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PREM 19/1550

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Meetings with the Taoiseach

Anglo-Irish Summit

Anglo-Irish Relations

IRELAND

Pt 1: MAY 1979

Pt 9: JULY 1985

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
3.7.85		27.9.85					
5.7.85		27.9.85					
8.7.85		29.9.85					
15.7.85		1.10.85					
16.7.85		30.9.85					
18.7.85							
22.7.85		ENDS					
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12.9.85							
13.9.85							
18.9.85							

PREM 19/1550

PART 9 ends:-

SS|NIO 60 ms|FCO 30.9.85

PART 10 begins:-

Dublin Tel. 653 1.10.85

TO BE RETAINED AS TOP ENCLOSURE

Cabinet / Cabinet Committee Documents

Reference	Date
OD(I) (85) 4	11/7/85
OD(I) (85) 3rd Meeting, Minutes	15/7/85
CC(85) 26th Conclusions, Minute 6	25/7/85

The documents listed above, which were enclosed on this file, have been removed and destroyed. Such documents are the responsibility of the Cabinet Office. When released they are available in the appropriate CAB (CABINET OFFICE) CLASSES

Signed Wayland

Date 20 January 2014

PREM Records Team

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NORTHERN IRELAND OFFICE

WHITEHALL

LONDON SW1A 2AZ

SECRETARY OF STATE
FOR
NORTHERN IRELAND

The Rt Hon The Baroness Young
Minister of State
Foreign and Commonwealth Office
Downing Street
LONDON
SW1A 2AL

ea 1/x.
30 September 1985

Dear Minister of State,

IRISH SAILORS AND SOLDIERS LAND TRUST (WINDING UP) - E(A) (85)55

Your memorandum on the Trust sought comments on your proposal to legislate to provide for the distribution of existing and future surpluses from it, and also to provide for its winding up.

I am content with what you propose. The Trust, although it has served a useful purpose in the past, is now something of an anachronism and your proposals are, therefore, opportune. But because the Trust is a cross-border body, I see a couple of points concerning its eventual demise that will require careful handling.

In principle, I doubt that the ending of this Anglo-Irish body should attract much attention; it was after all set up to deal with returning soldiers from the First World War, and has run its course. But we shall have to ensure that the introduction of the Bill or of its announcement does not coincide with Anglo-Irish developments in such a way that significance is read into it.

The other potential political problem lies in the fact that the Irish intend to use their share of the receipts, as you point out, to help North-South or Anglo-Irish bodies. This will inevitably create the expectation, assuming that the Irish will try to extract whatever advantage they can from their generosity, that the NIO or NI Departments will be able to give money to the same sort of bodies as the Republic. I believe, therefore, that we ought to be ready to show that our share of the money will be used to benefit directly people in Northern Ireland. I hope we can arrange with the Treasury some adjustment in our planning total to reflect this. We could not otherwise undertake to make additional grants within our present programmes. These, and other technical matters, I suggest could best be followed up by further discussions between our

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officials and the Treasury. They could report back to Ministers in due course.

I am copying this letter to members of E(A) and Sir Robert Armstrong.

Yours sincerely,

Jonathan Duke-Evans

TK

(Approved by the Secretary
of State and signed in
his absence)

CONFIDENTIAL

IRISH RELATIONS ↓
PT 9



Ref. A085/2488

MR POWELL

Anglo-Irish Relations: Date of Summit

I shall be reporting separately on my latest conversations with Mr Nally, as a basis for the Prime Minister's forthcoming meeting with the Secretaries of State for Foreign and Commonwealth Affairs and Northern Ireland. In the margins of our meeting I discussed privately with Mr Nally the possible timing of an Anglo-Irish summit.

2. I said that the end of October was beginning to look increasingly difficult from a practical point of view. The Prime Minister would still be in Nassau on 21 and 22 October. On 23 October she would be recovering from the return journey from Nassau and preparing for a statement to the House of Commons on the following day on the Commonwealth Heads of Government Meeting. On 24 October she would have to answer Parliamentary Questions and make a statement on CHOGM. If an Anglo-Irish agreement were signed on 25 October the Prime Minister would be unable to make a statement in the House of Commons before the weekend, and would thus not have an opportunity of giving a guiding steer to public discussion, particularly in Northern Ireland, over the weekend through the medium of a Parliamentary statement. If the agreement was not signed until 28 October it would not be possible to have a debate in the House of Commons before prorogation. After The Queen's Speech, on 6 November, the debate in reply to The Queen's Speech would continue until Tuesday 12 November, and it would not be possible to debate an Anglo-Irish agreement in the House of Commons until after that date. The Prime Minister would have to be in her place in Parliament at least on the first and last days of the debate on the Address. This

[now
New
York]

suggested that the earliest possible days for signing an Anglo-Irish agreement after 25 October would be Friday 8 or Monday 11 November. I had not checked these dates with the Prime Minister's diary but I was pretty sure that Monday 11 November would be the day of the Lord Mayor's Banquet and I thought that the Prime Minister would be reluctant to be out of London for the best part of the day and to face a major press conference when she had one of the biggest speeches of the year to make in the evening.

3. Mr Nally said that he thought that the Taoiseach would have much preferred to complete and sign the agreement before the end of October, but would no doubt understand the pressures on the Prime Minister. The Taoiseach was still anxious to avoid leaving a clear weekend between the date of signing and the debates in the Dail and the House of Commons. If a Monday or a Tuesday was impossible, the Taoiseach might accept a Friday; that could be 25 October or 8 November, but Mr Nally thought that Irish Ministers would be extremely reluctant to go beyond mid-November.

4. I did not discuss the possibility of having a summit at the weekend, for instance on Saturday 9 or Sunday 10 November.

5. I agreed with Mr Nally to leave this subject for further discussion when we next met.

6. I am sending copies of this minute to the Private Secretaries to the Secretary of State for Foreign and Commonwealth Affairs and the Secretary of State for Northern Ireland.

RIA

ROBERT ARMSTRONG

30 September 1985

Believe it or not - the Irish
certainly wait - this was written
2 before I knew that the Prime
Minister might be in
New York on 24 October. RIA

15 November
is the
first date
you
could
manage



HOUSE OF COMMONS
LONDON SW1A 0AA

ca BT (2)

Prime Minister
Further letter from

Jim Redynam & Dr.

Paisley.

I suggest you discuss
at tomorrow's meeting
an Ireland.

CSP

30th September, 1985.

The Rt. Hon. The Prime Minister
10 Downing Street
LONDON
SW1.

Dear Prime Minister

Thank you for your letter of 13th September 1985. We cannot agree that the present protracted and secret negotiations with the Government of the Irish Republic will have the beneficial effects on security or peace and stability in Northern Ireland that we all seek. If the Irish Republic is in a position to improve security co-operation, we would contend that this should have already been carried into effect without the carrot of a right to intrude into the internal affairs of the United Kingdom.

As far as peace and stability are concerned, the secrecy of your Government's negotiations has only served to heighten suspicion and fears in the majority community in Northern Ireland. In your letter you do not explain why confidentiality is a necessary concomitant of "useful results". The Unionist community is understandably perplexed as to why its duly elected leaders must be kept completely in the dark as to what is being planned. We observe that your Government has not protested about the widely-reported briefings by the Government of the Irish Republic of Mr John Hume's S.D.L.P., and of a Cardinal from the Vatican. It seems that the Pope is to know more about your deliberations than Unionist members of the British Parliament.

In our letter to you of 28th August 1985, we specifically sought an assurance that you interpret undiminished United Kingdom sovereignty over Northern Ireland as precluding any British/Irish machinery dealing only with Northern Ireland rather

Contd.....



than with United Kingdom/Republic of Ireland relations as a whole. We take it that your omission to confirm this in your letter is deliberate. We conclude from this that the information that has reached us that machinery of this type if planned by your Government is substantially accurate. We have also been informed that this machinery is to include a secretariat including Irish civil servants which will be based permanently or from time to time in Belfast. We consider it our duty to advise you that we and the vast majority of people in Northern Ireland see these proposals as clear infringements of British sovereignty. If we have been misinformed as to what is planned we call upon you to put the record straight in clear and unambiguous terms.

We cannot accept that the Republic of Ireland has in any way diluted its claim to the territory of Northern Ireland. An indication by a government of the Republic that it accepts the existence of Northern Ireland as a fact is a far cry from de jure recognition. We regret to note from your letter the implication that you have failed to make de jure recognition of the right of the people of Northern Ireland to self-determination a condition precedent to consideration of Irish demands.

We do not challenge the right of the government and parliament of the United Kingdom to determine the policy to be adopted by our country in respect of relations with other countries. We would contend, however, that if it is your intention to treat Northern Ireland as a distinct part of the Kingdom in terms of relations with the Irish Republic, then justice dictates that the people of Northern Ireland, either through their elected representatives or in some other appropriate manner, should be afforded the opportunity to accept or reject what your government has negotiated for the Province before the deal is finally struck. After all, in the last paragraph of your letter, you insist that devolved government can only be restored to Northern Ireland if it is "acceptable to both sides of the Community there". We invite you to state whether it is your government's policy to proceed with a British/Irish deal on Northern Ireland unacceptable to the majority in the Province, while the minority is to be permitted to continue

Contd.....



to exercise a veto on devolution. Given the brief opportunity we had to elaborate our case when we met you and presented our letter of 28th August 1985, and the growing anxiety in Northern Ireland, we request a further meeting with you at the earliest possible date.

Yours sincerely,

Jim Molyneux

JAMES MOLYNEAUX

Ian R.K. Paisley

IAN PAISLEY

IRELAND: Relations: Pt 9.



Importance

11



PERSONAL

Prime Minister.

This is for information at this stage. For my part the attached proposal could do without some of the rhetoric about the link between unemployment & instability; e

PRIME MINISTER

ANGLO-IRISH TALKS : AN INTERNATIONAL FUND

As you know, the current text of the Agreement under discussion with the Irish refers to the possibility of international support for economic and social development in both parts of Ireland. Officials have already had some discussion with the Irish about how best to secure that support. They have reached a measure of agreement on the nature of a Fund that might be established to receive and disburse contributions, and on the purposes for which disbursements might be used. The attached note, drafted in agreement with the Irish, sets out the position that has been reached.

elevate private sector investment to be the first priority. C.D.P. 3/9.

There is still a number of points to be resolved. We must determine whether the Fund should be open to contributions from Governments other than the US Administration and perhaps also from the EC budget, provided that that can be done without disturbing the arrangements for calculating our rebate. We must settle the legal basis on which a Fund should be set up. We must, as Douglas Hurd made clear in his letter to Peter Rees of 1 August, ensure that expenditure from a Fund could be treated as additional to Northern Ireland block provision (if we cannot achieve that we might as well forget the whole idea of a Fund). And we must take further with the Irish how best to approach the Americans and possibly the Europeans.

Officials will now press on with these points, consulting Treasury officials as appropriate. For the moment colleagues may care to note the position that has been reached. I shall report progress in due course.

I am sending copies of this minute to all members of OD(I) and to Sir Robert Armstrong.

Jonathan Duke-Evans

30 September 1985

pp TK

(approved by the
Secretary of State
and signed in his absence)

ANGLO-IRISH TALKS : AN INTERNATIONAL FUND

1. The Agreement between the British and Irish Governments provides in Article 10(a) that "The two Governments shall co-operate to promote the economic and social developments of those areas of both parts of Ireland which have suffered most severely from the consequences of the instability of recent years, and shall consider the possibility of securing international support for this work".

2. If other Governments were willing to give expression to that support in terms of financial resources the two Governments would establish a Fund to promote, through the disbursement of such resources, these important objectives of the Anglo-Irish Agreement. The Fund would be an expression of international support for the common commitment of the two Governments to peace, stability, dialogue and reconciliation in Ireland and their common opposition to the use of terrorist violence for political ends. Recognising that chronic unemployment and multiple deprivation create an environment in which instability can flourish, and that instability and conflict in turn create conditions which are inimical to social and economic progress, and to reconciliation between the two traditions in Ireland, the primary objectives of the Fund would be to promote economic and social advance, and to encourage contact, dialogue and reconciliation between nationalists and unionists throughout Ireland.

3. In pursuance of these objectives, the Fund would be available to supplement public programmes, to stimulate private investment and enterprise, and to encourage voluntary effort, including self-help schemes. In the voluntary sphere, special emphasis would be placed on supporting the work of men and women of goodwill throughout Ireland who are engaged in the task

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of communal reconciliation. The need to maximise the economic and social benefits of the Fund in Ireland would be an overriding consideration in making disbursements from it and these would need to be consistent with the economic and social policies and priorities of the respective Governments. Because of the special problems in Northern Ireland associated with the instability of recent years, it is envisaged that approximately three-quarters of the Fund would be spent there.

4. In accordance with the objectives and criteria set out above, it is envisaged that the Fund would give priority on a value for money basis to the following:

- a. Projects of benefit to people in both parts of Ireland. Examples would be cross-border communications - roads and waterways; enhanced co-operation and exchanges in higher education, professional development, and research; the intensified promotion of youth, sporting and cultural exchanges;
- b. Projects to improve the quality and conditions of life for people in areas facing serious economic and/or social problems. Spending would be carefully targetted to meet needs arising from factors such as high unemployment, underdeveloped social, health or education facilities, poor environment and sub-standard infrastructure;
- c. Projects to provide wider horizons for people from both traditions in Ireland. Examples would be the provision of management bursaries for travel to the United States and elsewhere; encouragement of industrial visits, training and work experience overseas for people at all levels of industry; the encouragement of similar visits, and of overseas exchanges, for people working in the public sector, and in other areas where they are likely to benefit from new ideas, experience and contacts;

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d. The stimulation of private sector investment by means of a venture capital corporation using some of the Fund's resources as described in the following paragraph.

5. It is envisaged that the Fund would provide a substantial equity base for a venture capital corporation. This corporation would identify the risk capital needs for investment ventures of existing or new industrial and commercial enterprises and would provide equity on sound commercial criteria. The corporation's aim would be further to stimulate viable and self-sustaining growth in the private sector of the economies of both parts of Ireland.

6. Administration of the Fund would be the responsibility of Trustees to be nominated by the British and Irish Governments. They would decide on appropriate disbursements with the assistance of an executive committee drawn from experts in the public service of each country. A small full-time secretariat would be necessary and this would be independent of both Governments.

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PRIME MINISTER

63

ANGLO/IRISH RELATIONS: NORTHERN IRELAND

The Foreign Secretary has now commented on Tom King's minute in predictable terms. Clearly there will have to be a meeting early this week.

Meanwhile Sir Robert Armstrong's meeting with Nally will have to go ahead tonight and tomorrow: to cancel it at short notice will give rise to a great deal of speculation. I am therefore proposing to send him this morning the attached minute with instructions for his meeting with Nally. The key points are that he should wax indignant on the point about the Convention on the Suppression of Terrorism; should make clear that this is not a final round and that negotiations will be needed, possibly at political level, and should begin to alert the Irish to the possibility of at least a brief postponement of the proposed Summit.

Agree that I should send a minute?

C D POWELL

29 September 1985

*PM agreed by phone**UBA**29/9/85*

PRIME MINISTER

ANGLO/IRISH RELATIONS: NORTHERN IRELAND

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Agree that I should send a minute?

✓
es
MB

C D POWELL

29 September 1985

PRIME MINISTER

ANGLO-IRISH NEGOTIATIONS

1. It is not easy to comment at this distance on Tom King's minute, which has reached me overnight in Ottawa. I am of course without access to basic texts but I think it important to let you have my initial reaction.
2. You will recall that only a month ago when Tom King was appointed, I telephoned Barry at your express request, to assure him, and through him Fitzgerald, that our purpose and policy had not changed. Since then we have had one discussion together which led us to instruct our negotiators to suggest two or three limited but important changes to the text which, as Tom acknowledges, has emerged from many months of negotiations, and has been scrutinised in great detail at both ends.
3. For some weeks now discussion has focussed on so-called confidence-building measures, our approach to joint courts and, subject to those points, on timing and arrangements for conclusion of the Agreement for which we have been working for so long. The last round of official talks showed that we were not yet out of the wood on all those points and for the first time suggested possible Irish unwillingness to accede to the European Convention on the Suppression of Terrorism. I agree of course that we need to press hard to prevent them backsliding on this. But, subject to that, the negotiations have seemed to be on course within the framework of the long established basic text. When I saw Barry in New York this week, he said that both he and the Taoiseach had been greatly reassured by their meeting with Tom King and had no doubt about the sincerity of the assurance which I gave them on your behalf a month ago.
4. We must judge the points made in Tom King's latest minute against that background of continuing Irish good faith in our determination to strike, if possible, a bargain that will stand the test of time.
5. I do not propose here to comment on the detail of Tom King's minute. The proposed shift in the balance of constitutional arrangements for Northern-Ireland has been implicit and carefully explicit in the negotiations for a long time. We have been successful in shifting the Irish

/from

-2-

I fear they have 'judged'
 some of the language so that our
 meaning and theirs is different and
 the words themselves unclear.

from virtually all their initial positions and bringing them, in all important respects, to accept our basic requirements. If at this late stage we propose further significant or unexpected adjustments, either on timing or in the basic text, the Irish may well withdraw from the negotiations and the Agreement will be lost. I have no doubt that that would be seen both at home and abroad as a major missed opportunity, and one that had been missed as a result of a last minute switch of policy on our part.

6. This does not mean that I am unwilling to look in detail at the textual points which Tom has now raised. But we must keep in mind the impact of any changes that we now suggest on the Irish view of our good faith. In the same way, we must press them to screw up their courage once again on the Suppression of Terrorism Convention and we need to be sure that there is no misunderstanding of our position on joint courts. As I put it to Barry, if we are to enter this study on joint courts with an open mind, then they too must do so, acknowledging the real possibility that this study may result in a nil return.

7. As to the Secretariat, my impression is that the gap between the Irish and ourselves was significantly narrowed in the last round of Armstrong/Nally talks, and my New York discussion with Barry certainly did not suggest any insuperable difficulty on this point. We are all agreed that Belfast is the logical place for the Secretariat in the longer term and that some action is necessary for the Secretariat to be seen to be operational in some form once the Agreement has entered into force.

8. On timing, I believe that a proposal for postponement risks being seen by the Irish as signalling a major change of policy on our part which would undermine the whole process so far. Public opinion in the UK has already been prepared for the prospect of an Agreement soon. The Irish are having difficulty in holding the position in Dublin against the leaks and accompanying speculation, not all of which have come from their side of the Irish Sea. But they might perhaps be brought to acquiesce in a short postponement - say to the middle of November - which could be explained in terms of the difficulties of our Parliamentary timetable. I think I had at least some success in getting these across to Barry. But about two weeks would be the limit. I should however like to have an opportunity of discussing the implications of this with you and Tom King before anything is said to the Irish about a possible postponement.

/9.

We must
 look at the
 Irish - which
 we have got
 so used to some
 Nil, that we
 may not see
 how it strikes
 in London.

-3-

9. If a postponement does prove to be necessary and negotiable, I see considerable merit in Tom King's suggestion that we should use the additional time to have a further meeting with the Irish at the political level. In view of our joint interest, as well as of Barry's responsibilities, I think it would be appropriate if Tom King and I were to see Barry together. Meanwhile I think it is important that the Armstrong/Nally negotiations should continue on the basis of the existing agreed guidelines.
10. I am copying this minute to Tom King and Robert Armstrong.

CBudd (Private Secretary)

28 September 1985

PP

Geoffrey Howe

(Drafted by the Secretary of State,
but signed before his return to
the UK.)



10 DOWNING STREET

From the Private Secretary

SIR ROBERT ARMSTRONG

ANGLO-IRISH RELATIONS: NORTHERN IRELAND

The Prime Minister will wish to discuss the Northern Ireland Secretary's minute of 27 September early next week with Mr King, the Foreign Secretary and you. Unfortunately this cannot be done before your proposed meeting with Mr Nally.

The Prime Minister agrees that this meeting should nonetheless go ahead. She would like you to make clear the very serious view which she takes of the withdrawal by the Irish side of their commitment to ratify the European Convention on the Suppression of Terrorism. You should make clear that this is likely to have a serious effect on Ministers' judgement of the overall balance of the draft agreement. She would also want you to argue firmly for the title Intergovernmental Committee and to pursue the various textual points raised by Mr King. You should avoid giving the impression that your meeting with Mr Nally is in any way a final session and that the results of it only require final ratification by Cabinet. Rather you should support that further discussions probably at Ministerial level will be necessary. Privately with Mr Nally you might indicate likely difficulties over the timing of an Anglo-Irish Summit in the period 23-28 October in the light of the Prime Minister's heavy commitments at that time with CHOGM and Parliament. A little more time may be necessary to complete the discussions and our internal consideration of the results.

This minute is intended only as a steer for your meeting on 29-30 September. The other issues raised by Mr King will need to be considered between Ministers next week.

I am copying this minute to the Private Secretaries to the Northern Ireland Secretary and the Foreign Secretary.

C.D.P.

C D POWELL

28 September 1985

UNCLASSIFIED

FM DUBLIN

TO IMMEDIATE FCO

TELNO 645

OF 281015Z SEPTEMBER 85

INFO IMMEDIATE WASHINGTON AND BIS NEW YORK

ANGLO-IRISH TALKS

1. TODAY'S IRISH TIMES CARRIES A FRONT PAGE ARTICLE BY CONOR O'CLERY "US MAY GIVE 500 MILLION DOLLARS TOWARDS NORTH DEAL". FULL TEXT IS:

"NEGOTIATIONS ARE TAKING PLACE FOR A MARSHALL AID TYPE PAYMENT OF UP TO 500 MILLION DOLLARS BY THE UNITED STATES TO UNDERWRITE ANY ANGLO-IRISH AGREEMENT ON NORTHERN IRELAND. THE NEGOTIATIONS INVOLVE REPRESENTATIVES OF THE BRITISH AND AMERICAN GOVERNMENTS.

THE EXACT AMOUNT OF AMERICAN AID FOR THE NORTHERN IRELAND ECONOMY HAS NOT YET BEEN DECIDED. SOME SOURCES CLOSE TO THE TALKS SAY IT MAY ONLY BE 100 MILLION DOLLARS. OTHERS INSIST THAT IT WILL BE BETWEEN 250 MILLION AND 500 MILLION.

THE BRITISH GOVERNMENT IS SUPPORTING THE APPLICATION FOR AMERICAN AID FOR NORTHERN IRELAND ON THE GROUNDS THAT VISIBLE UNITED STATES BACKING FOR AN ANNGLO-IRISH AGREEMENT WOULD HELP GAIN INTERNATIONAL ENDORSEMENT.

SIR GEOFFREY HOWE, THE BRITISH FOREIGN SECRETARY, SAID ON MARCH 25TH THAT HE LOOKED FAVOURABLY ON A JOINT BRITISH IRISH APPROACH TO THE EEC AND THE UNITED STATES TO UNDERWRITE ANY SETTLEMENT WHICH BROUGHT BRITAIN AND IRELAND CLOSER TO AGREEMENT ON THE NORTH.

