killing of Sean Downes), border incidents (including incursions and closures), the inadequacies of the judiciary and especially the notorious remarks by Justices Gibson and McDermott. Moreover, Ministers have repeatedly publicly stressed the Government's view that the position of Northern nationalists continues to be a "nightmare" which must be ended forthwith. Ministers have also stressed in an unprecedented way the inadequacies of the security and judicial systems in Northern Ireland.
10. It is suggested that the Government should give considerable stress to the fact that in the exchanges with the British Government on the Forum Report the Irish side have laid enormous emphasis on the problem of alienation of Northern nationalists and the urgent need to end it.
11. The remarks of the Minister for Justice as broadcast on an important London Weekend programme yesterday have given rise

to some controversy in the North. The suggestion that a change might be made in Articles 2 and 3 of the Irish Constitution has been commented upon adversely by Mr Mallon:

"To do so would leave the nationalist community in the North of Ireland even more isolated than they are at present. It would cut them off totally from the Irish nation to which they rightly belong. The nationalist people in the North and the vast majority of people in the South will never allow any changes to Articles 2 and 3 until such time as they become redundant in the context of a united Ireland."

12. The Minister for Justice did not, in fact, state that the Government proposed to change Articles 2 and 3 of the Constitution.

13. The precise exchange (copies of which are available to be handed to the SDLP, if necessary) was as follows:

Q. "Are there circumstances under which the Irish would be prepared to drop this territorial claim?"

A. "If the arrangement between ourselves and the British Government was of a major nature, it would require major constitutional change, and one shouldn't rule out any constitutional change in that context. On the other hand, if the British Government are not prepared to talk in a major way, or not prepared to talk about a major initiative, then I don't think the idea of a constitutional change would arise."

If necessary, the point might be made that the Minister for Justice could have answered in any one of three ways. He could have answered "Yes", which would have been a serious mistake in negotiating terms. He could have answered "No", which would have almost certainly ended any prospect of any negotiation. Or he could, as he did, answer in a very carefully qualified and negative way without specifying what

particular constitutional change might be involved but without ruling out a change. It was important that he should take this line: for example, it would be impossible to have a single court set up without considerable change in the present 1937 Constitution Provisions for the judiciary. There are obviously many similar examples.

14. Because of the stress which Mr Mallon's criticism puts on the fear that Northern nationalists might have of being isolated, abandoned etc. if Articles 2 and 3 were removed, Ministers might stress that the Government's commitment, far from abandoning the Northern nationalists, is precisely to end their "nightmare" and to ensure to them the fullest possible rights and the fullest possible role.
15. A draft press release, for issue by the Government side, is attached. The draft stresses, in addition to the points already publicly made about the Government's pursuit with the British Government of the Report of the New Ireland Forum, the Government's commitment to improve the lot of Northern nationalists. It is felt that such a statement would be reassuring to Northern nationalists in case they have been at all unsettled by Mallon's comments on the remarks of the Minister for Justice. Ministers might wish to show this press release to the SDLP before issuing it.
16. Ministers might also wish to enquire of the SDLP what they would propose to say publicly on their side.
17. Finally, it is a fact that the British have already given an encouraging preliminary response to the Forum Report. Copy of a recent analysis of developments in British policy done in the Department of Foreign Affairs is attached. (This is a secret internal Government document.) Some of the main points in this - notably the fact that the British have accepted the legitimacy of Dublin's role to act on behalf of the Northern minority - might be put to the SDLP visitors.