SIR GEOFFREY AND THE MINISTER FOR FOREIGN AFFAIRS, MR BARRY, WERE IN NEW YORK THIS WEEK FOR THE 40TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY. THEY MET TOGETHER TO DISCUSS THE PROGRESS OF ANGLO-IRISH NEGOTIATIONS. MR SEAN DONLON, HEAD OF THE DEPARTMENT OF FOREIGN AFFAIRS, WAS ALSO IN NEW YORK AND TRAVELLED TO WASHINGTON ON TUESDAY TO BRIEF THE IRISH AMBASSADOR.

AT AN EARLY STAGE IN THE ANGLO-IRISH TALKS THERE WERE HOPES THAT A BILLION-DOLLAR PACKAGE OF AMERICAN AND EEC AID COULD BE PUT TOGETHER TO REVIVE THE NORTHERN IRELAND ECONOMY AND REDUCE UNEMPLOYMENT. HOWEVER, THE PROSPECT OF SPECIAL EEC AID OF THIS MAGNITUDE HAS RECEDED. THE COUNCIL OF MINISTERS IS DEADLOCKED AT PRESENT OVER THE PROSPECT THAT THE EEC MAY NOT BE ABLE TO MAKE AGREED PAYMENTS TO SPAIN AND PORTUGAL.

JAPRROBCHES

APPROACHES MAY, HOWEVER, BE MADE TO EEC MEMBER GOVERNMENTS TO MATCH THE AMERICAN CONTRIBUTION IF THERE IS A SETTLEMENT. UP TO NOW, NO FORMAL OR INFORMAL APPLICATION HAS BEEN MADE BY EITHER THE UNITED KINGDOM OR IRELAND TO THE EEC COMMISSION, ACCORDING TO SOURCES IN BRUSSELS.

IT IS UNDERSTOOD THAT PRESIDENT REAGAN HAS GIVEN A PRIVATE COMMITMENT TO THE NEGOTIATORS IN THE ANGLO-IRISH TALKS THAT HE WILL SUPPORT A CASH CONTRIBUTION FROM THE US CONGRESS, ON THE BASIS OF, AS ONE SOURCE PUT IT, "CALL ME WHEN THE INK IS DRY ON ANY SETTLEMENT".

IN MARCH, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, MR TIP O'NEILL, VISITED THE REPUBLIC WITH AGREEMENT FROM PRESIDENT REAGAN TO SAY THAT THE PRESIDENT WOULD GO FURTHER THAN MR CARTER IN OFFERING AID IF A PEACEFUL SETTLEMENT APPEARED POSSIBLE. PRESIDENT CARTER SAID IN 1977 THAT HE WOULD ENCOURAGE AMERICAN INVESTMENT IN THE EVENT OF AN INITIATIVE SUCCEEDING.

THE AMERICAN CASH PAYMENT WOULD HAVE TO BE AGREED BY CONGRESS AND SIGNED BY THE PRESIDENT. THE CURRENT NEGOTIATIONS ON AMERICAN AID INVOLVE HOW QUICKLY THIS PROCESS SHOULD BE INITIATED AFTER ANY AGREEMENT IS REACHED AND HOW MUCH SHOULD BE INVOLVED.

THE BRITISH AND IRISH GOVERNMENTS WOULD PRESENT THE INJECTION OF CAPITAL FROM OUTSIDE AS ONE OF THE REASONS WHY THEIR AGREEMENT SHOULD BE ACCEPTED BY THE TWO COMMUNITIES IN NORTHERN IRELAND. THE OUTCOME OF THE ANGLO-IRISH TALKS ARE, HOWEVER, STILL IN DOUBT OVER THE ISSUE OF SECURITY REFORMS, AND THE EXTENT OF IRISH GOVERNMENT INVOLVEMENT IN SECURITY AND THE JUDICIAL PROCESS IN NORTHERN IRELAND."

GOODISON

NORTHERN IRELAND PS/MR EGGAR
LIMITED PS/PUS
RID MR DEREK THOMAS
NAD SIR W HARDING
INFO D MR GOODALL
WED MR BARRINGTON
MAED MR O'NEILL
NEWS D MR JENKINS
PUSD MR D C THOMAS
SCD BUCKINGHAM PALACE
RES D
PS
PS/LADY YOUNG

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NORTHERN IRELAND



10 DOWNING STREET

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ANGLO-IRISH RELATIONS: NORTHERN IRELAND

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C.D.P.

C D POWELL

28 September 1985

CC Chequers 61
CC SIR P. CRAPOCK
CMLK

PRIME MINISTER

ANGLO-IRISH NEGOTIATIONS

1. It is not easy to comment at this distance on Tom King's minute, which has reached me overnight in Ottawa. I am of course without access to basic texts but I think it important to let you have my initial reaction.
2. You will recall that only a month ago when Tom King was appointed, I telephoned Barry at your express request, to assure him, and through him Fitzgerald, that our purpose and policy had not changed. Since then we have had one discussion together which led us to instruct our negotiators to suggest two or three limited but important changes to the text which, as Tom acknowledges, has emerged from many months of negotiations, and has been scrutinised in great detail at both ends.
3. For some weeks now discussion has focussed on so-called confidence-building measures, our approach to joint courts and, subject to those points, on timing and arrangements for conclusion of the Agreement for which we have been working for so long. The last round of official talks showed that we were not yet out of the wood on all those points and for the first time suggested possible Irish unwillingness to accede to the European Convention on the Suppression of Terrorism. I agree of course that we need to press hard to prevent them backsliding on this. But, subject to that, the negotiations have seemed to be on course within the framework of the long established basic text. When I saw Barry in New York this week, he said that both he and the Taoiseach had been greatly reassured by their meeting with Tom King and had no doubt about the sincerity of the assurance which I gave them on your behalf a month ago.
4. We must judge the points made in Tom King's latest minute against that background of continuing Irish good faith in our determination to strike, if possible, a bargain that will stand the test of time.
5. I do not propose here to comment on the detail of Tom King's minute. The proposed shift in the balance of constitutional arrangements for Northern Ireland has been implicit and carefully explicit in the negotiations for a long time. We have been successful in shifting the Irish

/from

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from virtually all their initial positions and bringing them, in all important respects, to accept our basic requirements. If at this late stage we propose further significant or unexpected adjustments, either on timing or in the basic text, the Irish may well withdraw from the negotiations and the Agreement will be lost. I have no doubt that that would be seen both at home and abroad as a major missed opportunity, and one that had been missed as a result of a last minute switch of policy on our part.

6. This does not mean that I am unwilling to look in detail at the textual points which Tom has now raised. But we must keep in mind the impact of any changes that we now suggest on the Irish view of our good faith. In the same way, we must press them to screw up their courage once again on the Suppression of Terrorism Convention and we need to be sure that there is no misunderstanding of our position on joint courts. As I put it to Barry, if we are to enter this study on joint courts with an open mind, then they too must do so, acknowledging the real possibility that this study may result in a nil return.

7. As to the Secretariat, my impression is that the gap between the Irish and ourselves was significantly narrowed in the last round of Armstrong/Nally talks, and my New York discussion with Barry certainly did not suggest any insuperable difficulty on this point. We are all agreed that Belfast is the logical place for the Secretariat in the longer term and that some action is necessary for the Secretariat to be seen to be operational in some form once the Agreement has entered into force.

8. On timing, I believe that a proposal for postponement risks being seen by the Irish as signalling a major change of policy on our part which would undermine the whole process so far. Public opinion in the UK has already been prepared for the prospect of an Agreement soon. The Irish are having difficulty in holding the position in Dublin against the leaks and accompanying speculation, not all of which have come from their side of the Irish Sea. But they might perhaps be brought to acquiesce in a short postponement - say to the middle of November - which could be explained in terms of the difficulties of our Parliamentary timetable. I think I had at least some success in getting these across to Barry. But about two weeks would be the limit. I should however like to have an opportunity of discussing the implications of this with you and Tom King before anything is said to the Irish about a possible postponement.

/9.

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9. If a postponement does prove to be necessary and negotiable, I see considerable merit in Tom King's suggestion that we should use the additional time to have a further meeting with the Irish at the political level. In view of our joint interest, as well as of Barry's responsibilities, I think it would be appropriate if Tom King and I were to see Barry together. Meanwhile I think it is important that the Armstrong/Nally negotiations should continue on the basis of the existing agreed guidelines.

10. I am copying this minute to Tom King and Robert Armstrong.

CBudd (Private Secretary)

28 September 1985

JP

Geoffrey Howe

(Drafted by the Secretary of State,
but signed before his return to
the UK.)

CC SIR P. CRADOCK

We need a meeting
between F.C.S. N.I.S. & myself
revised. not.
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SECRET AND PERSONAL

PRIME MINISTER

ANGLO-IRISH RELATIONS

I attach a minute from Mr. King. It is a bit of a bombshell. It concludes that major changes are needed to the draft Anglo-Irish Agreement to make it acceptable. It is in effect a declaration of no confidence in the present negotiating team.

Mr. King concludes:

- That the balance of the Agreement is heavily in favour of the Irish. *Mr. present d. is.*
- That we must press for ratification of the Convention on the Suppression of Terrorism. *Yes*
- That the text of the Agreement must be further amended to remove any hint that the Irish Government will have a say on particularly sensitive issues. *This must be clear from the face of the document*
- That there is a wide difference of perception between the British and Irish sides on the role of the Secretariat.
- That the Secretariat cannot be located in Belfast from the beginning without an unacceptable security risk. *?*

No
possibly

He proposes that he should invite Mr. Barry to London for immediate talks to negotiate these issues. Meanwhile, Cabinet consideration should be deferred (with the implication that the Summit will have to be deferred also).

There is obviously a considerable risk that the Irish would regard a meeting of the sort proposed by Mr. King as a deliberate step back from a nearly-settled Agreement. They

/might call

might call off the negotiations altogether.

I understand that Mr. King and Sir Geoffrey Howe may have a talk on Sunday. I think you will need to see them both early next week. Meanwhile, I see no alternative but for RTA to press ahead with his proposed meeting with Nally on Sunday/Monday; he has your views on the Suppression of Terrorism Convention and the title of the Committee. To call it off would arouse Irish suspicions and lead to press rumours of a breakdown, before we have got our lines straight. But RTA must avoid giving any impression that all is settled.

RTA has also now minuted. He thinks a limited postponement of the Summit negotiable, but anything more risks break-down.

C.D.P.

CHARLES POWELL

27 September 1985

L03ALR

Ref. A085/2475

MR POWELL

Anglo-Irish Relations: Northern Ireland

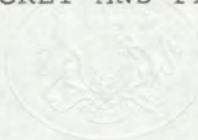
— Thank you for your minute of 27 September, which gives me useful guidance for my next meeting with Mr Nally.

2. As to Irish accession to the European Convention on the Suppression of Terrorism, I shall make clear the Prime Minister's view that the latest decision is a serious retrograde step. I shall make the most of the point that the Irish have withdrawn a position which they had clearly stated over many weeks, whereas we had declined repeatedly to agree to mixed courts within a stated period. I think, however, that I should be a little careful about suggesting that it calls in question their good faith: that could provoke the riposte that what the Secretary of State for Northern Ireland said about mixed courts in Dublin on 17 September (paragraph 2 of my minute of 25 September) called in question British good faith in undertaking to consider the possibility of mixed courts, when we had no real expectation or intention of agreeing to them.

3. I understand that the Secretary of State for Northern Ireland is sending the Prime Minister a minute making a number of points on the text of the agreement (which we will pursue with the Irish), but also saying that:

a. he would like to be clearer about how the new Committee and its secretariat would work, before going to the Cabinet for approval, and would propose to discuss this further with the Irish Foreign Minister;

b. he does not feel ready to go to Cabinet on 3 October;



c. he suggests that the process should be slowed down again, and the date of signature further postponed.

4. No doubt the Prime Minister will want to discuss these questions further with the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland. At this stage I would make only two points:

(1) It is apparent that, when the Permanent Under Secretary of State, Northern Ireland Office, was in Dublin with his Secretary of State on 17 September, he "played down" the role of the proposed secretariat to such a degree as to raise doubts in the minds of the Irish as to whether the Northern Ireland Office really wanted or meant to make it work. My judgment would be that Mr Andrew on 17 September and I on 23 September have between us administered enough cold water to douse any unrealistic hopes and expectations the Irish may have had, and that a further douche from the Secretary of State to Mr Barry is not necessary and could be in danger of discouraging the Irish too far.

(2) The date of signature has already been put off a good deal longer than the Irish had hoped or wished. If we proposed a further extended delay, there would probably be public speculation about new difficulties in the negotiations. Though both we and the Irish have been studiously vague in public about possible dates for an agreement, using such phrases as "before the end of the year", some of the expectations have concentrated on a date about the end of October. Within the negotiations, I think that we should be in danger of generating serious loss of confidence in our intentions. There could even be some risk of the Taoiseach breaking off the discussions and seeking to blame us.

5. It is evident that there are considerable practical problems about any date in the last ten days of October. I should see no great problem in suggesting to the Irish a limited delay, arguing that, in view of the pressures on the Prime Minister at that time and the complications of the Parliamentary timetables in both countries, we should postpone the Summit and the signature until after Parliament had returned for the new Session - say, 11 or 13 November. But I am sure that the Irish would be intensely suspicious if we proposed much longer delay than that or, still worse, a postponement without any fixed date.

6. A postponement to, say, 11 or 13 November would enable us to postpone discussion in Cabinet until 24 or (I think better) 31 October.

7. This note is personal for the Prime Minister and you; I have not sent copies to the Private Secretaries to the two Secretaries of State.

REA

ROBERT ARMSTRONG

27 September 1985

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PRIME MINISTER

ANGLO-IRISH NEGOTIATIONS

Sir Robert Armstrong has kept you informed of the progress of these negotiations since we discussed them in Cabinet on 25 July. My predecessor and the Foreign and Commonwealth Secretary reported then on the advantages they would be looking for from an Agreement on the lines that were emerging. They saw it not as an end in itself but as an aid to the long-term stability of Northern Ireland. It would be an important step in reconciling the minority to their position in the United Kingdom, and offered the only prospect of unfreezing the attitude of the law-abiding nationalist minority towards the institutions of Northern Ireland. It would offer a prospect of much better co-operation with the Republic in combatting terrorism; and it could bring real benefits in our international relations. They rightly stressed the potential damage in the United States if the negotiations failed.

2. I am sure that we are right to seek an Agreement that will bring us these benefits. But we must satisfy ourselves that both the Agreement and the arrangements for implementing it will do this without unwelcome or unmanageable consequences particularly in handling the unionist reaction. I have now had the opportunity to look in detail at the present state of play, and I have had my first meetings with Mr Hume, Mr Molyneaux and Mr Cushnahan. (Dr Paisley has been away and Mr Robinson refused to see me). And I have talked in Dublin with the Taoiseach and Mr Barry. I want to let you know my views on how we should carry matters forward and to do this before the next round of Armstrong/Nally talks, which start on Sunday.

SECRET PERSONAL

SECRET PERSONAL

3. I have to say, with some reluctance - since I recognise that the wording of the draft has emerged from many months of negotiation - that the Agreement as it now stands strikes me as offering considerably more to the Irish than it does to us. It will certainly be so perceived by the unionists.

4. The imbalance seems to me to lie in the following: the Irish are being given an unprecedented foothold in the internal affairs of a part of the United Kingdom. This must be balanced by some comparable benefit to the advantage of the UK generally and of the majority community. The Irish have not been able to surrender their constitutional claim on the North. The most direct advantage for us will be in better security co-operation, but so far we have only a rather vague indication that the Republic will redeploy their Task Force to Border areas to help combat terrorism - and they have now indicated that, if we are not prepared to move on Mixed Courts they are not prepared to ratify the European Convention on the Suppression of Terrorism. This is not, perhaps, important in real terms, in view of recent judgements in the Irish courts, but it loses us a powerful weapon with the unionists; Dr Paisley, in particular, is on record as seeing Irish subscription to the Convention as a test of their sincerity in security co-operation. The other direct benefit, of an improvement in international goodwill particularly in the USA, is not one which would carry great weight with the unionists. Naturally, if an Agreement would, in the short or medium term, facilitate the re-establishment of devolved government in the Province, this would change the balance. But my preliminary talks with the parties have convinced me, and my advisers in the NIO are unanimous on the point, that there is no prospect of this in the foreseeable future.

5. Unionists are bound to feel that there is an imbalance in the fact that the Irish Government is to represent the nationalist minority while there will be no corresponding representation for the unionist majority, since the British Government must consider the interests of both communities even-

This could be the end of the agreement

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where? { handedly. And they will see the Agreement as infringing the undertaking that any arrangement for the internal government of Northern Ireland must command widespread acceptance, since their consent has not been sought. The position will be made more difficult if we cannot say categorically that the Agreement does not give the Irish Government any executive role in the North. I know that the Irish do not like words like "consultative"; but I think we shall have to speak plainly on this point - we cannot afford to "fudge" it. There are some phrases in the current text where the advisory/consultative role might be interpreted as an executive role and as such in some way undermine our assertion over sovereignty. I list these and certain other points below.

6. If these points can be met, I still believe it right to seek an Agreement; but the balance of advantage is a fine one. There are some points where I consider that we should press the Irish further - eg on ratification of the Convention which they should be prepared to do without a political quid pro quo if they are serious about combatting terrorism. Above all, I am concerned to eliminate any suggestion that the Intergovernmental Standing Conference (ISC) - a name with which I would be content - has any executive responsibility in Northern Ireland, especially in regard to the Security Forces. It is also essential, in my view, that we share a common understanding among ourselves and with the Irish, before we sign any Agreement, as to what the precise nature and role of the proposed Conference and its Secretariat is going to be. I revert to this below.

agreed not {

work {

7. So far as the text of the draft Agreement is concerned, I have four points particularly in mind:

{ (a) Article 7(c) allows the ISC to "review the structure, composition and powers of the Police Authority for Northern Ireland". This could imply an executive role in regard to the Authority. Article 6 already is a perfectly acceptable statement of the role of the ISC as "a framework within which the Irish Government

SECRET 3-7 PERSONAL

SECRET PERSONAL

may put forward views on appointments to be made by the Secretary of State" to a wide range of bodies. I suggest we should build on this. I would delete the reference to the Police Authority in Article 7 and say in Article 6: "The ISC shall be a framework within which the Irish Government may put forward views on the role and composition of bodies appointed by the Secretary of State for Northern Ireland."

(b) Similarly, the reference to a programme of action in Article 7(c) needs to be changed in order to remove any flavour of executive direction on the part of the ISC.

(c) Article 7(b) refers to consideration by the ISC of forthcoming events and quotes as an example "parades and processions". As you know, in spite of categorical denials by my predecessor and the Chief Constable, it was widely believed that in excluding the marchers from certain Catholic areas, the police were acting under orders from Dublin. To refer directly to parades and processions in the Agreement will be taken as confirmation that Dublin called the tune over Portadown. This would have a serious effect on the already strained relations between the RUC and the majority community. This is a highly emotive issue in Northern Ireland and the words will act as a red rag to the unionists. We should get them dropped. ↗

(d) The other thing that I find difficult is the suggestion that the two signed copies of the Agreement should have different titles: the copy held in London being entitled "Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Ireland" while the Dublin copy would be headed "Agreement between the Government of the United Kingdom and the Government of Ireland". I appreciate that this may be international practice but the difference is bound to come to light and will aggravate our presentational difficulties.

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SECRET PERSONAL

8. In addition to these detailed points my other main concern is my impression that there is a wide gulf between the present understanding between the Irish and ourselves on what the exact role of the permanent Secretariat will be. I believe our intention was that this should fulfill the classic secretarial role of setting the Agenda (with the agreement of the Ministerial members of the Conference), circulating papers, and taking minutes. It would also act as a channel of communication between the two Governments when the ISC was not sitting. But it is clear to me from my meeting with Mr Barry and from other exchanges that the Irish envisage the Secretariat as a much more high-powered body, with a distinct decision-making role of its own. This cannot be acceptable and we must get a clearer understanding of its role and status.

9. There is also the question of where the Secretariat should be located. I know that the Irish believe that it would be "disastrous" for this to be anywhere other than Belfast since they have set their hearts on an early achievement of a presence in the North. But I have a responsibility to see that, so far as possible, we limit the difficulties to which the Agreement is to give rise in Northern Ireland. I believe, and all my advice confirms, that to locate the Irish element of a permanent Secretariat in Belfast from the outset would be asking for trouble. It would be the tangible evidence of Dublin's involvement in the North, and as such, would be the focus of unionist anger. The building which housed the Secretariat would be a target for attack, and the staff would be at risk. I believe therefore that initially the meetings of the ISC should not be in Northern Ireland and that probably London is the best choice with the Secretaries remaining located in Belfast and Dublin between meetings. I accept that Belfast is the logical permanent home for both the ISC and the Secretariat but, above all, I wish to remove the possibility of allowing unionists, by demonstrating in strength in Belfast, to have the opportunity to impede physically the working of the new machinery and whip

SECRET**PERSONAL**

SECRET PERSONAL

up feeling against it so that it will get off to a very bad start. I attach great importance to this issue if the Agreement is to be successfully implemented. It is the carrying through of the arrangements, after the signature of the document, which will determine success or failure.

10. On the question of timing, it is obviously desirable to settle this issue as soon as possible. The present plan is for a paper to Cabinet next Thursday; but this looks very difficult since the next Armstrong/Nally round is on Sunday and Monday and there are difficult points still remaining. We need to press ahead without unnecessary delay, but before we can do that we need to resolve, quite apart from the textual changes, the uncertainties both among ourselves and between us and the Irish. Otherwise we run the risk of immediately encountering basic disagreements about what rights and responsibilities were intended to flow from the Agreement, leading to possible allegations of bad faith and dangerous confusions that the extremists in Northern Ireland will be quick to exploit.

11. We need to clarify these points and the changes to the supporting measures before the Agreement is taken by the Cabinet. I would see considerable advantage also in my discussing it with Peter Barry, as the two Ministers who will have the responsibility for making it work. When I saw him in Dublin on 17 September, he laid great emphasis on our needing to develop a relationship of trust if the Agreement was to succeed. That must be right but it will be much more difficult unless we sort out in advance a clear understanding of the way in which we should proceed. I may be optimistic but I believe it may be possible to persuade him that the prospects of progress are very much greater if we do not start too ambitiously. I would then report on the outcome of that meeting to yourself, Geoffrey and Robert Armstrong and at that stage we could discuss how best to put this before colleagues with a view to an early announcement. I therefore propose, with your agreement, and subject to anything that emerges from this weekend's round of Armstrong/Nally, to

SECRET PERSONAL

SECRET PERSONAL

invite him to London as soon as possible for a full discussion of the implications of the Agreement and of the way in which we should conduct our meetings after it is signed and ratified. The negotiators could continue to meet in the meantime in order to resolve as many as possible of the textual points and the administrative arrangements and to identify the points of difference on which Mr Barry and I should concentrate when we meet.

12. I am copying this minute to the Foreign and Commonwealth Secretary and to Sir Robert Armstrong.

27 September 1985



TK

Dictated by the
Secretary of State
but signed in his
absence in Belfast

SECRET 7-7**PERSONAL**



file

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10 DOWNING STREET

From the Private Secretary

SIR ROBERT ARMSTRONG

ANGLO-IRISH TALKS: NORTHERN IRELAND

The Prime Minister has had a first look at your minute of 25 September recording your most recent round of talks with Mr. Nally. She has not yet had time to consider fully all the points raised there. But you may find it helpful to have early notice of her views on some of them.

On legal matters the Prime Minister thinks that the Irish Government's decision to withdraw their commitment to accede to the European Convention on the Suppression of Terrorism is a serious retrograde step. She recalls that the Law Officers saw the commitment to accede to the Convention as one of the principal advantages of the whole agreement. She believes that withdrawal of the offer will be very badly received by Cabinet. She does not accept, as the Irish appear to argue that there is an exact parallel between our position on mixed courts and theirs on acceding to the Convention. We have made clear from a very early stage that we can not give a commitment to mixed courts: their concession on acceding to the Convention was one of the main attractions for us in the agreement, which has been an incentive to continuing the negotiations. The Prime Minister considers that their sudden and belated change of direction calls into question their good faith. She would want you to go back to the Irish government to make these points firmly.

On the Intergovernmental Committee, the Prime Minister does not regard 'Intergovernmental Standing Conference' as an acceptable alternative and would want you to stand firm on the originally agreed title.

As regards the site of the Secretariat the Prime Minister agrees that the Irish and British offices will have to be co-located in Belfast from shortly after the signing of the agreement.

The Prime Minister has not yet considered the draft press release nor the question of further ministerial discussion. I recognise that the question whether to go to Cabinet on 3 October is urgent and shall try to get a decision today (though that may be difficult). It would be prudent, however, to plan on the assumption that Cabinet will take the matter next week.

SECRET AND PERSONAL

I am copying this minute to the Private Secretaries to the Foreign Secretary and to the Northern Ireland Secretary.

C.D.P.

(C.D. Powell)

27 September 1985

SECRET AND PERSONAL



From the Secretary of the Cabinet

Mr Payell

This is intended
as a basis for
discussion with you,
not (at this stage
anyway) for the
Prime Minister.

BA

26 ix

Overtaken
C D P 2074.

Ref. A085/2452

MR POWELL

Date of Anglo-Irish Summit

I gather that the Foreign and Commonwealth Secretary is still concerned about the idea of an Anglo-Irish Summit on 23 October, partly because of the burden this would place on the Prime Minister the day after CHOGM and partly because it might mean that the Prime Minister will have to leave CHOGM early, before the final text of the communiqué had been agreed. Reaching that agreement could well involve some difficult choices on South Africa. The Foreign and Commonwealth Secretary would rather that the Prime Minister were around when those choices had to be made.

2. I think that 24 October must be out for the Anglo-Irish Summit. The Prime Minister will have Cabinet in the morning, and Questions in the afternoon; and she will no doubt have to make a statement in the House of Commons about CHOGM.

3. That leaves 25 October as in theory a possible date for the Anglo-Irish Summit. That would allow a weekend to elapse between the Summit and the debate in the House of Commons on 29 or 30 October. The disadvantage would be that the Prime Minister would not have been able to make a statement in the House of Commons before Ulster Unionist MPs discussed the agreement with their constituents over the weekend (she would presumably have to make it on Monday 28 October); and, that the Dail would not be able to debate the agreement until after the weekend. But ^{the Taoiseach} ~~he~~ might conceivably accept that an announcement made on, say, the afternoon of Friday 25 October was so late as to make it difficult for those opposed to the agreement to get a very long way in building up a head of steam over the weekend.

4. Do you think that it would be worth rehearsing these considerations with the Prime Minister, and asking her if she would be prepared to consider 25 October? If so, I should like to put the thought in the mind of Mr Nally at once, so that he can try it out on the Taoiseach before my next meeting with him.

RA

ROBERT ARMSTRONG

26 September 1984

SECRET AND PERSONAL

Having read the agreement -
check - I think it does
not accurately convey
our meaning. The fact is that
this Committee is no more than
consultative. We have made it
clear that we have given
the Republic the
authority
in our
affairs. We have
no doubt intend to
not

PRIME MINISTER

ANGLO-IRISH TALKS: NORTHERN IRELAND

I attach Sir Robert Armstrong's report on his latest round of talks. He concludes that Irish Ministers have finally decided to go ahead with the agreement. But there are a number of points on which decisions are required.

i. Mixed Courts/Legal Matters

The Irish appear reconciled to the fact that we shall not give any commitment on Mixed Courts. But in retaliation they are withdrawing their commitment to accede to the European Convention on the Suppression of Terrorism. This commitment was one of the principal advantages of the agreement in the eyes of the Law Officers: and I imagine that withdrawal of the concession will be badly received in Cabinet. You may want to instruct Sir Robert Armstrong to go back to the Irish in strong terms. There is not an exact parallel, as they appear to argue, between our position on mixed courts and theirs on acceding to the Convention. We have made clear from a very early stage that we can not give a commitment to mixed courts: their concession on acceding to the Convention was one of the main attractions for us in the agreement, which has been an incentive to continuing the negotiations. Their sudden and belated change of direction calls into question their good faith. Agree to instruct Sir Robert in this sense?

ii. Intergovernmental Committee

You will recall that the Irish wanted "Intergovernmental Commission" which we refused. We are content with "Intergovernmental Committee". They have now proposed "Intergovernmental Standing Conference". The title has no overtones of executive authority: but it also sounds bigger and more permanent than we would ideally like. Sir Robert recommends acceptance. Agree?

No. Should not
me

iii. Site of Secretariat

The Irish want the Irish and British offices co-located in Belfast from straight after the agreement. There is an obvious security risk. But if we don't do it from the beginning, it may be harder later. Agree?

Yes *ms*

iv. Press Release

The draft of a joint press release summarising the agreement has been prepared. Since first public comment on the agreement is likely to be based upon it, you will want to consider it carefully. I have some doubts about the phrase which recurs that this or that is "within the Committee's remit". For those who have not studied all the careful qualifications about the Committee's role, the phrase may suggest that the Committee can decide.

v. Discussion by Cabinet

Sir Robert proposes that the latest version of the agreement should come to Cabinet on 3 October. (He himself will have another round of talks on 29/30 September). This leaves a rather long gap between what may be a final Cabinet discussion and your possible meeting with the Taoiseach on 23/24 October, though you could probably squeeze in a later meeting of OD(I) if necessary. Since the main shape of a possible agreement will be clear by 3 October, it is probably best to have a full Cabinet discussion then. Agree?

C.D.P.

(C.D. Powell)

26 September, 1985

RAMABJ

Ref. A085/2442

PRIME MINISTER

Anglo-Irish Talks - Session on 22-23 September 1985

The latest session of the talks on 22-23 September went reasonably well. Mr Nally's team gave clear indications that they were confident that Irish Ministers would decide to go ahead with the agreement on the basis now virtually agreed ad referendum in the talks.

Legal Matters

2. The Irish team said that legal matters had received major attention when the Irish Cabinet devoted a full day last week to discussion of the state of play in our talks. Mr Nally again emphasised the Taoiseach's concern that we appeared not to envisage any action to establish mixed courts in the near future, despite our willingness to say in the agreement that the subject could be discussed in the new Intergovernmental Committee. Mr Nally said that the Secretary of State for Northern Ireland, when he visited Dublin on 17 September, had made it clear that he was extremely dubious about the concept, and wanted to leave Irish Ministers in no doubt that, while he and his colleagues were prepared to agree, without commitment, that the possibility should be considered in the proposed Intergovernmental Committee, he thought it very unlikely that we could agree to mixed courts in the foreseeable future. Against this background, the Irish Government had felt bound to reconsider their willingness to accede, in the context of an agreement, to the European Convention on the Suppression of Terrorism. Accession to the Convention would involve a change of policy by the Irish Government which would be controversial in the Republic; there would be criticism that persons were being handed over for trial

by courts in which the minority in Northern Ireland had little confidence and which we were refusing to make into mixed courts. They would be willing to discuss extradition in the Intergovernmental Committee but would not accede in the near future to the European Convention. Thus their position on accession to the Convention would be exactly parallel to our position on mixed courts.

3. The Irish also related their change of position on the European Convention to our position on the appointment of Roman Catholic judges to the Court of Appeal and the High Court in Northern Ireland. I explained that there were no vacancies at present and that none were expected soon. The Irish pointed out that there were only five judges in the High Court, where the statute permitted a maximum of six, and urged that a sixth (Catholic) judge should be added to the High Court. I conveyed the Lord Chancellor's view that a sixth judge was not needed and could not be justified by the amount of work. The Irish asked us to represent to British Ministers that this was to take too narrow a definition of "need": the sixth (Catholic) judge was "needed" to reduce the Protestant/Catholic imbalance in the High Court. They also acknowledged, however, that the value of such an appointment, as a means of improving the confidence of the minority community in the administration of justice, would be diminished because the person concerned would be liable to be written off by minority opinion as a "Castle Catholic".

4. I said that we should be willing that the Intergovernmental Committee at its first meeting should consider how to deal with the questions of harmonising the criminal law between North and South in Ireland and of arranging much more systematic contact between the legal professions at various levels in North and South.



Ulster Defence Regiment (UDR)

5. The Irish continued to press us for limited changes in the deployment patterns of the UDR. I doubt whether there is any significant scope for this; but I am considering with the Ministry of Defence whether any further small steps concerning the UDR, either in relation to deployment or in relation to other aspects, could be taken in the near future.

The Intergovernmental Committee

6. The Irish reverted to the question of the title of the new body. They continued to dislike the word "Committee", which apparently has slightly ludicrous parochial overtones in Ireland. They would like "Commission" but I have made it clear that we see objections to that. I think that the Irish would settle for "Intergovernmental Conference" (or "Intergovernmental Standing Conference"). Although "Conference" may sound like something involving more people than the planned new body, it has the attraction of carrying absolutely no flavour of joint authority or of an executive role. It reflects two plain facts - that the body would consist of representatives of the two Governments and that their function would be to confer. I seek authority to settle for "Intergovernmental Standing Conference" (ISC).

7. There was further discussion of the role of the Secretariat of the Intergovernmental Committee. Mr Nally said that it should be able to be "a catalyst" in the two Governments' dealings with problems and incidents (though he also said that the two Ambassadors would continue to discharge their present roles in the handling of problems in capitals). The British and Irish Secretaries must have good contact in their Governments, enabling them to judge and perhaps even anticipate their Ministers' views on occasion. I said that the Secretariat would carry out secretarial functions for the Intergovernmental Committee and also be a continuing channel of communication between the two



Governments when the Intergovernmental Committee was not meeting. The Irish team argued that it should also be a vehicle for the resolution of differences (one of the functions ascribed by the agreement to the Intergovernmental Committee) on urgent matters. I said that the British Secretary should be the Irish Secretary's point of contact, and that the British and Irish Secretaries should confer when something happened and report each other's views to their principals, adding as appropriate their own recommendations; but they would not be in a position to take decisions of their own or in anticipation of their Ministers' views. I think that the Irish have now accepted that this is as far as we shall go.

8. We argued that the Secretariat, and particularly its Irish component, would, especially in its first months, be a target for terrorism, and that unionist opinion would resent its presence in Belfast. One possibility would be to start with the British component in Belfast and the Irish component in Dublin, with the Irish coming up to Belfast only for meetings and otherwise communicating by telephone and letter. One of the Northern Ireland Office representatives at our meeting, on the instructions of his Secretary of State, proposed that the Secretariat should, at any rate for the first few months, be located in London. The Irish argued most emphatically that location in London would be "disastrous". If the Secretariat was not established in Belfast virtually as soon as the agreement came into effect, its unionist opponents would concentrate all their efforts on preventing its establishment there. We should be repeating the mistake made at Sunningdale of announcing something without putting it into practice. I think that the Irish will want to see the British and Irish components of the Secretariat colocated in Belfast as soon after the agreement enters into force as the necessary practical and security arrangements can be made.

Texts

9. Following their change of position regarding the European Convention on the Suppression of Terrorism, the Irish indicated to us that the square brackets around the sentence on mixed courts in Article 8 of the draft agreement could be removed. We therefore now have a clear text, agreed ad referendum to Ministers on both sides. I attach the complete draft, now set out in the legal form required for an agreement. Small changes made recently are sidelined on pages 3 and 4.

10. I also attach a draft of a press release summarising the agreement, which we have prepared with Mr Nally's team. The purpose, as you know, is that both Governments should make use of a single summary in their public descriptions of the agreement, so that these diverge as little as possible; and that we can hope to reduce the risk of the media summarising the agreement in misleading ways if we provide our own summary. I was not sure whether it would be possible to produce a summary which was significantly shorter than the agreement, was agreed between the two sides and did not inadvertently give scope for interpretation which differed from the agreement itself; but I believe that, thanks in large measure to the skill of Mr Mallaby, we have succeeded in doing so. The summary would be made available to the press after the Summit meeting, with a rider to emphasise that it has no legal status.

11. I also attach the latest version of the passage on implementation of an agreement for inclusion in a communiqué on a Summit. Paragraphs 3(a) and (b) incorporate amendments resulting from the last meeting of the talks, which considerably simplify the wording. Paragraph 4 has been amended to remove the reference to Irish accession to the European Convention on the Suppression of Terrorism.

Arrangement for a Summit

12. As to the date for a Summit meeting, I have minuted you separately, to explain why the Taoiseach is now not so keen on 23 or 24 October and is thinking in terms of Monday 28 October. I am sending a message to Mr Nally confirming your views as recorded in Mr Powell's minute of 25 September. As to location, Mr Nally said that the Taoiseach thought that it would be politically difficult for him to come to Great Britain to sign the agreement, particularly as he had been to this country for his last three meetings with you. He would like to sign it in Ireland. His preference would be to meet somewhere in the Shannon area (eg Ashford Castle). If that is not possible for you, he would be prepared to think seriously about Hillsborough, assuming that he could broadcast on Radio Telefis Eirann (the Irish public broadcasting network) from Hillsborough. The Irish were also concerned about the risk of hostile demonstrations if the agreement was signed in Northern Ireland, and of the impression that television pictures of such demonstrations would create in the public mind. I said that we should do our best to minimise that risk, by maintaining secrecy as to date and location as long as possible. At our next meeting I will continue to urge Hillsborough on Mr Nally.

Timetable

13. You have told Cabinet that it will have a further opportunity to consider the draft agreement before it is concluded. Given the Commonwealth Heads of Government Meeting, I think that this will have to be done at Cabinet on 3 October. I hope that the Secretaries of State for Foreign and Commonwealth Affairs and for Northern Ireland will agree to circulate a memorandum on 1 October, which would take account of my next session with Mr Nally on 29 and 30 September.



14. I am sending copies of this minute to the Secretaries of State for Foreign and Commonwealth Affairs and for Northern Ireland.

RA

ROBERT ARMSTRONG

25 September 1985

CONQUEROR

cc SIR P. CRADOCK - Mr Andrew
Mr Goodall
Mr Brennan
Mr Hallaby

SECRET AND PERSONAL

DRAFT AGREEMENT BETWEEN THE GOVERNMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN
IRELAND AND THE GOVERNMENT OF THE REPUBLIC OF
IRELAND.

As at 24 Sept

The Government of the United Kingdom of Great
Britain and Northern Ireland and the Government of
the Republic of Ireland;

Wishing further to develop the unique relationship
between their peoples and the close co-operation
between their countries as friendly neighbours and
as partners in the European Community;

Recognising the major interest of both their
countries and, above all, of the people of Northern
Ireland in diminishing the divisions there and
achieving lasting peace and stability;

Recognising the need for continuing efforts to
reconcile and to acknowledge the rights of the two
major traditions that exist in Ireland, represented
on the one hand by those who wish for no change in
the present status of Northern Ireland and on the

other hand by those who aspire to a sovereign united Ireland achieved by peaceful means and through agreement;

Reaffirming their total rejection of any attempt to promote political objectives by violence or the threat of violence and their determination to work together to ensure that those who adopt or support such methods do not succeed;

Recognising that a condition of genuine reconciliation and dialogue between unionists and nationalists is mutual recognition and acceptance of each other's rights;

Recognising and respecting the identities of the two communities in Northern Ireland, and the right of each to pursue its aspirations by peaceful and constitutional means;

Reaffirming their commitment to a society in Northern Ireland in which all may live in peace, free from discrimination and intolerance, and with the opportunity for both communities to participate fully in the structures and processes of government;

Have accordingly agreed as follows:

A

STATUS OF NORTHERN IRELAND

ARTICLE 1

The two Governments

- (a) affirm that any change in the status of Northern Ireland would come about only with the consent of a majority of the people of Northern Ireland;
- (b) recognise that the present wish of a majority of the people of Northern Ireland is for no change in the status of Northern Ireland;
- (c) declare that, if in the future a majority of the people of Northern Ireland clearly wish for and formally consent to the establishment of a united Ireland, they will introduce and support in the respective Parliaments legislation to give effect to that wish.

B

THE INTERGOVERNMENTAL [COMMITTEE]

ARTICLE 2

dismiss

(a) There is hereby established, within the framework of the Anglo-Irish Intergovernmental Council set up after the meeting between the two Heads of Government on 6 November 1981, an Intergovernmental [Committee] (hereinafter referred to as "the [Committee]"), to deal, as set out in this Agreement, on a regular basis and in relation to Northern Ireland with

(i) political matters;

(ii) security and related matters;

(iii) legal matters, including the administration of justice;

(iv) the promotion of cross-border co-operation.

(b) The [Committee] shall meet on a regular rather than an ad hoc basis. The United Kingdom Government accept that the Irish Government will put forward views and proposals on matters relating to Northern Ireland within the field of activity of the [Committee] in so far as those matters are not the responsibility of a devolved administration in Northern Ireland. In the interest of promoting peace and stability, determined efforts shall be made through the [Committee] to resolve any differences. The [Committee] will be mainly concerned with Northern Ireland; but some of the matters under consideration will involve co-operative action in both parts of the island of Ireland, and possibly also in Great Britain. Some of the proposals considered in respect of Northern Ireland may also be found to have application by the Irish Government. There is no derogation from the sovereignty of either the United Kingdom Government or the Irish Government, so that each retains responsibility for the administration of government within its own jurisdiction.

decision

ARTICLE 3

The [Committee] shall meet at Ministerial or official level, as required. The business of the [Committee] will thus receive attention at the highest level. Regular and frequent Ministerial meetings shall be held; and in particular special meetings shall be convened at the request of either side. Officials may meet in subordinate groups. Membership of the [Committee] and of sub-groups shall be small and flexible. When the [Committee] meets at Ministerial level the Secretary of State for Northern Ireland and an Irish Minister designated as the Permanent Irish Ministerial Representative shall be joint Chairmen. Other British and Irish Ministers shall attend meetings as appropriate: when legal matters are under consideration the Attorneys-General may attend. Ministers may be accompanied by their officials and their professional advisers: for example, when questions of security policy or security co-operation are being discussed, they may be accompanied by the Chief Constable of the Royal Ulster Constabulary and the Commissioner of the Garda Siochana; or when questions of economic or social policy or co-operation are being discussed,

they may be accompanied by officials of the relevant Departments. A permanent Secretariat shall be established by the two Governments.

ARTICLE 4

- (a) In relation to matters coming within its field of activity, the [Committee] shall be a framework within which the United Kingdom Government and the Irish Government work together
 - (i) for the accommodation of the rights and identities of the two traditions which exist in Northern Ireland; and
 - (ii) for peace, stability and prosperity throughout Ireland by promoting reconciliation, respect for human rights, co-operation against terrorism and the development of economic, social and cultural co-operation.

- (b) It is the declared policy of the United Kingdom Government that responsibility in respect of certain matters within the powers of the Secretary of State for Northern Ireland should be devolved within Northern Ireland on a basis which would secure widespread acceptance throughout the community. The

Irish Government support that policy.

- (c) Both Governments recognise that devolution can be achieved only with the co-operation of constitutional representatives within Northern Ireland of both traditions there. If full devolution has not taken place, the [Committee] shall constitute a framework within which the Irish Government may put forward views and proposals on the modalities of devolution in Northern Ireland, in so far as they relate to the interests of the minority community.

C

POLITICAL MATTERS

ARTICLE 5

- (a) The [Committee] shall concern itself with measures to recognise and accommodate the rights and identities of the two traditions in Northern Ireland, to protect human rights and to prevent discrimination. Matters to be considered in this area include measures to foster the cultural heritage of both traditions, changes in electoral arrangements, the use of flags and emblems, the avoidance of economic and social discrimination and the advantages and disadvantages of a Bill of Rights in some form in Northern Ireland.
- (b) The discussion of these matters shall be mainly concerned with Northern Ireland, but the possible application of any measures pursuant to this Article by the Irish Government in their jurisdiction shall not be excluded.

(c) If it should prove impossible to achieve and sustain devolution on a basis which secures widespread acceptance in Northern Ireland, the [Committee] shall constitute a framework within which the Irish Government may, where the interests of the minority community are significantly ^{or} ~~and~~ especially affected, put forward views on proposals for major legislation and on major policy issues, which are within the purview of the Northern Ireland Departments and which remain the responsibility of the Secretary of State for Northern Ireland.

ARTICLE 6

The [Committee] shall be a framework within which the Irish Government may put forward views on [appointments to be made by the Secretary of State for Northern Ireland to bodies including]

[The role and composition of bodies appointed by the Secretary of State for Northern Ireland]

the Standing Advisory Commission on Human Rights

the Fair Employment Agency

the Equal Opportunities Commission

the Police Authority for Northern Ireland

the Police Complaints Board.

D

SECURITY AND RELATED MATTERS

ARTICLE 7

(a) The [Committee] shall consider

(i) security policy;

(ii) relations between the security forces and the community;

(iii) prisons policy.

(b) The [Committee] shall consider the security situation at its regular meetings and thus provide an opportunity to address policy issues, serious incidents and forthcoming events (eg parades and processions).

(c) The [Committee] shall consider relations between the security forces and the community, with particular reference to the minority community in Northern Ireland. With a view to promoting greater confidence in the security

[Mr. King wants to omit]

system, a programme of action shall be developed which may include: the establishment of local consultative machinery, training in community relations, crime prevention schemes involving the community, improvements in arrangements for handling complaints, and action to increase the proportion of members of the minority in the RUC. Such a programme of action will be directed primarily towards Northern Ireland, with the object of making the security forces more readily accepted by the nationalist community there, but some aspects may be considered by the Irish Government suitable for application within their jurisdiction. The [Committee] may also review the structure, composition and powers of the Police Authority for Northern Ireland.

- (d) The [Committee] may consider policy issues relating to prisons. Individual cases may be raised as appropriate, so that explanations can be given or inquiries instituted.

[Mr. King wants to omit]

[Mr. King wants to omit]

E

LEGAL MATTERS, INCLUDING THE ADMINISTRATION OF
JUSTICE

ARTICLE 8

The [Committee] shall deal with issues of concern to both countries relating to the enforcement of the criminal law. In particular it shall consider whether there are areas of the criminal law applying in the North and in the South respectively which might with benefit be harmonised. The two Governments agree on the desirability of ensuring that there is public confidence in the administration of justice. The Committee shall seek, with the help of advice from experts as appropriate, measures which would give substantial expression to this aim, considering inter alia the possibility of mixed courts in both jurisdictions for the trial of certain offences. The [Committee] shall also be concerned with policy aspects of extradition and extra-territorial jurisdiction as between North and South.

F

CROSS-BORDER CO-OPERATION ON SECURITY, ECONOMIC,
SOCIAL AND CULTURAL MATTERS

ARTICLE 9

- (a) With a view to enhancing cross-border co-operation on security matters, the [Committee] shall set in hand a programme of work to be undertaken by the Chief Constable of the Royal Ulster Constabulary and the Commissioner of the Garda Siochana and, where appropriate, groups of officials in such areas as threat assessments, exchange of information, liaison structures, technical co-operation, training of personnel, and operational resources.
- (b) The [Committee] shall have no operational responsibilities; responsibility for police operations shall remain with the heads of the respective police forces, the Chief Constable of the Royal Ulster Constabulary maintaining his links with the Secretary of State for

SECRET AND PERSONAL

Northern Ireland and the Commissioner of the
Garda Siochana his links with the Minister for
Justice.

ARTICLE 10

- (a) The two Governments shall co-operate to promote the economic and social development of those areas of both parts of Ireland which have suffered most severely from the consequences of the instability of recent years, and shall consider the possibility of securing international support for this work.

- (b) If it should prove impossible to achieve and sustain devolution on a basis which secures widespread acceptance in Northern Ireland, the [Committee] shall constitute a framework for the promotion of co-operation between the two parts of Ireland concerning cross-border aspects of economic, social and cultural matters in relation to which the Secretary of State for Northern Ireland continues to exercise authority.

- (c) If responsibility is devolved in respect of certain matters in the economic, social or cultural areas currently within the responsibility of the Secretary of State for Northern Ireland, machinery will need to be

established by the responsible authorities in the North and South for practical co-operation in respect of cross-border aspects of these issues.

G

ARRANGEMENTS FOR REVIEW

ARTICLE 11

At the end of three years from signature of this agreement, or earlier if requested by either Government, the working of the [Committee] shall be reviewed by the two Governments to see whether any changes in the scope and nature of its activities are desirable.

H

INTERPARLIAMENTARY RELATIONS

ARTICLE 12

The two Governments agree that it will be for the Houses of Parliament in Westminster and the Oireachtas in Dublin to consider whether an Anglo-Irish Parliamentary body of the kind adumbrated in the Anglo-Irish Studies Report of November 1981 should be established.

I

FINAL CLAUSES

ARTICLE 13

This Agreement shall enter into force on the date on which the two Governments exchange notifications of their acceptance of this Agreement.

In witness whereof the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement.

Done in two originals at.... on the..... day of
..... 1985

For the Government
of the United Kingdom
of Great Britain
and Northern Ireland

For the Government of
the Republic of
Ireland

(Note: each original would be signed on behalf of both Governments. In the Title, in the names of parties at the start of the Agreement, and in the signature blocks above, the original retained in London would be as typed, whereas, in the original retained in Dublin, "of Great Britain and Northern Ireland" and "the Republic of" would be omitted, and the Irish signature block would be on the left side.)

CC SIR P. CLARKE

Summary of the Anglo-Irish Agreement
Press Release by the British and Irish Governments

(NOTE: This summary has no legal status.)

1. The Agreement comprises:

- a Preamble incorporating a joint statement of objectives;
- an Article about the status of Northern Ireland;
- Articles which establish and set out the role of a new institution, the "Intergovernmental [Committee]";
- Articles concerning increased co-operation between North and South in Ireland.

The Agreement provides for a review of the working of the [Committee] after three years, or earlier if either side desires.

The Status of Northern Ireland

2. The Agreement commits the two Governments to the view that any change in the status of Northern Ireland would come about only with the consent of a majority of the people of Northern Ireland; that the present wish of a majority there is for no change in that status; and that, if in the future a majority there clearly wished for and formally consented to a united Ireland, the two Governments would support legislation in the respective Parliaments to give effect to this. (Article 1)

Framework and Objectives of the Intergovernmental [Committee]

3. The Agreement establishes, within the framework of the Anglo-Irish Intergovernmental Council, an Intergovernmental [Committee] which, subject to the terms of the Agreement, will ^{discuss} deal on a regular basis and in relation to Northern Ireland with:

- political matters;
- security and related matters;

- legal matters, including the administration of justice;
- the promotion of cross-border co-operation. (Article 2(a))

4. The [Committee] will proceed on the basis that:

- the British Government accepts that the Irish Government will put forward within the [Committee] views and proposals on matters relating to Northern Ireland within its remit;
- in the interest of promoting peace and stability, determined efforts will be made in the [Committee] to resolve any differences;
- there will be no derogation from the sovereignty of either government, so that each retains responsibility for the *decent* administration of government within its own jurisdiction.

(Article 2(b))

5. The [Committee] will be a framework within which the two Governments work together for the accommodation of the rights and identities of the two traditions in Northern Ireland and for peace, stability and prosperity throughout Ireland by promoting reconciliation, respect for human rights, co-operation against terrorism and the development of economic, social and cultural co-operation. (Article 4(a))

Procedures and Membership of the Intergovernmental [Committee]

6. There will be regular and frequent meetings of the [Committee] at Ministerial level as well as meetings at official level, and in particular special meetings may be convened at the request of either side. The Irish Government will be represented by a Minister designated as the Permanent Irish Ministerial Representative and the British Government by the Secretary of State for Northern Ireland. Other Ministers and advisers will participate as appropriate. There will be a permanent Secretariat. (Article 3)

7. Both Governments declare their support for political devolution in Northern Ireland on a basis which would secure widespread acceptance throughout the community. (Article 4(b)). The modalities of devolution, insofar as they relate to the interests of the minority community, will be within the [Committee's] remit. (Article 4(c)). Should a devolved administration be established, certain issues currently administered by the Northern Ireland Departments would not be within the [Committee's] remit. (Article 2)

Political Matters

8. The [Committee] will concern itself with measures to recognise and accommodate the rights and identities of both traditions in Northern Ireland in such areas as cultural heritage, electoral arrangements, use of flags and emblems, the avoidance of economic and social discrimination and the advantages and disadvantages of a Bill of Rights for Northern Ireland. (Article 5(a))

9. Should it prove impossible to achieve and sustain devolution, proposals for major legislation and major policy issues where the interests of the minority community are significantly and especially affected and which come within the administrative responsibility of the Northern Ireland Departments will be within the [Committee's] remit. (Article 5(c))

10. The [Committee] will be a framework within which the Irish Government may put forward views on appointments to be made by the Secretary of State for Northern Ireland to certain statutory bodies in the fields of security and human rights. (Article 6)

Security and Related Matters within Northern Ireland

11. The [Committee] will consider security policy issues as well as serious incidents and forthcoming events (e.g. parades and processions). The [Committee] will develop a programme of action designed to improve the relations between the security forces and the nationalist community. Some of the proposals in this programme may be considered by the Irish Government for application in the South. The [Committee] may review

the structure, composition and powers of the Police Authority. It may also consider policy issues relating to prisons, and individual cases may be raised. (Article 7)

Legal Matters including the administration of Justice

12. Recognising the importance of ensuring that there is public confidence in the system of administering justice in Northern Ireland, [the Committee] will seek measures that would give substantial expression to this aim, considering inter alia the possibility of mixed courts in both jurisdictions for the trial of certain offences.] The [Committee] will also consider whether there are areas of the Criminal Law in both jurisdictions which might with benefit be harmonised and will be concerned with policy aspects of extradition and extra-territorial jurisdiction as between North and South. (Article 8)

Cross-border co-operation on Security, Economic, Social and Cultural Matters

13. The [Committee] will set in hand a programme of work to be undertaken by the Chief Constable of the Royal Ulster Constabulary and the Commissioner of the Garda Siochana with a view to enhancing co-operation between the security forces of the two Governments in such areas as threat assessments, exchange of information, liaison structures, technical co-operation, training of personnel and operational resources. The [Committee] will have no operational responsibilities. (Article 9)

14. The two Governments undertake to co-operate to promote the economic and social development of those areas in both parts of Ireland which have suffered most severely as a result of the instability of recent years. The two Governments will consider the possibility of securing international support for this work. (Article 10(a))

15. The [Committee] will, in the absence of devolution, be a framework for the promotion of cross-border economic, social and cultural co-operation. In the event of devolution, machinery would be needed to deal with co-operation in respect of cross-border aspects of devolved matters. (Article 10(b) and (c))

Inter-Parliamentary Body

16. The two Governments agree that it is for the respective Parliaments to consider whether an Anglo-Irish Inter-Parliamentary body should be established. (Article 12)

Anglo-Irish Agreement: Draft Passage for a Communiqué

1. The agreement provides for entry into force as soon as each Government has formally notified the other of acceptance. This exchange of notifications will not be completed until the agreement has been approved by Dail Eireann and by the British Parliament. The two Governments intend that action to implement the provisions of the agreement should begin once the exchange of notifications had been completed. The first meeting of the Intergovernmental [Committee] will take place as soon as possible thereafter. The British side will be led by the Secretary of State for Northern Ireland and the Irish side by the Minister designated as the Permanent Irish Ministerial Representative.

2. The two Governments envisage that the meetings and agenda of the [Committee] will not normally be announced. But they wish it to be known that at its first meeting the [Committee] will consider its future programme of work in all the fields - political, security, legal, economic, social and cultural - which come within its remit, and will concentrate in the first instance on:

relations between the security forces and the minority community in Northern Ireland; and

ways of improving security co-operation between the two Governments.

The two sides intend that progress should be made quickly in these fields, in the interests of all of the people of Northern Ireland.

3. In addressing the improvement of relations between the Security forces and the minority community, the meeting will consider:

a. the application of the principle that the Armed Forces (which include the Ulster Defence Regiment) operate only in support of the civil power, with the particular objective of ensuring as rapidly as possible that, save in the most exceptional circumstances, there is a police presence in all operations which involve direct contact with the community;

b. ways of underlining the policy of the Royal Ulster Constabulary and of the Armed Forces in Northern Ireland that they discharge their duties even-handedly and with equal respect for the unionist and nationalist identities and traditions.

4. In its discussion of the improvement of cross-border co-operation on security, the meeting of the Intergovernmental [Committee] will consider how the two governments can most effectively implement their joint commitment to combat terrorism, and will give particular attention to the policing of border areas.

Ref. A085/2445

EDP 207a

MR POWELL

Anglo-Irish Relations: Northern Ireland

Thank you for your minute of 24 September about a possible draft message to Mr McFarlane.

2. I attach a speaking note for the Prime Minister to use when she sees Mr McFarlane on 28 September.
3. I am sending copies of this minute and the speaking note to the Private Secretaries to the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland.

RA

ROBERT ARMSTRONG

25 September 1985

SPEAKING NOTE FOR THE PRIME MINISTER TO USE WITH MR MCFARLANE

Anglo-Irish Relations: Northern Ireland

As you will know, negotiations are taking place between the British and Irish Governments about a possible agreement concerning Northern Ireland. Neither Government has yet taken a decision of principle on whether to conclude an agreement, but considerable progress has been made at official level, and it is very possible, subject to further progress, that an agreement could be signed by the Prime Minister and the Taoiseach around the end of October.

2. There is of course no question in a single agreement at this time of solving all the problems of Northern Ireland. The agreement envisaged consists essentially of two elements:

a. A recognition by the Irish Government that the constitutional status of Northern Ireland as part of the United Kingdom can be changed only with the consent of the majority of the people of Northern Ireland, and that the present wish of the majority of the people of Northern Ireland is that it should continue to be part of the United Kingdom.

b. The two Governments would create, within the framework of the existing Anglo-Irish Intergovernmental Council, a new body, which might be called the "Standing Conference", *X no* in which the Irish Government could put forward to the British Government views and proposals on security matters in Northern Ireland, and on certain political, legal, economic and social matters in Northern Ireland, and determined efforts would be made to resolve differences.

There would be no delegation from sovereignty of either the United Kingdom Government or the Irish Government, so that each would retain responsibility for the administration of government within its own jurisdiction.

3. There is some reason to believe that the SDLP, the constitutional representatives of the ~~majority~~^{MINORITY} community in Northern Ireland, would be content with such an agreement and would as a result of it be willing to enter into discussion with the British Government and the other parties concerned on possible arrangements for devolution in Northern Ireland.

4. The British and Irish Governments believe that such an agreement would represent a modest but useful step forward, benefiting both communities in Northern Ireland as well as relations between the British and Irish Governments. It would be a demonstration that the two Governments can and will work together, within the constraints of what is possible, to reassure and improve the confidence of both communities in Northern Ireland and promote greater peace and stability there.

5. I understand that as a result of preliminary talks with people in the Administration and in the Congress the Irish Government believe that the United States would be likely to welcome an agreement of the kind being negotiated. A strong statement of welcome by the President would give me great pleasure, as I know it would give the Taoiseach, and I am sure that it would help to increase the chances of success for the proposed agreement.

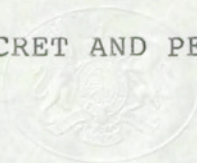
6. The agreement would commit the two Governments to working together to promote economic and social progress in both parts of Ireland and to encourage dialogue and reconciliation there; and to considering the possibility of external support to this end. We have heard that the United States Government might consider reinforcing their support for the agreement by giving a

considerable amount of money for this purpose. If the United States Government did decide to respond in this way, the British and Irish Governments might set up a fund to receive and administer the monies provided. We have some preliminary ideas about how such a fund might operate. But both Governments would attach importance to it being seen that American generosity was a freely offered response to an agreement and not an inducement provided in order to encourage the two Governments to conclude an agreement.

7. I understand that a representative of the Irish Government is suggesting to Speaker O'Neill that he should discuss the question of United States support for an Anglo-Irish agreement with the President. I wanted you to know that we are aware of this approach to the Speaker and to confirm that we think it would be most helpful if American support for an Anglo-Irish agreement were to be expressed in an early statement by the Administration, and in due course reinforced by a financial gesture on the lines suggested.

8. The success of an agreement will depend very much on careful presentation. Both Governments are therefore extremely keen to prevent elements in the agreement from becoming public in advance since that would make it impossible to present the whole agreement in a balanced manner, if and when it was concluded. The content of the proposed agreement and the discussions which surround it have therefore been restricted to a very few people, though there has inevitably been a good deal of more or less ill-informed speculation. We should be most grateful if this could also be kept as close as possible in Washington.

9. If the two Governments do decide to go ahead with an agreement, we shall of course wish to give you more detail about it in advance, and (if you thought that would be helpful) the Taoiseach and I could probably send special emissaries to



Washington for this purpose, certainly after the announcement of an agreement if not before.



CONFIDENTIAL

IRELAND: ANGLO/RELATIONS
PT 9



COMPTON



57
Jek

10 DOWNING STREET

From the Private Secretary

SIR ROBERT ARMSTRONG

ANGLO/IRISH RELATIONS: NORTHERN IRELAND

Thank you for your minute of 24 September about the possible timing of an Anglo/Irish Summit.

The Prime Minister is firmly of the view that we must not postpone prorogation and that we must have a weekend between the announcement of an agreement with the Irish Government and a debate in Parliament. It follows that a Summit on 28 October would not be acceptable. It would be helpful if you would confirm this to the Irish Government. The Prime Minister, for her part, sees no reason why the Irish should not have their debate in the Dail some days before ours takes place in the Commons.

I am copying this minute to the Private Secretaries to the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland.

A large, stylized handwritten signature in black ink, likely belonging to Charles Powell.

(CHARLES POWELL)

25 September 1985



FILE

Ref
56

10 DOWNING STREET

From the Private Secretary

SIR ROBERT ARMSTRONG

ANGLO/IRISH RELATIONS:NORTHERN IRELAND

Thank you for your further minute of 24 September about the possible draft message to Mr. McFarlane on the question of United States support for an Anglo-Irish agreement and a United States contribution to a fund for economic and social development in Northern Ireland.

I have again consulted the Prime Minister. She recalls that in earlier discussions of this fund in OD(I) (or possibly at a smaller Ministerial meeting) great stress was laid on the importance of not appearing to link the agreement over Northern Ireland directly with a United State's financial contribution, because of the risk of seeming to "sell out" the North. For this reason she would prefer to avoid any messages which create such a link and to raise the matter orally with Mr. McFarlane on 28 September. She therefore confirms her earlier decision that you should not send him a message.

I am sending a copy of this minute to Len Appleyard (Foreign and Commonwealth Office) and Jim Daniell (Northern Ireland Office).

edd

TJ

(C.D. Powell)
24 September, 1985

Ref. A085/2431

MR POWELL

Anglo-Irish Relations: Northern Ireland

Thank you for your minute of 23 September about the possible draft message to Mr McFarlane on the question of United States support for an Anglo-Irish agreement and a United States contribution to a fund for economic and social development in Northern Ireland.

2. There is a slight problem about waiting until the weekend before making a communication to Mr McFarlane in that an Irish representative will be seeing Speaker O'Neill in the United States tomorrow, and will be suggesting that he should discuss the question of United States support for an Anglo-Irish agreement with the President. There is thus a danger that, if we do not send a message fairly soon, the White House may hear of the matter from Speaker O'Neill before there has been any communication from here.

3. In the circumstances I wonder whether the Prime Minister would be prepared to consider allowing me to send a shorter message, on the lines of the draft attached, to Mr McFarlane at this stage, warning him of a possible approach from Speaker O'Neill and indicating that he can expect to be filled in on the background when he comes to see the Prime Minister.



4. I am sending copies of this minute to the Private Secretaries to the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland.

MS

for ROBERT ARMSTRONG

*Approved by Sir Robert a
signed in his absence*

24 September 1985

DRAFT MESSAGE

SIR ROBERT ARMSTRONG TO MR ROBERT MCFARLANE, WHITE
HOUSE

VIA CABINET OFFICE CHANNELS ONLY

MESSAGE BEGINS

As you will know, negotiations are taking place between the British and Irish Governments about a possible agreement concerning Northern Ireland. Neither Government has yet taken a decision of principle on whether to conclude an agreement but it is very possible, subject to further progress, that an agreement could be signed by the Prime Minister and the Taoiseach around the end of October.

2. I will not go into detail about the substance of the agreement in this message, since the Prime Minister will wish to do this herself when you come over at the weekend. But I understand from preliminary contacts which British and Irish representatives have had with American officials that the United States would be likely to welcome an agreement of the kind being negotiated. A strong statement of welcome by the President would give great pleasure to the Prime Minister, and I

believe, to the Taoiseach, and would most certainly help to increase the chances of success of the proposed agreement.

3. The agreement would commit the two Governments to work together, and with external support, to promote economic and social progress in both parts of Ireland and to encourage dialogue and reconciliation there. We have heard that the United States Government might consider reinforcing its support for an agreement by giving a considerable amount of money for such purposes. Such generosity would of course be warmly welcomed by both the British and the Irish Government.

4. I understand that a representative of the Irish Government may shortly suggest to Speaker O'Neill that he should discuss the question of United States support for an Anglo-Irish agreement with the President. The purpose of this message is to say that the British Government is aware of this approach to the Speaker, and that we think it would be most helpful if American support for an Anglo-Irish agreement were to be reinforced by financial means as well as expressed in a statement. We can offer you later more detail on

how this might be set up, if the United States Government did decide to respond in this way. The only thing I need to add here is that both we and the Irish attach importance to it being seen that American generosity is a freely offered response to an agreement and not an inducement provided in order to encourage the two Governments to conclude an agreement.

5. The success of an agreement would depend very much on careful presentation. Both Governments are therefore extremely keen to prevent elements in the agreement becoming public in advance, since this would make it impossible to present the whole agreement in a balanced manner if it is concluded. We are therefore restricting knowledge of the proposed agreement to a very few people - though there has inevitably been a good deal of more or less ill-informed speculation. We should be most grateful if you could do the same in Washington.

Reasons: Res Ag



1

PRIME MINISTER

ANGLO/IRISH RELATIONS: NORTHERN IRELAND

Sir Robert Armstrong reports that the Irish want to postpone the Summit till 28 October so that Parliamentary debate can follow immediately without a weekend intervening. They feel that the weekend press would stir up too much trouble if there was a gap of even a few days between the Summit and a debate.

As I recall the strong feeling in OD(I) was there must be a decent time for Members of Parliament to consider the document and hear the views of their constituents before a debate and for this purpose five or six days was the minimum necessary.

I assume you would still agree with this. There seems to me no reason why the Irish cannot have their debate before ours anyway.

C.D.P

We cannot postpone
proposition and we must
have a weekend between
announcements & debate.

rob

(C.D. Powell)
24 September, 1985

RAMAAX

Ref. A085/2430

MR POWELL

Anglo-Irish Relations: Northern Ireland

Thank you for your minute of 23 September about a Parliamentary debate following the Anglo-Irish summit.

2. I have certainly been assuming that the Prime Minister would open the Parliamentary debate after an Anglo-Irish summit, and we will put work in hand on a draft on the basis of the timetable you suggest.

3. As to the date of an Anglo-Irish summit, when I saw Mr Nally yesterday, he said that the Taoiseach's views on dates had somewhat changed. The Taoiseach is now very anxious that there should not be a weekend intervening between the date of the summit and the date or dates of debates in the Dail and the House of Commons. He fears that, if a weekend is allowed to intervene, the Irish Sunday press will stir up trouble and there will be too many opportunities both for his opponents in Ireland and for the Unionists in Northern Ireland to stir themselves and their supporters up in ways which could be unhelpful and unparliamentary. He very much shares the wish to focus comment and position as far as possible into Parliamentary channels both in Ireland and here.

4. He has therefore rather turned away from the idea of a summit on 23 October, which is a little too late in the week for that kind of plan, and is proposing Monday 28 October for the summit itself.

5. I warned Mr Nally that this could create problems for us, because Parliament was due to be prorogued on 31 October. I did

not know whether it would be possible or whether Ministers would be willing, to ask the House of Commons to change its business for 30 October or to postpone prorogation to allow a debate on 31 October; and there would be obvious disadvantages if a debate in the House of Commons could not occur until after the end of the Debate on the Address.

6. When this was discussed earlier the possibility of a summit on Monday 28 October and a debate later that week was not entirely excluded, though it was not thought to be ideal. Certainly we were clear that Monday 28 October was the last possible date for a summit. It would be helpful in planning timetables, and in responding to Mr Nally to know whether we must exclude 28 October, or whether that is still a date which we should be prepared to contemplate.

7. I am sending copies of this minute to the Private Secretaries to the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland.

MS

for

ROBERT ARMSTRONG

*Approved by Sir Robert
and signed in his absence*

24 September 1985

182 ANO. Des. Pr. 9



COPIED

182



(10) 52

10 DOWNING STREET

From the Private Secretary

SIR ROBERT ARMSTRONG

ANGLO-IRISH DISCUSSIONS; NORTHERN IRELAND

We are at present planning on the assumption of an Anglo-Irish Summit on or around 23/24 October. If successful, this would need to be followed by a parliamentary debate about 28/29 October. I assume that the Prime Minister would speak in this, indeed probably open it.

The Prime Minister has several other speeches to make at about that time, including the Debate on the Address and the Lord Mayor's Banquet. The sooner she can begin to consider a draft of the speech for the Irish debate the better. It would be very helpful if work could be put in hand on this fairly soon, in the hope that we can take a first draft with us to CHOGM on 16 October.

I am copying this minute to the Private Secretary to the Northern Ireland Secretary.

TMS

CHARLES POWELL

23 September 1985



File

571

089

10 DOWNING STREET

From the Private Secretary

SIR ROBERT ARMSTRONG

ANGLO-IRISH RELATIONS: NORTHERN IRELAND

The Prime Minister has noted your minute of 20 September reporting your discussions with Mr. Nally on 12 and 13 September and attaching a draft message to Mr. McFarlane on the question of a United States contribution to a fund for economic and social development in Northern Ireland.

It is likely that the Prime Minister will meet Mr. McFarlane on 28 September for private talks, in which case she will mention the question of a United States contribution to a fund to him on that occasion. She would, therefore, prefer you not to send a message for the time being. Your draft might instead become a speaking note for the Prime Minister's use when she sees Mr. McFarlane.

I am copying this minute to the Private Secretaries to the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland.

Handwritten initials or signature, possibly 'MS' or similar, in dark ink.

Charles Powell

23 September 1985

(JBBACH) 089
50



File

cc: Sir P. Coady

10 DOWNING STREET

From the Private Secretary

23 September 1985

ANGLO-IRISH DISCUSSIONS ON NORTHERN IRELAND:
MINISTERIAL SECURITY

You will be aware from papers circulated to OD(I) that there is a possibility that an agreement will be reached with the Irish Government in late October relating to Northern Ireland. One of the consequences of such an agreement might, in the short term at least, be an upsurge in PIRA terrorism designed to undermine the agreement and a resurgence of violence on the part of extreme loyalist groups. You may want to consider the implications of this for Ministerial security, both for the level of security for Ministers currently assessed to be at risk and for the possible need to extend protection to others. It would be helpful to know in due course what you conclude on this.

Br-11

I am copying this letter to Jim Daniell (Northern Ireland Office) and Michael Stark (Cabinet Office).

Charles Powell

Hugh Taylor, Esq.,
Home Office.

NW 49

You may also wish to glance through the records of

Prime Minister

Are you

Ref. A085/2389

(1) Content for RTA to write?

PRIME MINISTER

Mr King's Dublin chimney attracted.

(2) Happy with his report of his discussion with Mr Nally?

No. in the overhang upon end - split -

We had a further session with Mr Nally's delegation on 12 and 13 September. The next is planned for 23 September. I need no further instructions for that meeting. The purposes of this minute are to let you know what passed at the recent session, and to seek your agreement to a message going from me to Mr McFarlane in the White House.

NLW 20.7

Para 6 - the beginning - in working - no

Mixed Courts

2. I explained once again, and even more fully than before, our reasons for being unwilling to commit ourselves to mixed courts, on lines that had been cleared with the Lord Chancellor. I said that our difficulties were more political than technical. A decision to establish mixed courts could very seriously antagonise unionist opinion and thus could endanger the agreement we were seeking to negotiate. It was not even clear that the introduction of mixed courts would enhance the confidence of the minority in Northern Ireland in the administration of justice. If split verdicts were announced, the minority would be no more content than before about verdicts where the judge from the Republic had been over-ruled. If all verdicts were announced as the decision of all three judges, rumours of majority verdicts would certainly be put about, and it would be automatically assumed that the judge from the South was frequently being over-ruled. I also pointed out that a system of courts with two judges from the North and one from the South would require double the present number of judges in Northern Ireland; that the participation of judges from the North in courts in the South would further increase the number; and that for various reasons it was impossible to recruit sufficient judges quickly if at all.

3. I said that there might be other ways than mixed courts of enhancing the confidence of the minority in Northern Ireland in the administration of justice, and that, if the general situation in Northern Ireland should in time, as a consequence of an Anglo-Irish agreement, become more favourable, the question of establishing mixed courts might become less difficult. I handed over our further revised language on mixed courts for the draft agreement.

4. Mr Nally, while making it clear that his instructions gave him no room to depart from the position which the Taoiseach took up at Milan on this matter, said that the Irish would prefer the sentence to read as follows (changes underlined):

"The Committee shall seek, with the help of advice from experts as appropriate, measures which would give substantial expression to this aim, considering inter alia the possibility of mixed courts in both jurisdictions for the trial of certain offences."

5. The Irish repeated their objections that if a sentence like this appeared in the agreement and was followed by no moves to establish mixed courts, the Irish Government would be accused of having been out-maneuvred. I suggested that one way of avoiding this risk might be to omit all reference to mixed courts in the agreement and for the British Government to make a unilateral reference, for instance in Parliament, to mixed courts as one of the legal measures which might be looked at in the Intergovernmental Committee. There could then be no possibility of the Taoiseach being accused of having fallen into a British trap. Mr Nally did not seem to see much attraction in this idea, so I took the opportunity of repeating it.

6. In discussion of mixed courts, Mr Nally hinted pretty clearly that Irish Ministers might feel unable to honour their agreement to accede to the European Convention on the

Suppression of Terrorism unless we could make some move towards them in the legal field. He pointed out that the reference to extradition appeared in the same passage of the draft agreement as the proposed reference to mixed courts and that the Irish would be taking concrete action on extradition, through their accession to the Convention, while we were only undertaking to consider the possibility of mixed courts in the future. The decision about the Convention would be politically controversial in the Republic and would be indefensible unless there was a quid pro quo in the general area of the administration of justice. In this context, the Irish said that the fact that there were virtually no Roman Catholic judges in Northern Ireland was a long standing grievance among the minority, and they indicated that, if there was no prospect of early progress towards mixed courts, the appointment of a Roman Catholic to the Bench, and in particular to the High Court, might satisfy them.

7. The present situation is that one of the five judges on the Court of Appeal in Northern Ireland, and one of the five on the High Court, are Roman Catholics; and one of the 11 on the County Court is a Roman Catholic; whereas among the QCs 19 are Roman Catholics and 14 are Protestants. Two judges were recently appointed to the County Court, both of them Protestants. No vacancies are expected to arise soon in any of the Courts. The Lord Chancellor's Department believe that Lord Lowry has repeatedly tried to appoint Roman Catholics to the Bench, but the candidates have declined, largely because the personal risks to judges, and especially Roman Catholics, are so great in Northern Ireland. The Irish in our negotiations have, however, alleged that there are highly respected Roman Catholic QCs who would be willing to become judges. They have mentioned five names to us. On investigation we have found that three of these are among the Roman Catholics who have turned down offers of appointment to the County Court Bench. One of the problems about appointments to the High Court is of course that vacancies occur very rarely. The Lord Chancellor is being

consulted about this subject and may wish to discuss it with Lord Lowry; subject to that, I shall be guided in further discussion with the Irish by the information in this paragraph.

Ulster Defence Regiment (UDR)

8. I informed Mr Nally of our decision that there would be a significant increase in the coming weeks in the number of patrols and particularly vehicle control points manned by the UDR where there would also be a presence of the RUC. I said that this should be visible by the time that an agreement might be concluded. The Irish expressed appreciation. But they stressed again that the UDR was a major focus of minority concern, and hence of concern to Irish Ministers; and they argued strongly that one or two minor adjustments in the deployment patterns of the security forces, whereby the RUC or the regular army might replace the UDR in a few strongly Roman Catholic localities, would be disproportionately helpful in the context of the agreement. This point is being considered with the Ministry of Defence. The Irish also said that it was most desirable from their point of view that, if there was an increase in violence after conclusion of an agreement, the regular army rather than the UDR should bear the brunt of dealing with it, using reinforcements from Great Britain if necessary. We said that contingency plans existed to send more regular army units to Northern Ireland in an emergency, and that the regular army would no doubt play an important role in such a contingency, but that we could give no promises about limiting the role of the UDR.

The Secretariat of the Intergovernmental Committee

9. The Irish said that, for them, the key role of the Intergovernmental Committee would be to make every effort to resolve through discussion differences between British and Irish viewpoints on matters within its remit. When the Committee was

meeting the discussion would of course take place there. But it would not be in continuous session, and when it was not meeting, they thought that the permanent Secretariat, to be located in Belfast, should be used to seek to resolve differences, in addition to its ordinary secretarial functions. The Irish representative is expected to be Mr Lillis, who has played an important part in our negotiations and is a personal confidant of the Taoiseach. They would like to see him matched by some one of comparable standing who has also been involved in the talks. I said that our conception was that the Secretariat would carry out secretarial functions and would also act as a channel of communication between the two Governments when the Committee was not meeting. The Secretaries would not take any decisions but might confer when some incident took place and report back to Governments for instructions. In this way, the British and Irish elements in the Secretariat would play a role in the decision-making process of their respective Governments. I said that the British side would be determined to make this process work. I gained the impression that, although the Irish would like to see some executive role for the Secretariat when the Committee is not meeting, they will settle for an arrangement whereby the two elements in the Secretariat can confer rapidly but would report back for decisions to their principals.

Summit Arrangements

10. I said that Ministers had come to no conclusions about dates, but mentioned 23 and 24 October to Mr Nally as possible dates. He thought that these would be favourably considered by Irish Ministers: indeed, he said that 23 October would be "ideal". I told him that a Summit at the Royal Hospital, Kilmainham, or elsewhere in the Republic, would not be suitable from the British point of view, and I suggested Hillsborough as being preferable. Mr Nally will put this to Irish Ministers; his initial reaction was that the media reporting would be regrettably coloured by demonstrations against the agreement in

the vicinity of Hillsborough. I suggested that we could hope to minimise this risk by keeping the location and date secret and unclear as late as possible.

11. I explained your objections to a press conference without questions following the Summit, and Mr Nally took note.

12. I attach a draft version of the passage for the communiqué which you have already seen at various stages. The changes suggested at our last session of talks are in paragraph 3a, where at Irish suggestion the need for an RUC presence with the military when their operations involve direct contact with the community is given particular priority; and at the end of paragraph 3b, where a reference to the military is added to a sentence which hitherto referred only to the RUC.

Possible message to Mr McFarlane

13. We have made progress in discussing the idea of a fund with the Irish. The Secretary of State for Northern Ireland is expected shortly to consult colleagues about the position reached. The Irish have had exploratory contacts with senior United States officials and with Speaker O'Neill of the House of Representatives. They have gained the strong impression that there is a high possibility of a very generous United States offer of money for expenditure in Northern Ireland and the Republic as an expression of support for an Anglo-Irish agreement. They intend shortly to suggest to Speaker O'Neill that he should now have a word on the subject with the President. The Irish would like us to use our links with the White House in order to make clear that we share the Irish hope that the United States might express support for an agreement, and back that up with a considerable sum as a means of welcoming the agreement. The reason for moving quickly is that Congress is expected to go into recess in mid-November and the procedures for securing agreement to expenditure will need to be gone

through fairly rapidly once an Anglo-Irish agreement has been signed. If the White House and the Speaker were agreed in advance, those procedures would run far more smoothly.

14. I attach a draft message which I should like, if you agree, to send to Mr McFarlane. The draft makes clear that no decision of principle has been taken in London to conclude an Anglo-Irish agreement or to establish a fund. The draft avoids saying anything substantial about the content of the proposed agreement. I expect you will prefer to inform the Americans of that only when Ministers have definitely decided to conclude an agreement: and at that stage a message from you to the President would clearly be the right means. The Foreign and Commonwealth Secretary and the Northern Ireland Office have been consulted about the proposed message to Mr McFarlane and are content.

15. I am sending copies of this minute to the Secretary of State for Foreign and Commonwealth Affairs and the Secretary of State for Northern Ireland.

REA

ROBERT ARMSTRONG

20 September 1985

As at 13 September

DRAFT BAnglo-Irish Agreement: Draft Passage for a Communiqué

1. The agreement provides for entry into force as soon as each Government has formally notified the other of acceptance. This exchange of notifications will not be completed until the agreement has been approved by Dail Eireann and by the British Parliament. The two Governments intend that action to implement the provisions of the agreement should begin once the exchange of notifications had been completed. The first meeting of the Intergovernmental [Commission] will take place as soon as possible thereafter. The British side will be led by the Secretary of State for Northern Ireland and the Irish side by the Minister designated as the Permanent Irish Ministerial Representative.

2. The two Governments envisage that the meetings and agenda of the [Commission] will not normally be announced. But they wish it to be known that at its first meeting the [Commission] will consider its future programme of work in all the fields - political, security, legal, economic, social and cultural - which come within its remit, and will concentrate in the first instance on:

relations between the security forces and the minority community in Northern Ireland; and

ways of improving security co-operation between the two Governments.

The two sides intend that progress should be made quickly in these fields, in the interests of all of the people of Northern Ireland.

3. In addressing the improvement of relations between the Security forces and the minority community, the meeting will consider:

a. how the principle that the military (which includes the UDR) operate only in support of the civil power can be further implemented in the operations and deployment of the security forces in Northern Ireland, with the particular objective of achieving as rapidly as circumstances permit the full implementation of this principle in operations which involve direct contact with the community, save in the most exceptional circumstances;

b. ways of underlining the established policy of the Royal Ulster Constabulary that they discharge their duties even-handedly and with equal respect for the unionist and nationalist identities and traditions; and the extension of such measures, as appropriate, to the military.

4. In considering the improvement of security co-operation between the two Governments, the meeting of the Intergovernmental [Commission] will give particular attention to the policing of border areas and also consider the implications of the Irish decision, of which the Taoiseach has informed the Prime Minister at the present meeting, to accede to the European Convention on the Suppression of Terrorism.

SECRET AND PERSONAL

DRAFT MESSAGE

SIR ROBERT ARMSTRONG TO MR ROBERT McFARLANE, WHITE
HOUSE

VIA CABINET OFFICE CHANNELS ONLY

MESSAGE BEGINS

As you will know, negotiations are taking place between the British and Irish Governments about a possible agreement concerning Northern Ireland. Neither Government has yet taken a decision of principle on whether to conclude an agreement. But progress has been made and there is a possibility, subject to further progress, that an agreement could be signed by the Prime Minister and the Taoiseach around the end of October. There is no question in a single agreement of solving all the problems of Northern Ireland; but the British and Irish Governments believe that an agreement of the type they are hoping to conclude would represent a useful step forward, benefiting both communities in Northern Ireland as well as relations between the British and Irish Governments, and providing those in the United States and elsewhere who are concerned with Ireland with a sense that the situation is not frozen and that the two Governments can and will work

together, within the constraints of what is possible, to reassure and improve the confidence of both communities in Northern Ireland and promote greater peace and stability there.

2. I understand from preliminary contacts which British and Irish representatives have had with American officials that the United States would be likely to welcome an agreement of the kind being negotiated. A strong statement of welcome by the President would give great pleasure to the Prime Minister, and, I believe, to the Taoiseach, and would most certainly help to increase the chances of success of the proposed agreement.

3. The agreement is likely to commit the two Governments to work together, and with external support, to promote economic and social progress in both parts of Ireland and to encourage dialogue and reconciliation there. I have heard that the United States Government might consider reinforcing its support for an agreement by giving a considerable amount of money for such purposes. Such generosity would of course be warmly welcomed by both the British and the Irish Government.

4. I understand that a representative of the Irish Government may shortly suggest to Speaker O'Neill that he should discuss the question of United States support for an Anglo-Irish agreement with the President. The purpose of this message is to say that the British Government is aware of this approach to the Speaker, and that we think it would be most helpful if American support for an Anglo-Irish agreement were to be reinforced by financial means as well as expressed in a statement. If the United States Government did decide to respond in this way, the British and Irish Governments might set up a fund to receive and administer the contributions made. We and the Irish have some preliminary ideas about how such a fund might operate. We both attach importance to it being seen that American generosity is a freely offered response to an agreement and not an inducement provided in order to encourage the two Governments to conclude an agreement.

5. The success of an agreement would depend very much on careful presentation in the United Kingdom and Ireland. Both Governments are therefore extremely keen to prevent elements in the agreement becoming public in advance, since this would make

it impossible to present the whole agreement in a balanced manner if it is concluded. We are therefore restricting knowledge of the proposed agreement to a very few people. We should be most grateful if you could do the same in Washington. Sir Oliver Wright knows of this message and would be in a position to discuss the idea of a fund and other aspects of our plans with you, if you should wish. Later, if the two Governments do decide to go ahead with an agreement, we should of course wish to discuss it in greater detail with the Administration. At that stage, once an agreement has been signed, it might be useful for the Prime Minister and the Taoiseach to send special emissaries to Washington to follow this up; but I think that that would be premature at present, unless and until an agreement is signed - which still remains uncertain.

48

SECRET AND PERSONAL
FROM: THE PRIVATE SECRETARY



NORTHERN IRELAND OFFICE
STORMONT CASTLE
BELFAST BT4 3ST

Tel. Belfast (0232) 63011
Telex 74272

L V Appleyard Esq
Private Secretary to the Rt Hon
Sir Geoffrey Howe QC MP
Foreign and Commonwealth Office
Downing Street
LONDON SW1

19 September 1985

Dear Sir

I attach a record of discussions which took place during the Secretary of State's visit to Dublin on 17 September.

Copies go to Charles Powell (No.10) and Richard Hatfield (Cabinet Office).

Yours sincerely

J A

J A DANIELL

SECRET AND PERSONAL

SP

SECRETARY OF STATE'S MEETING WITH MR BARRY AND DISCUSSION WITH THE
TAOISEACH IN DUBLIN ON 17 SEPTEMBER

<u>Present:</u>	Secretary of State	Mr Barry
	PUS	Mr Donlon
	Sir Alan Goodison	Mr Lillis
	Mr Daniell	

1. The meeting lasted for a little over 60 minutes. It was followed by a tete a tete between Mr Barry and the Secretary of State over lunch and then a 30 minute discussion between them and the Taoiseach.
2. The Secretary of State said that he was pleased to meet Mr Barry at such an important stage in the development of relations between the two countries. The Cabinet reshuffle did not herald any change in HMG's policy on Ireland and the Secretary of State hoped that an agreement would result from the current round of talks. However it was a difficult undertaking in which great emotions and strong loyalties in Northern Ireland had to be handled with sensitivity. The aim had to be to recognise the legitimate aspirations of both communities in Northern Ireland, an important result of which would be to improve the security situation which had caused so much damage to the fabric of the whole island. The Secretary of State appreciated that the Irish were concerned about the attitude of nationalists to the government machine in Northern Ireland and wanted to give them greater confidence. On the other hand they recognised that the majority in the North had genuine fears and could not be forced out of the union against their wishes. That is why it was so important to show that any agreement would not result in any infringement of sovereignty and that there could be no change in the constitutional position of Northern Ireland within the UK without the agreement of the majority.
3. The Secretary of State said that if agreement were reached his first challenge would be the attitude of the unionists. It was important in presentational terms that neither side should overplay the significance of the agreement. Both governments might think about gaining plaudits not from the agreement itself but from what might come out of it in the longer term. The British side were concerned that whatever was agreed should be workable within Northern Ireland. All of this pointed to a low key measured approach to presentation which would achieve a period of reassurance. This had implications for the nature of any secretariat which, if too high powered and interventionist, would increase concern on the part of the unionists. On the other hand there were ways of encouraging the majority in the North to see the advantages of an agreement through emphasising the significance of Irish assurances on the constitution and on security measures such as the task force.
4. The Secretary of State said that he attached importance not only to the external relationship, but also to internal political development. It was to be hoped that one consequence of the Anglo-Irish agreement would be the breaking of the log jam on devolution. Any scheme for devolution could only be introduced on a basis of widespread acceptability which meant that there would be no return to majority rule; but this did not necessarily mean power sharing. Mr Hume had made it clear that in the event of an agreement, he would be prepared to talk with unionists on internal political models; he was not pessimistic on the prospects for progress. In this context, the Secretary of State reiterated the importance of seeking to avoid a

precipitate negative reaction on the part of unionists which might result from an over aggressive presentation of the agreement.

5. Mr Barry understood the Secretary of State's reasons for wishing to see a low key launch of the agreement. The Irish government already accepted that they would not gain many plaudits at this stage. The launch would have to be handled carefully and it was vital that there should be no misunderstanding of the type which had followed the Chequers summit of November 1984. It was inevitable that some unionist feathers would be ruffled by some of the confidence building measures which were necessary to give the nationalists reassurance; this pointed to the need for the two governments to work very closely together on presentation. These measures were intended to neutralise the fears of those people in Northern Ireland who had had it bred into them that the structure of the state was devised in order to keep them as second class citizens.

6. On the secretariat, the Secretary of State stressed the need for low key handling and the need not to allow people to represent it as having an executive role. Mr Barry said that from the nationalist point of view, West Belfast was the most difficult nut to crack in terms of getting people on side. An Irish government presence would have to be seen there. This did not mean Mr Barry engaging in major walkabouts accompanied by a media circus; the desired effect could be achieved if Mr Barry were to be seen from time to time having a quiet drink in a West Belfast pub. It had to be demonstrated to nationalists that things had changed. The Secretary of State expressed his concern about such activities by Mr Barry and the problems they could bring.

7. On mixed courts, the Secretary of State noted that officials had put forward a form of wording indicating that as part of the agreement the issue would be examined. However while the British side might look at the idea the Irish should not be under any illusion that they did so with enthusiasm. The Secretary of State was very dubious about the whole concept and if any agreement was to be entered into in good faith, the Irish side should understand that from the outset. The main objection was that mixed courts would be the one aspect of the agreement which could be interpreted as having sovereignty implications. It might be the straw to break the camel's back so far as the unionists were concerned. There was also the danger that, if cases were decided on a 2:1 majority with the Irish judge being in the minority, then that might be seen (wrongly) as confirmation by the minority that the system was unfair. While it might be possible to include in the agreement a reference to considering mixed courts, the Irish should be clear that their introduction within the foreseeable future was very unlikely.

8. Mr Barry said that three generations of nationalists had lived under institutions of government in which they could have no confidence. The courts were the ultimate guarantors of the constitutional rights of the minority. Yet the obiter dicta of individual judges had on occasions revealed such prejudice that confidence in the system was bound to remain shaky. That was the context in which the mixed courts proposal should be viewed. Mr Lillis cast doubt on the argument that confidence might be knocked as a result of 2:1 judgements. In cases before the Supreme Criminal Court in Dublin where three judges had sat there had been no single incident of speculation over the way in which individual judges had voted; and single verdicts were the order of the day. On the sovereignty argument, the government in the Republic was laying itself open to more severe criticism over Northern judges sitting in Dublin than was being risked by HMG in Northern Ireland. However the Irish were continuing to pursue the issue as the only idea that had been identified which might significantly bolster nationalist confidence in the system.

9. The Secretary of State noted that there was some dispute over whether Roman Catholic senior silks were prepared to be appointed judges. While two thirds of senior barristers were catholics, it was not easy for them to be judges in Northern Ireland. PUS said that there was some conflict of evidence over whether there were catholic barristers who were both suitable and willing to accept judicial appointments

E.R.

in the High Court. Mr Barry said that he would provide officials with the names of five or six senior catholic barristers who would accept appointment. The Secretary of State said that this was the responsibility of the Lord Chancellor who would certainly not countenance any form of discrimination in appointments. If there were genuine misunderstandings then these would have to be cleared up. PUS noted that Mr Hume did not seem to attach as much importance to mixed courts as to the UDR.

10. On the UDR, the Secretary of State said that to make wholesale changes to the structure of the force would have a damaging effect on unionist opinion. However the policy of police primacy was proceeding apace; and more police involvement in UDR patrols, training and the introduction of more regular officers and NCOs into the Regiment all represented possibilities for measured movement. Mr Barry said that it was the part-timers who were the main cause for concern. PUS said that the part time element of the UDR could not be dispensed with at present, given the reliance on them overnight and at weekends; however it might be possible to consider whether there was any scope for change in the relative strengths of the part and full timers.

11. Mr Barry noted that cross border security co-operation was improving, with meetings taking place between the Garda and RUC at senior level. The Secretary of State asked about the Garda task force. Mr Barry replied that deployment of the task force would be part of the agreement but it was for Mr Noonan to discuss the details on this. Mr Donlon said that it had still to be decided how to allocate extra resources; whether this would involve expenditure on a task force or on something else remained to be decided.

12. The discussion with ^{The Taoiseach} Mr Barry over lunch covered much the same ground.

13. The Taoiseach stressed the importance of securing more confidence on the part of the minority in Northern Ireland in the judicial process. In this context mixed courts were a crucial aspect of the agreement. He linked this with the religious imbalance of the Northern Ireland judiciary, a point which he felt the British side was not taking sufficiently seriously. He took exception to the fact that there had apparently been some confusion about the religious make-up of Northern Ireland's High Court judges. The Taoiseach appeared to imply that he believed that the Lord Chief Justice or some official might be misinforming the Lord Chancellor about the qualities of certain catholic candidates for appointment to the Northern Ireland Bench and about their willingness to serve as a result of which the religious imbalance was perpetuated. The Secretary of State replied that these were serious allegations of religious discrimination in an area over which he was not responsible; this was the responsibility of the Lord Chancellor. What the Secretary of State did accept was that the Lord Chancellor should be in full possession of all the facts.

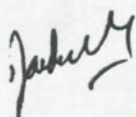
14. The Taoiseach expressed some concern about Diplock Courts and super-grass trials both of which had a detrimental effect on the confidence of the minority community in the judicial process. He said that three judges should sit at Diplock trials; the view taken in the Baker Report was wrong. The Secretary of State said that he would look into this, but that he did not want to take action which would over-stretch judicial resources or lead to increased delays in cases coming to trial.

15. There was an inconclusive discussion about where the agreement might be signed. The Taoiseach still had it in mind that there might be two locations but the Secretary of State put the arguments against this and floated Hillsborough as a possibility. The Taoiseach was attracted to this idea, but recognised the security difficulties and the dangers of a major demonstration if the arrangements for signature were to

SECRET AND PERSONAL

E.R.

leak in advance. In briefing the media, the Irish were letting it be known that there were still obstacles to be overcome in the talks and that the likely timing of signature was November.



J A DANIELL
Private Secretary

19 September 1985

SECRET AND PERSONAL



10 DOWNING STREET

THE PRIME MINISTER

13 September 1985

Dear Mr. Paisley,

Thank you for your joint letter of 28 August about our talks with the Irish Government.

I am convinced that the present dialogue with the Irish Government represents our best hope of improving cooperation in a number of areas including security and of promoting enduring peace and stability in Northern Ireland. The Government's aim is an agreement from which both countries and all parts of the community in Northern Ireland would derive benefits.

I understand your concern about the continuing confidentiality of our discussions. But if the dialogue is to have a chance of producing useful results, it must remain confidential until it reaches a conclusion. I hope this will not take very long now. And I can assure you that, whether the talks succeed or fail, the outcome will be fully and publicly announced and Parliament will have an opportunity for debate.

I can also repeat my unqualified assurance that sovereignty over Northern Ireland will be undiminished. You asked what I mean by this. I mean first that Northern Ireland will remain part of the United Kingdom for as long as the majority in the Province so wish; and secondly that whatever may emerge from our discussions with the Irish authorities, responsibility for the government of Northern Ireland will remain with UK Ministers accountable to

VC
CC NIO
FCO
CO.

cc Press

ca

Parliament. I hope that you for your part will accept that it must be the Government of the United Kingdom and Parliament that determine the policy to be adopted in respect of relations with other countries, including the Republic of Ireland.

Your letter also called on us to challenge the Government of the Republic to withdraw its territorial claim and recognise Northern Ireland's right to self-determination. You will be aware that the Irish Government has accepted that the constitutional status of Northern Ireland cannot change without the consent of a majority in Northern Ireland and that that consent is not forthcoming at the present time.

Finally, I welcome your readiness in principle to cooperate with the Republic as members of a future devolved government in Northern Ireland and to consider proposals for the protection of minority interests. We would certainly hope that any future devolved administration would work closely with the Irish Republic on matters of mutual concern, as in the past. And I know that Tom King, who I gather has already written to you about a meeting, is anxious to pick up where Douglas Hurd left off in exploring possible ways in which devolved government could be restored to Northern Ireland on a basis that is acceptable to both sides of the Community there. We would be happy to consider in the light of this criterion any proposals you may have for devolved government.

Yours sincerely
Margaret Thatcher

The Reverend Ian Paisley, M.P.



10 DOWNING STREET

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13 September 1985

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*cc NIO
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cc press*

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Yours sincerely
Margaret Thatcher

The Rt. Hon. James Molyneux, J.P., M.P.



10 DOWNING STREET

From the Private Secretary

Sir Robert Armstrong

ANGLO-IRISH TALKS: NORTHERN IRELAND

The Prime Minister had a meeting this morning with the Northern Ireland Secretary, the Foreign Secretary and you to discuss the line which you should take at the next session of your talks with Mr. Nally on Northern Ireland.

Mixed Courts

It was agreed that you should make clear to the Irish side Ministers' apprehension that any reference to mixed courts would jeopardise the prospects of gaining acceptance for the Agreement as a whole. Our preference would therefore be to omit any reference to them. The Irish side might themselves conclude that it was better to have no reference at all than the very restricted undertaking to consider the possibility of mixed courts which would be the most we could concede. If, however, the Irish side insist upon a reference, you have authority to propose the text in Annex C to your minute of 11 September (with the substitution of "terrorist offences" for "certain offences"). In doing so, you should stress that the undertaking to consider the possibility of mixed courts is in no way a guarantee that we shall at the end of the day agree to them. You should also stress that this point (as indeed the draft as a whole) is subject to decision of Cabinet.

UDR

It was agreed that you may give the Irish side an assurance that a higher proportion of UDR operations would be undertaken jointly with the RUC and that the Catholic population would see evidence of this by the end of October.

The point was made that, from the point of view of Unionist sensitivities, it would be a help if the new policy was introduced just before signature of the Agreement.

Location of a Summit

No final decision was reached on this, though it was agreed to drop the idea of meeting at two separate locations. The Prime Minister's preference is to avoid holding the meeting in the Republic. She would be prepared to consider Hillsborough.

Dates

It was tentatively agreed that, to leave time for a debate (which might require two days) before the prorogation of Parliament, the aim should be to sign the Agreement on 23 (or 24) October with debate taking place on 28/29 October. This would need to be discussed with the business managers.

I am sending copies of this minute to the Private Secretaries to the Northern Ireland Secretary and the Foreign Secretary.

CDP

12 September, 1985.

JD3ACR

NBPM
CDP
12/9.

Ref. A085/2335

PRIME MINISTERBritish Irish Association

You agreed that it would be right for us to try to persuade the organisers of the National Conference of the British Irish Association to postpone the Conference due to be held from 13 to 15 September (my minute of 23 July Ref. A085/1973 and Mr Powell's minute of 25 July refer).

2. I should report that I met members of the Executive Committee of the Association on 5 September. I made it clear that it was for them to take a decision on the postponement but that I thought it right to make sure that they were aware of the arguments, as seen by the two Governments, for a postponement.

3. The Irish Ambassador spoke to them in similar terms later the same day.

4. The Committee subsequently agreed to postpone their Conference until 10 to 12 January 1986.

5. I am sending copies of this minute to the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland.

RIA

ROBERT ARMSTRONG

11 September 1985

PRIME MINISTER

ANGLO-IRISH TALKS: NORTHERN IRELAND

You have a meeting tomorrow morning to settle Robert Armstrong's instructions for the next round.

His assessment is that the Irish Government are trembling on the brink of an agreement but need a concession on either joint courts or the role and deployment of the UDR to tip them over the edge. Since we can't budge on the former, we should consider whether we can offer more on the latter.

Points for decision at your meeting are:

- (i) do we stand firm on mixed courts despite strong Irish pressure? (Some slightly amended wording is proposed: see annex C).
- (ii) can we offer the Irish Government the assurance (see paragraph 17) that we shall ensure that a higher proportion of UDR operations are undertaken jointly with the RUC; and that the Catholic population will see evidence of this by the end of October? The Chief Constable is content.
- (iii) can we agree to hold the Summit at the Royal Hospital at Kilmainham in Dublin? The Taoiseach is very much opposed to a two-site Summit.
- (iv) can we make provisional arrangements for a Summit on Monday 28 October? It is possible in diary terms.
- (v) should the press conference at the Summit be in the 'normal' format? The Taoiseach wants to limit it to statements with no questions. Bernard thinks this is impossible.

CDP

CHARLES POWELL

11 September 1985

NORTHERN IRELAND

PS
PS/LADY YOUNG
PS/PUS
MR GOODALL

HD/RII
Dep. HD/PUSD (2)
HD/INFO DEPT
HD/NEWS DEPT

PS/ S of S
PS/MR R ANDREW, OAB 1/56
MR BRENNAN
MR BURNS
MR PN BELL

NIO

SIR R ARMSTRONG
DIO } CABINET OFFICE
PS/ NO 10 DOWNING STREET (3)

UNCLASSIFIED
FM DUBLIN
TO IMMEDIATE FCO
TELNO 602
OF 111200Z SEPTEMBER 85

IMMEDIATE

ANGLO-IRISH TALKS

ADVANCE COPY

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SUMMARY

1. A LEADING IRISH COMMENTATOR ON ANGLO-IRISH AFFAIRS SEES GROUNDS FOR OPTIMISM IN THE RECENT GOVERNMENT RESHUFFLE.

DETAIL

2. WRITING IN TODAY'S IRISH TIMES, MARY HOLLAND COMMENTS ON THE GLOOMY NOTE BEING STRUCK BY GOVERNMENT SOURCES IN BOTH DUBLIN AND LONDON. PUBLIC PERCEPTION OF POLITICAL DEVELOPMENTS OVER THE PAST 2 WEEKS, PARTICULARLY THE REMOVAL OF MR HURD AND MR PATTEN FROM NORTHERN IRELAND, HAS CONTRIBUTED TO THIS GLOOM, BUT MISS HOLLAND NOW QUALIFIES THIS VIEW:

'THE OVERALL SHAKE-UP IN THE BRITISH CABINET, INCLUDING THE ARRIVAL OF TOM KING IN BELFAST, NO LONGER SEEMS QUITE AS DISASTROUS AS IT FIRST APPEARED'.

3. GOVERNMENT MINISTERS WHO HAD HAD DEALINGS WITH MR KING ON EMPLOYMENT MATTERS HAD FOUND HIM SHREWD AND RECEPTIVE. THE FACT THAT 'HE IS KNOWN TO BE PERSONALLY AND POLITICALLY CLOSE TO MICHAEL HESELTINE, THE MINISTER FOR DEFENCE, WHOSE DEPARTMENT WILL PLAY A CRUCIAL ROLE IN THE SUCCESS, FIRST OF THE TALKS AND THEN IN IMPLEMENTING ANY SETTLEMENT' WAS A POSITIVE ADVANTAGE IN THE CONTEXT OF DEALING WITH THE UDR SINCE:

'...BOTH SIDES KNOW, THOUGH NEITHER IS PREPARED TO ADMIT PUBLICLY THAT, IF THERE IS A RADICAL AGREEMENT, IT IS LIKELY TO PROVOKE VIOLENCE FROM THE PARAMILITARIES AND IT WILL BE ESSENTIAL TO USE BRITISH SOLDIERS WHO CAN BE DEPENDED ON TO DEAL EVENHANDEDLY WITH THE SITUATION. THOSE WHO KNOW HIM SAY THAT TOM KING IS LIKELY TO MAKE THE CASE FOR THIS IN CABINET MORE EFFECTIVELY THAN HIS IMMEDIATE PREDECESSORS'.

4. MISS HOLLAND SEES OTHER GROUNDS FOR OPTIMISM IN THE CABINET RESHUFFLE. THE SMOOTH RUNNING OF ANGLO-IRISH RELATIONS DEPENDS ON THE FCO AND THE HOME OFFICE. SIR G HOWE, SHE SAYS, 'HAS LONG BEEN REGARDED IN DUBLIN AS THE MOST POSITIVE INFLUENCE WITHIN THE CABINET ARGUING FOR A RADICAL INITIATIVE. HE IS EXTREMELY RARE AMONG BRITISH MINISTERS IN SEEING IRELAND FROM

[He won't like that!]

[i.e. give away]

EXTREMELY RARE AMONG BRITISH MINISTERS IN SEEING IRELAND FROM AN HISTORICAL PERSPECTIVE AND HE UNDERSTANDS THE WIDER INTERNATIONAL IMPLICATIONS OF SUCCESS OR FAILURE IN THE PRESENT TALKS'. MR HURD'S ARRIVAL AT THE HOME OFFICE IS 'A MAJOR IMPROVEMENT ON LEON BRITTON. IT MEANS THAT, FOR THE FIRST TIME IN THE PRESENT CONSERVATIVE ADMINISTRATION, THERE IS A HOME SECRETARY WHO HAS ALREADY SHOWN SOME UNDERSTANDING OF THE WAY ISSUES LIKE THE OPERATION OF THE PREVENTION OF TERRORISM ACT AND THE TREATMENT OF IRISH PRISONERS IN BRITISH JAILS CAN AFFECT PUBLIC OPINION IN IRELAND, NORTH AND SOUTH. HE IS KNOWN TO HAVE LISTENED WITH GREAT CARE TO THE CASE MADE BY FATHER DENIS FAUL AND OTHERS THAT THE MOOD IN THE NATIONALIST GHETTOS SHOULD BE TRANSFORMED BY THE STEADY RELEASE OF YOUNG PRISONERS'.

6. DESPITE THIS 'GOOD NEWS', MISS HOLLAND SEES A DANGER THAT THE TALKS WILL FAIL:

'IN SOME WAYS, AS THE MOMENT OF DECISION DRAWS CLOSER, THE MOST ATTRACTIVE OPTION FOR ANY POLITICIAN WHO VALUES A QUIET LIFE MUST BE TO DRAW BACK. EACH GOVERNMENT WOULD BE ABLE TO BLAME THE OTHER'S LACK OF GENEROSITY AND WOULD PROBABLY WIN THE SYMPATHY OF THEIR OWN VOTERS FOR HAVING TRIED. THE EFFECTS OF FAILURE WOULD BE SMALL IN DUBLIN AND EVEN LESS IN DOWNING STREET. WHERE THEY WOULD BE FELT TO MOST TRAGIC EFFECT WOULD BE IN THE NORTH'.

MILLS

YYYY

DLLNAN 0127

NNNN

Ref. A085/2310

PRIME MINISTER

Anglo-Irish Talks: Northern Ireland

We had a further round of talks with Mr Nally's team in Dublin on 3 September. This minute reports on that session and makes suggestions, as a basis for your meeting with the two Secretaries of State on 12 September, on the line I should take at the next session of talks on 12-13 September.

2. Mr Nally began with some careful but strongly expressed remarks about recent reports in the British press on the Anglo-Irish talks. He said that the Irish Government were disturbed about the appearance of so many reports and in particular that a number had said that the future role of the Irish Government in relation to Northern Ireland would be "consultative". As we knew, the use of this word was, from the Irish point of view, "the kiss of death" for the proposed agreement. Mr Nally also said that recent press reports had said that the British Government had refused to agree to the establishment of mixed courts. This encouraged critics in the Republic of the Anglo-Irish talks who were arguing that the Irish Government would be under-pinning the British security system in Northern Ireland while securing no significant concessions for the minority in the field of public order. Mr Nally said that, if it was true that the British Government would in no circumstances agree to joint courts, the wording in the draft agreement, which in effect agrees that the new Committee should consider the possibility of mixed courts, was simply leading the Taoiseach and his colleagues into a trap. I said that I would report Mr Nally's remarks to British Ministers. It was our policy to avoid the word "consultative",

and we shared the Irish view that it would be greatly preferable for the agreement as a whole to be published on signature rather than for elements in it to leak piecemeal beforehand.

Nevertheless, I believe that we must expect that, when the agreement became public, British Ministers would be asked directly whether they regarded it as essentially consultative; we are considering what forms of words might be used in responding to such questions from the media.

3. Mr Nally also mentioned, in much less emphatic terms, a feeling of concern in Dublin at the change of Northern Ireland Secretary at this stage in the talks. I said that your personal commitment to securing a worthwhile Anglo-Irish agreement had not changed and that the Government would continue to seek such an agreement.

Mixed Courts

4. Mr Nally said that the Irish Government now had two principal concerns in the negotiations - mixed courts and changes concerning the Ulster Defence Regiment (UDR). On mixed courts, the Irish wanted as a minimum an understanding that they would be established within a defined period, say 6 or 12 months. This would be crucial to the Irish decision whether to go ahead with an agreement. In accordance with the decisions taken at your meeting on 30 August, I said that we could go no further than agreeing to consider the possibility of mixed courts in the new Intergovernmental Committee. A "side-agreement" about the future establishment of such courts was not acceptable. I made it clear that the Attorney General would not wish to hold further talks about mixed courts with his Irish opposite number.

5. The Irish said that our position seemed to be contradictory. On the one hand, we were letting it be known publicly that we were not willing to agree to establish mixed courts. On the other hand we were willing to state in the

agreement that the possibility of doing just that could be considered in the Intergovernmental Committee. If the agreement provided for such consideration, but nothing happened as a result, the Irish Government would be attacked for having been outmanoeuvred. The Taoiseach later spoke forcefully on similar lines to Mr Mallaby, who was taken to have a drink with him. Mr Mallaby's account of that conversation is attached at Annex A.

6. I handed over the new language about mixed courts for the agreement, which had been agreed at your meeting on 30 August. I pointed out that it included two new elements: a commitment to consult the two judiciaries about the matter and a commitment to consider other means of promoting public confidence in the administration of justice in Northern Ireland. It was possible that the Committee's consideration of this general area would throw up new ideas, as well as educating all concerned about the many factors involved in mixed courts. The Irish later informed us that our new language did not go far enough to satisfy them. They also said that, since it was well known that the judiciary in Northern Ireland were against mixed courts, provision for consulting them would be treated in the Republic with derision. The Irish also said that our earlier language had been preferable in that it had spoken of seeking means for ensuring public confidence in the administration of justice.

UDR

7. The Irish delegation said repeatedly that the UDR was a major focus of nationalist resentment against the system of law and order in Northern Ireland. The moves concerning the UDR which we had already said we would announce around the time of conclusion of the agreement - principally an increase in the initial training of part-time members of the UDR and the secondment of more non-commissioned officers from the regular army for training purposes - were steps in the right direction. But more was needed. The Irish Government were looking for three things: phasing down of the part-time cadre of the UDR, a

much greater RUC presence alongside the UDR in areas where the UDR operate and a visible reduction in operations in strongly Republican areas - a principle which they pointed out was already being applied in practice in the urban areas of Belfast and Londonderry. The Irish recognised that these things could not be achieved rapidly and at once, but argued that it should be possible to give immediate signs of change. They pressed for members of the RUC to accompany the UDR on its patrols, more particularly at vehicle check-points, much more often than in the past and especially in largely Republican areas. They argued that this could give no offence to unionists; that it need not be specifically announced; and that it would be noticed and taken by the nationalists as a good sign.

8. I said that we had given much thought to this during August. The Irish must understand that, if the UDR was a sensitive matter for nationalists, changes concerning it were equally sensitive for unionists. If too many changes were announced around the time of an Anglo-Irish agreement, the success of the agreement could be jeopardised. Nor could we give private undertakings to the Irish about future changes concerning the UDR, since we must be in a position truthfully to deny that we had made secret promises or side agreements on this or on any other matter. I said that we would continue to keep under review the establishment of the UDR and the deployment of the Regiment and that we had no present intention of increasing its membership or extending its area of deployment. This subject could be discussed with the Irish on a continuing basis in the new Intergovernmental Committee.

9. This provoked some emphatic comments from the Irish delegation. They said that their Ministers had been considering, before you met the Taoiseach in Milan in June, whether they could go ahead with an Anglo-Irish agreement at all. Irish Ministers had been encouraged by your meeting in Milan, partly because of the emergence there of the concept of

"rapid implementation" of the agreement. But we were now refusing to give them any clear idea of the measures we would introduce in rapid implementation of the agreement; and they were left with the impression that such measures as we might be contemplating would be too insignificant to have any beneficial impact on the minority community. This seemed to be contrary to the "spirit of Milan". Mr Nally said that he was wondering in the light of my remarks about the UDR, whether the Anglo-Irish agreement would be concluded after all.

SDLP

10. I informed Mr Nally of the possibility that the new Secretary of State for Northern Ireland would carry out the intention of his predecessor to have a talk with Mr Hume of the SDLP, and to make clear that the Government hoped that the SDLP, in the context of an Anglo-Irish agreement, would give some sign of its willingness to participate again in the political processes in Northern Ireland. I asked the Irish delegation for their assessment of SDLP attitudes. The reply was that the SDLP would go along with an agreement which was presented with a low profile as "progress towards peace and stability". Mr Hume had said on Irish television on 3 September that he did not expect the agreement to produce constitutional change - ie in the form of a direct role for the Republic in Government in Northern Ireland. The Irish delegation were fairly confident (some more than others however) that Mr Seamus Mallon, the Deputy Leader of the SDLP, whose attitude is thought to be more critical than that of Mr Hume, would adopt generally the same approach.

Timing and Location of a Summit

11. I told Mr Nally in strict confidence that the two days in late October which appeared from your diary to be theoretically possible for an Anglo-Irish Summit were 25 or 28 October. Mr Nally thought that 25 October, being a Friday, would be unfavourable from the point of view of the media and that we should set our sights on 28 October. But obviously nothing

could be settled, and dates will require further discussion. On the location of a Summit, I put forward the proposals for a two-part meeting beginning near Shannon Airport and ending at Leeds Castle near Gatwick. Mr Nally said that the strong preference of the Taoiseach was for an arrangement which would not strike the world as particularly out of the ordinary. Contrived arrangements would give the impression that the agreement was a very important event, whereas the interest of the two Governments would be served by presenting it, objectively, as a useful but modest development. The Taoiseach would like the Summit to take place at the Royal Hospital at Kilmainham in Dublin. Helicopters could land there, the place was secure and there were press facilities. The Hospital is a distinguished piece of architecture, built late in the 17th century as Dublin's equivalent of the Royal Hospital, Chelsea. It has many British associations, and the room where signature of the agreement could take place is decorated with portraits of William and Mary among others. The Royal Hospital is now owned by the Irish State and is used for cultural events. Mr Mallaby visited it this week and I attach his report at Annex B.

12. Mr Nally said that the Taoiseach would like the joint press conference after signature of the agreement to consist only of statements by the two Heads of Government, without questions afterwards. The two Heads of Government could say that the agreement spoke for itself and that they wished to reserve further statements until the debates in the two Parliaments a few days later. I said that I thought that you would find it very difficult, and might well be very reluctant, not to answer questions.

13. I gave Mr Nally the material for a Summit communique which was agreed at your meeting on 30 August. He will comment at our next meeting.

[It will look as though you have something to hide]

Assessment

14. At the end of this round of talks my impression is that the Irish Government, and the Taoiseach in particular, are close to reaching a judgment that the advantages of concluding an agreement with us broadly on the lines now negotiated narrowly outweigh the disadvantages from the Irish point of view. But they still see serious political drawbacks in an agreement which their critics are bound to characterise as no more than consultative; and their final judgment is liable to turn on whether they consider that what we are proposing by way of "rapid implementation" will be significant and visible enough to persuade the "green wing" of the SDLP to endorse the agreement. In this connection, the Taoiseach himself attaches particular importance to mixed courts, to which he has a longstanding public commitment; but some of his advisers attach at least equal importance to the UDR. Since we have very little room for manoeuvre on mixed courts, I believe that we should concentrate on the UDR and that a further small move on our part in this area might be enough to clinch the agreement. In paragraph 17 below I suggest one possibility, which we could implement without entering into any secret agreement with the Irish.

Further Instructions

15. The questions on which I should be grateful for instructions before my next round with Mr Nally on 12-13 September are set out, with suggestions below.

16. Mixed Courts. A modified version of our new language for the agreement, which I could try on the Irish ad referendum, is attached at Annex C. But I doubt whether the Irish will compromise on language until they are absolutely convinced that we will not yield at all on the matter of principle. On that, the responsible Departments are preparing a statement of the reasons for our refusal to commit ourselves to mixed courts, which I can draw on when I speak to Mr Nally.



17. UDR The continued Irish pressure on this subject suggests that it is the one where a small move by us could bring the Irish to decide to conclude an agreement. We can neither agree to take early steps which would seriously antagonise unionist opinion nor make secret promises of future action. At the most recent meeting the Irish seemed to be prepared to settle for a higher proportion of UDR operations being undertaken jointly with the RUC. This accords with our existing policy, though the need for careful handling within the RUC and UDR has inhibited its implementation. Following a helpful discussion with the Chief Constable of the RUC, we can assure the Irish that the Catholic population can expect to see more evidence of this policy on the ground, particularly at vehicle check points, by the end of October. We believe that the Irish will regard this as welcome progress.

18. Location of a Summit The Royal Hospital at Kilmainham has strong British associations which are not controversial from the point of view of Irish nationalists. The building is handsome. The Irish are confident that it can be made secure (though there is the problem of helicoptering from the airport to Kilmainham) and that good press arrangements could be laid on. It is clear that Dr FitzGerald is seriously opposed to a two-part Summit; and it cannot be denied that a Summit at a single location would be easier in practical terms. Ministers will wish to consider seriously whether the Royal Hospital at Kilmainham would be acceptable, both on political grounds - can we or the Irish risk this becoming known as the Kilmainham agreement - and on security grounds. If it is not acceptable, and it is thought best to have a single location, I suggest that we should revert to the idea of Hillsborough. The Northern Ireland Office believe that this would be secure; and we should have to try to minimise the risk of demonstrations by keeping the timing and location as secret as possible for as long as possible.

19. Press Conference Dr FitzGerald's idea of a press conference confined to statements by the two Heads of Government is a most unusual one; it has a rather "presidential" ring about it. Mr Ingham thinks that it would be extremely difficult to cut off proceedings after the two statements. It would antagonise the media. ~~It might be possible to go for no press conference at all, on the ground that on a matter of this kind~~ the first statements, other than the text of the agreement, should be to the House of Commons and the Dail. But this would also antagonise the media, and deny you and the Taoiseach the opportunity of giving a lead to the media presentation. The best course therefore seems likely to be a joint press conference by you and the Taoiseach on normal lines, with opening statements and time for questions limited to, say, half an hour.

20. I am sending copies of this minute to the Secretaries of State for Foreign and Commonwealth Affairs and for Northern Ireland.

R

Approved by
ROBERT ARMSTRONG
and typed in his absence

11 September 1985

CABINET OFFICE	
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FILING INSTRUCTIONS	
FILE No.	

SECRET AND PERSONAL

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ANNEX A

SIR ROBERT ARMSTRONG *RA*

cc Mr Andrew
Mr Goodall

Anglo-Irish Talks concerning Northern Ireland

Mr Lillis of the Irish negotiating team took me out to dinner in Dublin on 3 September. After he had picked me up, he said that we would be dropping in at the Taoiseach's flat for a social drink on the way; business was most unlikely to be discussed. We spent over an hour with Dr and Mrs FitzGerald, most of it in conversation about the Anglo-Irish talks.

2. Mr Lillis told the Taoiseach that the United Kingdom team had been able to say little new at the talks on 3 September about mixed courts or rapid implementation measures concerning the UDR. We had done some good work on a passage reflecting the Chequers communique for inclusion in an RUC Code of Conduct. I explained why we had not gone further on the UDR, using the arguments you had deployed in the talks earlier in the day. Dr FitzGerald stressed (at length) the importance of more visible RUC involvement in the operations of the UDR in Roman Catholic areas, on lines similar to those used by the Irish in the negotiations earlier that day.

Mixed Courts

3. Dr FitzGerald said with great emphasis that he could not understand our attitude on mixed courts. Either we had objections to mixed courts, in which case we should state them; or we had not, in which case we could agree to establish mixed courts once the modalities had been worked out in the Intergovernmental Committee. We seemed to have given no serious thought to the subject. We were saying that there were no legal objections, and Lord Lowry had said that he would carry out whatever decisions Parliament might take. Dr FitzGerald did not see how there could be constitutional objections to mixed courts: a sovereign state could appoint whomever it wanted to be a judge within its jurisdiction. Our position apparently was

SECRET AND PERSONAL

that we were against mixed courts for unspecified reasons, that we were unwilling to give serious thought to the subject before an agreement was signed but that we were willing to have the possibility of mixed courts mentioned in the agreement. If the agreement mentioned the possibility but absolutely nothing happened afterwards, the Irish Government would be very heavily criticised.

4. When I explained our position and quoted our new draft sentence for the agreement, Dr Fitzgerald said that the mention in that sentence of consultations with the two judiciaries would be greeted with bitter hilarity in the Republic, where the opposition of the Northern Ireland judiciary to mixed courts was well known. When I explained why a "side document" committing us to mixed courts in the future was not a starter, Dr Fitzgerald said that this was understandable.

The Fund

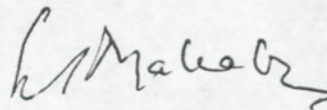
5. Dr Fitzgerald spent some time telling me how he had had a word about the possibility of an Anglo-Irish agreement and the desirability of financial support from friendly governments with each of the other EC Heads of Government except the Dane and with Delors of the European Commission. All had expressed interest in contributing to a fund. He had also spoken to the Canadian and Australian Heads of Government, who had been equally positive. The British and Irish Governments should contact all these other governments at a senior level shortly before an agreement was signed. (He did not intend to approach the Holy See, with which his relations were strained.) The Taoiseach said he did not understand why we opposed the idea of money from the EC budget and wanted to seek it from each EC government instead. If the money was paid by the Commission into a trust or fund for broadly charitable purposes, it would not count in calculating the British net contribution to the EC budget. (Mr Lillis suggested to me afterwards that payments from the EC budget into a fund, and not direct to HMG, need not be considered as raising the question of additionality in relation to UK public expenditure.)

The Secretariat

6. The Taoiseach raised this briefly, to say that he considered it very important that the head of the UK element in the Secretariat should be someone whose experience went wider than Northern Ireland affairs alone and who had participated in the negotiations. He said that he might send the Prime Minister a message to this effect in due course.

Conclusion

7. Dr FitzGerald was friendly, but obviously wished to demonstrate concern, especially about mixed courts. My impression from this conversation, as from the talks on 3 September and from my conversations with Mr Lillis, was that the Irish are close to a decision in favour of an agreement but are still fighting hard for another concession or two - notably concerning the UDR.



C L G Mallaby

5 September 1985

SECRET AND PERSONAL

The Royal Hospital, Kilmainham

I visited the Royal Hospital (incognito) on 4 September. It was built in the 1680s on the instructions of Charles II. It preceded by a few years the foundation of the Royal Hospital, Chelsea, and had exactly the same purpose. It has been described as the most important 17th century building in Ireland. It is classical in form, not unlike the Royal Hospital, Chelsea, but built of stone and not red brick. It now belongs to the Irish State, which has recently restored it at very great cost. The plan is to use it principally for cultural events.

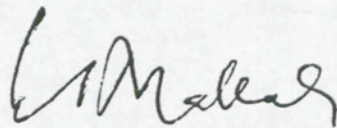
2. The Royal Hospital is in Dublin but surrounded by a small park. I saw no reason to doubt the view of Irish officials that it could be made secure and that good press arrangements could be made. Subject to the weather, helicopters could land in the grounds.

3. The historical associations of the Royal Hospital, Kilmainham, are strongly British. There are portraits of William and Mary themselves in the main hall. But nothing has happened at the Royal Hospital which would give it regrettable associations for nationalists.

4. Kilmainham gaol is about a mile away in the same district of Dublin. It was here that Parnell was imprisoned in 1882 and reached the "Kilmainham Treaty" with Gladstone's government about modification of the Land Act. Some of the leaders of the Easter Uprising in 1916 were executed at the gaol. But the British Ambassador in Dublin, like Irish officials, assured me that the Royal Hospital and the gaol, though they bore the name of the same district of Dublin, were seen in Ireland as separate locations.

SECRET AND PERSONAL

5. I thought that, if a Summit in the Irish Republic were to be acceptable to HMG, the Royal Hospital at Kilmainham would be an excellent choice of building.



C L G Mallaby

5 September 1985

MIXED COURTS

Suggested new sentence for the draft agreement:

"The Committee shall seek, [with the help of advice from experts as appropriate], ways of giving practical expression to this aim, considering inter alia the possibility of mixed courts in both jurisdictions in respect of ~~certain~~ *terrorist* offences."



Foreign and Commonwealth Office

London SW1A 2AH

9 September 1985

Dear Nigel,

Anglo-Irish Talks

The Foreign Secretary is content with the draft letter prepared in the Northern Ireland Office for the Prime Minister to send to Mr Molyneux and Dr Paisley, in reply to the letter which they handed over to her on 30 August about the current Anglo-Irish talks.

I am copying this letter to Jim Daniell (NIO) and Richard Hatfield (Cabinet Office).

Yours wsr.

Len Appleyard

(L V Appleyard)
Private Secretary

N L Wicks Esq CBE
10 Downing Street

meetings with Taoiseach: Ireland
p. 9



ADDRESSEE'S REFERENCE.....

To	Enclosures	Copies to be sent to
Rev Ian R K Paisley Rt Hon James H Molyneaux <i>[separate copies]</i> (Full Postal Address)	<i>Keep</i>	Foreign Secretary SofS for Northern Ireland Sir R Armstrong (Full Address, if Necessary)

LETTER DRAFTED FOR SIGNATURE BY PRIME MINISTER
(Name of Signatory)

Thank you for your joint letter of 28 August about our talks with the Irish Government.

am convinced
firmly believe that *Great*

The present dialogue with the Irish, to which the Government is firmly committed, represents in my view ^{our} the best hope of developing further the unique relationship between the United Kingdom and the Irish Republic, improving co-operation in a number of areas including security, and ^{or} promoting ^{enduring} lasting peace and stability in Northern Ireland.

If we succeed, it is a process from which both countries stand to benefit. Of course, I understand your concern about the continuing ^{confidentiality} secrecy of our discussions. But if the dialogue is to be fruitful, it ^{has a chance of producing useful results} must remain confidential until it reaches a conclusion. I hope this will not ^{take very long} be long deferred. And I can assure you that, whether the talks succeed or fail, the outcome will be fully and publicly announced and Parliament will have an opportunity for debate.

The Government's aim is an agreement from which both countries and all parts of the country in Northern Ireland would derive benefits.

I can also repeat my unqualified assurance that sovereignty over Northern Ireland will be undiminished. You asked what I mean by this. I mean first that Northern Ireland will remain part of the United Kingdom for as long as the majority in the Province so wish; and secondly that whatever may emerge from our discussions with the ~~Irish~~ ^{authorities,} responsibility for the government of Northern Ireland will remain with UK Ministers accountable to Parliament. ^h

Your letter also called on us to challenge the Government of the Republic to withdraw its territorial claim and recognise Northern Ireland's right to self-determination. You will be aware that the Irish Government ^{has accepted} fully recognises that the constitutional status of Northern Ireland cannot change without the consent of ^{the Northern} majority ^{in Northern Ireland} and that that consent is not forthcoming at the present time. ^{for your part} I would add that I hope that you ^{will} would accept that it must be the Government of the United Kingdom and Parliament that determine the policy to be adopted in respect of relations with other countries, including the Republic of Ireland.

Finally, I welcome your readiness in principle to co-operate with the Republic as members of a future devolved government in Northern Ireland and to consider proposals for the protection of minority interests. We would certainly hope that any future devolved administration would work closely with the Irish Republic on matters of mutual concern, as in the past. And I know that Tom King, who I gather has already written to you about a meeting, is anxious to pick up where Douglas Hurd left off in exploring possible ways in which devolved government could be restored to Northern Ireland on

a basis that is acceptable to both sides of the community there. We
would be happy to consider ^{in the light of this criterion} whether any proposals you may have for
devolved government would be likely to pass that crucial test.

cy.

Ireland: Relations / Tsoveach 179.



CONFIDENTIAL

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

Nigel Wicks Esq
10 Downing Street
LONDON
SW1

9 September 1985

Dear Mr Wicks,

LETTER FROM THE PRIME MINISTER TO MR MOLYNEAUX AND DR PAISLEY

When Mr Molyneaux and Dr Paisley met the Prime Minister on 30 August, they handed over a letter which, in addition to expressing Unionist concern at the secrecy surrounding the Anglo-Irish talks, also recorded that the UUP and DUP were prepared to contribute to a new Anglo-Irish process, provided certain restrictive conditions were met, and that they were willing to consider any reasonable proposals, short of participation in Government, for the protection of Nationalist interests. Although the text of the letter has not been published in Northern Ireland, its substance is known, and Dr Paisley has confirmed that it will be published after the PM has replied.

Predictably, while the Unionist document has been drafted to appear constructive, it is not, and their demarche has already been criticised as unhelpful by the SDLP leadership. The price the Unionists are demanding in return for their participation in Anglo-Irish co-operation (and a devolved administration) is such that, if met, would destroy any chance of reaching an agreement with the Irish and render political progress in the North even more difficult. In particular, two of the Unionist preconditions for participating in the Anglo-Irish process (and devolved Government) seem intentionally unrealistic: first, should the reference to the withdrawal by the Irish Government of its territorial claim be an oblique reference to Articles 2 and 3 of their Constitution embodying that claim, then the repeal of those Articles does not appear at present to be politically possible in the Republic. Yet

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the Unionists are well aware that the Irish Government has already publicly accepted, for example, at the Summit between the Prime Minister and the Taoiseach last November, that any change in the constitutional status of the Province would only happen with the consent of a majority of the people of Northern Ireland. Second, in refusing to contemplate partnership in Government with constitutional Nationalists, the Unionists show that they still clearly do not accept the principle that has for long informed our constitutional policy in Northern Ireland: namely that any proposals for devolved Government acceptable to Westminster must command widespread acceptance across the whole community.

Since there is no possibility of taking the Unionists with the Government on Anglo-Irish co-operation on the terms they have proposed, my Secretary of State considers and the Foreign Secretary agrees that the best approach is for the Prime Minister now to reaffirm, and with a view to publication, the Government's commitment to the Anglo-Irish dialogue while doing whatever she can to reassure the Unionists on such key issues as sovereignty and, if possible, thereby help cool the political temperature in Northern Ireland. It would also be desirable to reaffirm the Government's continuing commitment to acceptability across the community as an indispensable criterion for a return to devolved Government.

A draft on these lines, which also seeks to exploit whatever possibility of movement is afforded by the Unionists' commitment to devolution and the protection of minority interests, is accordingly attached.

A copy of this letter goes to Sir Robert Armstrong, and Len Appleyard in the FCO.

Yours sincerely,

Jonathan Duke-Evans

J B DUKE-EVANS

CONFIDENTIAL

Anglo-Irish Agreement: Draft Passage for a Communique

1. The agreement provides for entry into force as soon as each Government has formally notified the other of acceptance. This exchange of notifications will not be completed until the agreement has been approved in both Parliaments. The two Governments intend that action to implement the provisions of the agreement should begin once the exchange of notifications has been completed. The first meeting of the Intergovernmental Committee will take place as soon as possible thereafter. The British side will be led by the Secretary of State for Northern Ireland and the Irish side by [the Minister for Foreign Affairs].

2. The two Governments envisage that the meetings and agenda of the Committee will not normally be announced. But they wish it to be known that at its first meeting the Committee will consider its future programme of work in all the fields - political, security, legal, economic, social and cultural - which come within its remit, and will concentrate in the first instance on:

relations between the security forces and the minority community in Northern Ireland; and

ways of improving security co-operation between the two Governments.

The two sides intend that progress should be made quickly in these fields, in the interests of all of the people of Northern Ireland.

3. In considering the improvement of relations between the Security forces and the minority community, the meeting will address:

a. how the principle that the military operate only in support of the civil power can be further applied in the operations and deployment of the security forces in Northern Ireland, having regard to community relations as well as operational needs;

b. possible ways of underlining the established policy of the Royal Ulster Constabulary that they discharge their duties even-handedly and with equal respect for the unionist and nationalist identities and traditions.

4. In considering the improvement of security co-operation between the two Governments, the meeting of the Intergovernmental Committee will give particular attention to the policing of border areas and consider the implications of the Irish decision, of which the Taoiseach has informed the Prime Minister at the present meeting, to ratify the European Convention on the Suppression of Terrorism.

DRAFT LETTER FROM MR WICKS TO PRIVATE SECRETARY TO THE NORTHERN IRELAND SECRETARYANGLO-IRISH RELATIONS: NORTHERN IRELAND

1. The Prime Minister held a meeting with the Northern Ireland Secretary this morning to consider the instructions for Sir Robert Armstrong's team when they meet the Irish ^{side} ~~said~~ again on 3 September. David Goodall represented the Foreign and Commonwealth Secretary.

Mixed Courts

2. Given the doubts expressed in Cabinet on 25 July about the ~~existing~~ ^{presently foreseen} language about mixed courts in the draft agreement, it was decided that Sir Robert Armstrong should put an alternative formulation to the Irish, which might be on the following lines:

"The Committee shall consider, in consultation with the two judiciaries and others as appropriate, ways of giving practical expression to this aim, including the possibility of mixed courts in both jurisdictions in respect of certain offences."

Sir Robert Armstrong would tell the Irish negotiators that ~~there might~~ ^{this formulation} ~~be reservations~~ ^{was subject to discussion in Cabinet in due course.} ~~about this subject~~ ^{consideration by} in Cabinet, which would definitely be ~~considering it again before conclusion of the negotiations, and that~~ ~~we were putting it forward subject to this reservation.~~ ^{It is}

3. It was agreed that Sir Robert Armstrong should tell the Irish on 3 September that the United Kingdom could not enter into a "side agreement" about the future establishment of mixed courts; and that the

subject of mixed courts was not appropriate for further discussion between the two Attorneys General but should be discussed in the new Intergovernmental Committee after the conclusion of the agreement.

4. The Northern Ireland Secretary said that he had asked the Lord Chief Justice in Northern Ireland what other measures Ulster Defence Regiment

in the
judicial
field
might be
feasible.
The Prime
Minister
expressed
interest
in
his line
of thought.

5 It was agreed that Sir Robert Armstrong could tell the Irish on 3 September that British Ministers understood the sensitivity of ~~the~~ national^{is} about the UDR but that the Irish must understand that the subject was also a sensitive one for ~~the~~ unionists. Sir Robert could confirm that the Government would announce unilaterally, perhaps in the debate in the House of Commons on the agreement, that the initial training of part-time members of the UDR would be extended and that more non-commissioned officers from the regular army would be seconded to the UDR for training purposes. But it would be invidious to enter into private understandings with the Irish about steps which we might take in future concerning the UDR. Sir Robert could tell the Irish that we would keep under review the actual strength and the theoretical establishment of the full and part-time cadres of the UDR and the deployment of the Regiment, but it would not be appropriate to declare our intentions or to mention any figures.

Summit Communique

6. Certain amendments ^{were made} to the draft attached to Christopher Mallaby's minute of 28 August ~~were agreed~~, as indicated by underlining in the ^{version} enclosed ~~attached copy~~. With reference to the second sentence of this material, it was noted that advice should be sought on whether a debate on the agreement should be held in the House of Lords as well as in the House of Commons.

A Published Summary of the Agreement

7. It was agreed that the idea of a joint summary of the agreement could have certain advantages, in terms of restraining the Irish Government from placing unwelcome losses ⁱⁿ on the agreement ~~on~~ their public statements and as an aid to objectivity in media reporting. The drafting of this would be difficult, since differences of substance between the summary and the agreement itself ~~would have to be avoided~~. ^{could be exploited by critics of the agreement} A summary in the form of a press release was greatly preferable to one in the much more formal ^{context} text of the Summit Communique itself. The summary ^{should} ~~would need~~ where ^{necessary} possible to say what the agreement did not include as well as what it included. Sir Robert Armstrong should explore the idea further, on these lines, with the Irish on 3 September.

The Location of a Summit

8. It was agreed that the best approach would be to have a two-part meeting, starting in the Irish Republic and concluding in Britain. There would be advantages of symmetry if the Irish location was near Shannon Airport and the British one was near Gatwick. Leeds Castle would be a possibility. Sir Robert Armstrong should put this proposition to the Irish on 3 September.

The Attitude of the SDLP

9. The importance of SDLP support for the agreement was brought out when the Cabinet discussed the subject on 25 July. It was agreed at today's meeting that the Northern Ireland Secretary should at an appropriate time

tell Mr Hume that one of the aims of an agreement was to enable the SDLP to relax its opposition to participateⁱⁿ in the political processes in Northern Ireland. Mr Hurd might tell Mr Hume that he wished to be able to report to his colleagues that the SDLP would react in this way, ~~Mr Hurd~~^{and} would seek an assurance that the SDLP would take some concrete step, such as agreeing to participate in another election^(to be) Assembly. It was agreed that Sir Robert Armstrong should tell the Irish on 3 September that the Northern Ireland Secretary would seek ~~from~~^{be speaking to} Mr Hume ~~an assurance of~~^{on these} ~~such a concrete response.~~^{lines}

The Secretariat of the Intergovernmental Committee

10. It was agreed that the secretariat, like the Intergovernmental Committee which it would serve, could not be an executive agency. ^{It could not be} empowered to take ~~any~~ decisions, or to issue press statements. Its role between meetings of the Committee would rather be that than a channel of communication, in addition to its function of ^{service} serving meetings of the Committee. ^{This should be made clear to} ~~The Irish should be informed of this on 3 September.~~

- 1/10. I am sending copies of this letter to Len Appleyard in the Foreign and Commonwealth Office and Richard Hatfield in the Cabinet Office.

SECRET
PERSONAL

From: THE PRIVATE SECRETARY

SECRET

PERSONAL

NORTHERN IRELAND OFFICE

WHITEHALL

LONDON SW1A 2AZ



Prime Minister
CDP
2/9

42

Charles Powell Esq
No 10 Downing Street

2 September 1985

Dear Mr Powell,

ms

MR HURD'S DISCUSSION WITH THE LORD CHIEF JUSTICE OF NORTHERN IRELAND

In his minute of 8 July commenting on the views of the Lord Chief Justice of Northern Ireland about joint courts, Mr Hurd said that he would continue to keep in touch with Lord Lowry on these issues.

Mr Hurd had a private dinner with Lord Lowry on 27 August. The Secretary of State reiterated the framework within which the talks with the Irish were taking place, but did not go into any detail on substance. He made it clear that he was well aware of the reasons for Lord Lowry's opposition to the concept of mixed courts and that he personally shared and appreciated many of Lord Lowry's misgivings. The Government were sticking firmly to the line that while these ideas might be considered further they could give no commitment as to the outcome.

It was clear, however, that the Irish would continue to press for something in this area. Mr Hurd invited Lord Lowry to consider whether there were any other more acceptable proposals which might help to encourage and develop co-operation between the two judiciaries. Lord Lowry suggested initially that he discussed this with the Chief Justice in the Irish Republic, but the Secretary of State made it clear that he should not do so. Lord Lowry agreed to keep all this to himself, and let the Secretary of State know if he had any ideas to suggest.

Lord Lowry took the opportunity to repeat his view that it was a mistake to harp too much on extradition from the Republic to the North, since, in his judgment, under Irish law, those committing terrorist offences in Northern Ireland should successfully be able to resist extradition by claiming that those offences were political. Moreover extradition was only possible once charges had been formulated and there could be no further questioning in respect of

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those offences once charges had been brought, on the offenders' return. There was then a real risk of acquittals because of insufficient evidence. In his view we should concentrate on the need to allow the RUC to interrogate suspects in the Republic, of course in the presence of the Garda.

This was a useful discussion which Mr Hurd hopes has been helpful in alleviating some of the Lord Chief Justice's continuing concern about the effect of the talks on the Northern Ireland judiciary. He will report further if the Lord Chief Justice comes back with any suggestions for developing judicial co-operation; and would, in any event, propose to have a further word with the Lord Chief Justice nearer the date of any agreement with the Irish.

I am copying this letter to the Private Secretaries to the Lord Chancellor and the Foreign Secretary and to Henry Steel and Richard Hatfield.

Yours sincerely

Jonathan Duke-Evans

J B DUKE-EVANS



Prime Minister ②
The Rt. Hon. James Molyneux, JP., MP. ^{CDP}
LEADER — THE ULSTER UNIONIST PARTY. ^{3/9}

House of Commons,
London, SW1A 0AA. ^{R3/9}

31 Aug 1985 ^{pm}

Dear Prime Minister

I want to thank you most sincerely for seeing Ian Paisley and me yesterday at a time when you had so many demands on your time.

I expect to return from holiday on 17 September and Mr Paisley gets back from America at the end of the month. Needless to say we shall be available for a further short discussion on any of the points made in our paper.

With renewed thanks
from us both
Yours ever
Jim



10 DOWNING STREET

From the Principal Private Secretary

30 August, 1985.

ANGLO-IRISH RELATIONS: NORTHERN IRELAND

The Prime Minister held a meeting with the Northern Ireland Secretary this morning to consider the instructions for Sir Robert Armstrong's team when they meet the Irish side again on 3 September. David Goodall represented the Foreign and Commonwealth Secretary.

Mixed Courts

Given the doubts expressed in Cabinet on 25 July about the language about mixed courts presently foreseen in the draft agreement, it was decided that Sir Robert Armstrong should put an alternative formulation to the Irish, which might be on the following lines:

"The Committee shall consider, in consultation with the two judiciaries and others as appropriate, ways of giving practical expression to this aim, including the possibility of mixed courts in both jurisdictions in respect of certain offences."

Sir Robert Armstrong would tell the Irish negotiators that this formulation was subject to consideration by Cabinet in due course.

It was agreed that Sir Robert Armstrong should tell the Irish on 3 September that the United Kingdom could not enter into a "side agreement" about the future establishment of mixed courts; and that the subject of mixed courts was not appropriate for further discussion between the two Attorneys General but should be discussed in the new Intergovernmental Committee after the conclusion of the agreement.

The Northern Ireland Secretary said that he had asked the Lord Chief Justice in Northern Ireland what other measures in the judicial field might be feasible. The Prime Minister expressed interest in this line of thought.

Ulster Defence Regiment

It was agreed that Sir Robert Armstrong could tell the Irish on 3 September that British Ministers understood the sensitivity of nationalists about the UDR but that the Irish

must understand that the subject was also a sensitive one for unionists. Sir Robert could confirm that the Government would announce unilaterally, perhaps in the debate in the House of Commons on the agreement, that the initial training of part-time members of the UDR would be extended and that more non-commissioned officers from the regular army would be seconded to the UDR for training purposes. But it would be invidious to enter into private understandings with the Irish about steps which we might take in future concerning the UDR. Sir Robert could tell the Irish that we would keep under review the actual strength and the theoretical establishment of the full and part-time cadres of the UDR and the deployment of the Regiment, but it would not be appropriate to declare our intentions or to mention any figures.

Summit Communique

Certain amendments were made to the draft attached to Christopher Mallaby's minute of 28 August, as indicated by underlining in the enclosed version. With reference to the second sentence of this material, it was noted that advice should be sought on whether a debate on the agreement should be held in the House of Lords as well as in the House of Commons.

A Published Summary of the Agreement

It was agreed that the idea of a joint summary of the agreement could have certain advantages, in terms of restraining the Irish Government from placing unwelcome glosses on the agreement in their public statements and as an aid to objectivity in media reporting. The drafting of this would be difficult, since differences of substance between the summary and the agreement itself could be exploited by critics of the agreement. A summary in the form of a press release was greatly preferable to one in the much more formal context of the Summit Communique itself. The summary should where necessary say what the agreement did not include as well as what it included. Sir Robert Armstrong should explore the idea further, on these lines, with the Irish on 3 September.

The Location of a Summit

It was agreed that the best approach would be to have a two-part meeting, starting in the Irish Republic and concluding in Britain. There would be advantages of symmetry if the Irish location was near Shannon Airport and the British one was near Gatwick. Leeds Castle would be a possibility. Sir Robert Armstrong should put this proposition to the Irish on 3 September.

The Attitude of the SDLP

The importance of SDLP support for the agreement was brought out when the Cabinet discussed the subject on 25

July. It was agreed at today's meeting that the Northern Ireland Secretary should at an appropriate time tell Mr. Hume that one of the aims of an agreement was to enable the SDLP to relax its opposition to participation in the political processes in Northern Ireland. Mr. Hurd might tell Mr. Hume that he wished to be able to report to his colleagues that the SDLP would react in this way and would take some concrete step, such as agreeing to participate in another election to the Assembly. It was agreed that Sir Robert Armstrong should tell the Irish on 3 September that the Northern Ireland Secretary would be speaking to Mr. Hume on these lines.

The Secretariat of the Intergovernmental Committee

It was agreed that the secretariat, like the Intergovernmental Committee which it would serve, could not be an executive agency. It could not be empowered to take decisions or to issue press statements. Its role between meetings of the Committee would rather be that than a channel of communication, in addition to its function of servicing meetings of the Committee. This should be made clear to the Irish on 3 September.

I am sending copies of this letter to Len Appleyard (Foreign and Commonwealth Office), and Richard Hatfield (Cabinet Office).

Yours sincerely
Nigel Wicks

(NIGEL WICKS)

J.A. Daniell, Esq.,
Northern Ireland Office.

SUBJECT
cc Master.

10 DOWNING STREET

From the Principal Private Secretary

30 August 1985

Dear Jim,

PRIME MINISTER'S MEETING WITH MR MOLYNEAUX AND
DR PAISLEY

Mr Molyneaux, M.P., and Dr Paisley, M.P., called upon the Prime Minister today, at their request, to hand over a joint letter. Your Secretary of State was also present.

I am enclosing a copy of their letter and would be grateful if you could provide me by Monday 9 September with a draft of a letter for the Prime Minister to send in reply. (If your Secretary of State thinks that the reply should be delayed beyond that date please let me know so that I can consult the Prime Minister).

In the discussion, Mr Molyneaux, after thanking the Prime Minister for seeing them at such short notice, said that the stability in the Province created by the Prime Minister's statement on the eve of the last Summit, was being eroded by leaks regarding the current Anglo/Irish talks. This had prompted them to draw up a short document, which he handed to the Prime Minister. They did not expect any response today.

Dr Paisley said that he shared the British Government's wish for a better relationship between the United Kingdom and the Republic, though his views might divert from the Government's about the means to be employed to that end. When Stormont had existed, there had been considerable contact between the Northern Ireland Government and the Government in the Republic, on for example railway and power matters. He would expect such arrangements to continue in any devolved Government, provided that the Government in Northern Ireland could voluntarily enter into such talks and it was recognised that they they were the keeper of Northern Ireland's interest. When the British Government spoke to the Government in the Republic, they should talk as representatives of the whole of the United Kingdom, not just Northern Ireland. There were, however, difficulties in a neighbourly relationship North and South of the Border while the South claimed jurisdiction over the North. A dangerous situation was developing in the Province and the British Government might perhaps be faced with talking

with leaders other than Mr Molyneaux and himself who had very different ideas on how best to solve the problem. He would welcome a further meeting with the Prime Minister to discuss her response to their letter.

The Prime Minister then recalled Mr Molyneaux's statement that many Roman Catholics in the North wanted to remain citizens of the United Kingdom. Mr Molyneaux said that the South Antrim election results demonstrated that fact. Mr Barry's claim that the Republic was the guardian of the Catholics in the North was a monstrous one. He shared Dr Paisley's assessment of growing dangers. Responsible middle class opinion increasingly put the question to him "Are they going to sell us out?". This made it extremely important for there to be an early resolution of the current uncertainty. Dr Paisley was especially concerned that Mr Hume and the SDLP were kept well briefed by the Government of the Republic. All he could do was to react to reports. Reaction politics were not good enough. The Secretary of State emphasised his wish for a quick agreement and the Government's intention for sovereignty should not be touched. The Prime Minister recalled the Government's insistence for there to be a debate in the House of Commons. Mr Molyneaux said that people accepted the Prime Minister's statements but were asking why it was necessary to give a consultative role to a foreign government.

Concluding Dr Paisley and Mr Molyneaux said that they did not intend to tell the press of their visit but if asked, they would say that they had presented the Prime Minister a document with constructive proposals and looked forward to her response. They did not intend to publish the document at this stage.

I am sending a copy of this letter to Len Appleyard (Foreign and Commonwealth Office) and Richard Hatfield (Cabinet Office).

Yours sincerely
Nigel Wick

Jim Daniell, Esq.,
Northern Ireland Office.

PRIME MINISTER

Mr. Molyneaux and Mr. Paisley are pressing for a short meeting with you, as soon as possible, on the AngloIrish talks. Because Mr. Molyneaux leaves the country for a fortnight early on Monday, and Mr. Paisley sets off on a tour before Mr. Molyneaux returns in a fortnight's time, they say they would be ready for a short meeting at any time, even on Saturday.

Mr. Molyneaux has explained that the meeting need take only a few minutes, and they would pass a document to you, signed by both of them, setting out their views. They would be seeking no publicity. In fact, I think Mr. Molyneaux would be happy simply to send you the document, but Mr. Paisley is pressing strongly for a meeting. He would I think be willing, if necessary, to see you on his own next week. I have of course explained in general terms the severe practical difficulties from a diary point of view, and said I would ring them back at lunchtime tomorrow.

The Secretary of State for Northern Ireland thinks it would be a good idea to see them, if at all possible. Charles Powell, to whom I mentioned the request on the telephone, thinks there is nothing to be gained by a meeting at this stage, and if anybody sees them now it should be Mr. Hurd.

You will wish to have a word about this at your meeting tomorrow morning before coming to a decision. All those due to attend will be primed up to discuss the matter.

Mark Addison

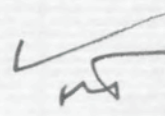
MEA

29 August, 1985.

PRIME MINISTER

MEETING WITH THE SECRETARY OF STATE AND OTHERS
AT 1130 ON FRIDAY 30 AUGUST

Attendance

Secretary of State for Northern Ireland
Mr. David Goodall (representing the Foreign Secretary)
Sir Robert Armstrong
Mr. Mallaby of the Cabinet Office - if you agree ✓
(he drafted the note below) 

Agenda

(i) Mr. Mallaby's note of 28 August seeking instructions for Sir Robert Armstrong's next round of talks with the Irish on 3 September (flag A): after asking participants whether they have any general comments on Mr. Mallaby's note, you might seek conclusions on the decision points in paragraphs 4-10 of the note. You will also want to confirm that you are generally content with other aspects of the draft communique.

(ii) Mr. Hurd's minute of 28 August about contingency plans for political strike in Northern Ireland (flag B): this does not seek decisions. It looks to be a thorough piece of contingency planning for an inevitably uncertain situation; but you may wish to ask Sir Robert Armstrong to arrange for it to be considered by interested departments e.g. in the CCW.

—————→

N.L.J.

NIGEL WICKS
29 August 1985

ADVANCE COPIES

19

NORTHERN IRELAND

PS
PS/LADY YOUNG
~~PS/PUS~~
MR GOODALL

PS/ S of S
PS/MR R ANDREW, OAB 1/56
MR BRENNAN
MR BURNS
MR J LYON

NIO

HD/RID
Dep. HD/PUSD (2)
HD/INFO DEPT
HD/NEWS DEPT

SIR R ARMSTRONG)
DIO) CABINET OFFICE

PS/ NO 10 DOWNING STREET (3)

~~RESIDENT CLERK~~

14.11.84



Prime Minister

*You may wish to be aware in view of tomorrow's meeting.
MEST 29/8*

UNCLASSIFIED
FM DUBLIN
TO DESKBY 291100Z FCOLN
TELNO 575
OF 291010Z AUGUST 85

MY TELNO 573: ANGLO-IRISH TALKS

1. REMARKS MADE YESTERDAY BY MR SCOTT TO REUTERS AND BY MR HURD TO RTE ARE WIDELY REPORTED IN TODAY'S PAPERS. THIS MORNING'S RADIO NEWS PROGRAMME ALSO CARRIED A REPORT AND INTERVIEW WITH ITS NORTHERN CORRESPONDENT, JIM DONGAL WHO SPECULATED ABOUT BRITISH MOTIVES IN 'RAISING EXPECTATIONS' IN THIS WAY.

2. THE IRISH INDEPENDENT CARRIES THE STORY AT THE TOP OF ITS FRONT PAGE UNDER THE HEADING 'DUBLIN TO GET 'CONSULTATIVE ROLE' IN NORTH: BRITISH MINISTER'. THE IRISH TIMES ('NEW HINT OF DUBLIN ROLE IN NI SECURITY') AND THE CORK EXAMINER ('DUBLIN ROLE?') ALSO GIVE IT FRONT PAGE TREATMENT. THE IRISH PRESS RELEGATES ITS REPORTS TO PAGE 4 AND FOCUSES MORE ON MR HURDS STATEMENT THAT HE 'EXPECTS TALKS RESULTS WITHIN WEEKS'. THERE IS NO EDITORIAL COMMENT.

STIMSON

cc Press.

House of Commons
Westminster
LONDON SW1A 0AA

28 August 1985

To The Prime Minister
The Rt Hon Mrs Margaret Thatcher MP
10 Downing Street
LONDON SW1

Dear Prime Minister

The people of Ulster are profoundly anxious about the secrecy surrounding current Anglo-Irish talks and we are fearful for the future of constitutional politics should an Anglo-Irish agreement accord the Republic of Ireland any role in the direction or control of Ulster's affairs.

To the people of Northern Ireland any proposal for increased Anglo-Irish co-operation must be suspect given the Republic's claim to the territory of Northern Ireland which is a repudiation of Northern Ireland's right of self-determination. This being so we call upon Her Majesty's Government to challenge the Government of the Republic to withdraw its territorial claim and recognise Ulster's right to self-determination as an essential prerequisite to greater friendship, co-operation and understanding.

Whilst we are eager to accept your assurance that United Kingdom sovereignty over Northern Ireland will remain undiminished we seek assurance that your interpretation of sovereignty accords with our own and, specifically, that sovereignty precludes any British/Irish machinery dealing only with Northern Ireland rather than with United Kingdom/Republic of Ireland relations as a whole.

PROVIDED United Kingdom sovereignty remains undiminished, and provided the Republic's territorial claim is withdrawn, we are willing to contribute to a process of British/Irish discussion and co-operation

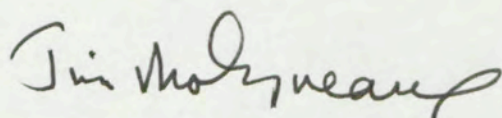
- [a] As members of a newly formed Government of Northern Ireland meeting with opposite numbers in the Government of the Irish Republic to consider matters of mutual interest and concern within the purview of respective departmental responsibilities, and
- [b] As members of a devolved government comprising part of a United Kingdom delegation to talks with the Government of the Irish Republic about matters of mutual interest and concern to both States exclusive of those matters referred to in [a] above, and those touching upon United Kingdom sovereignty over Northern Ireland.

We submit that a continuing SDLP veto over internal political development and a continued denial of local democracy in the wake of any Anglo-Irish agreement could only further erode the confidence of the Unionist majority in the constitutional process, with calamitous consequences.

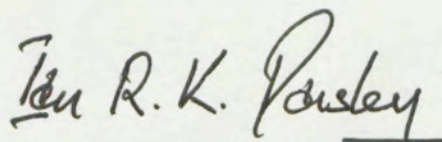
We believe moreover that the SDLP veto is a needless impediment to the Government's professed wish to begin the process of devolution since the SDLP do not want and, vis-a-vis Provisional Sinn Fein, could not sustain a position as members of a Northern Ireland Government.

Short of seats in Cabinet we are nonetheless prepared to consider any reasonable proposals for the protection of minority interests in a new Parliament of Northern Ireland.

Yours sincerely



James H Molyneaux



Ian R K Paisley

A

ccl 39

B.07096

PRIME MINISTERANGLO-IRISH RELATIONS: NORTHERN IRELAND

The state of play in the Anglo-Irish talks was described in Sir Robert Armstrong's minute of 2 August. You are holding a meeting of Ministers at 11.30 am on Friday 30 August, prior to Sir Robert Armstrong's next round of talks with the Irish on 3 September.

2. The traditional marching season in Northern Ireland is virtually over. Martin Galvin reappeared in Northern Ireland in defiance of the Exclusion Order. But there have been few serious outbreaks of public disorder and these have been successfully controlled by the RUC. There has, however, been an increase in terrorist incidents and the Unionist community are in an edgy mood in anticipation of an Anglo-Irish agreement which they expect to involve concessions to the Irish Government. The Irish Government for their part apparently remain firmly committed to the Anglo-Irish negotiations and a speech by Mr Barry on 24 August (text attached), while critical of Britain's historical role in Ireland, struck a generally helpful note. It highlighted the Irish Government's recognition that the rights of the Unionist community will have to be respected if progress is to be made towards solving the Northern Ireland problem. You may wish to start your meeting by asking the Northern Ireland Secretary to report on recent events in Northern Ireland and to give his latest assessment of likely reactions to an agreement.



3. The main purpose of your meeting will be to decide the line which Sir Robert Armstrong should take with the Irish on 3 September. Suggestions on this are below.

MIXED COURTS

4. Both you (Mr Flesher's minute of 5 August) and the Lord Chancellor (his minute of 1 August) are opposed to the idea put by the Irish Attorney General to Sir Michael Havers of a private understanding or "side-document" committing us to the eventual establishment of mixed courts. The Irish have suggested that there should be another meeting between the two Attorneys General. I understand that Sir Michael Havers is not disposed to hold further discussions with his Irish opposite number on this subject. I suggest that Sir Robert Armstrong should reiterate to Mr Nally on 3 September that we cannot go further than agreeing to discuss the question of Joint Courts in the new Intergovernmental Committee, and should say that the idea of a "side-document" is not a starter.

ULSTER DEFENCE REGIMENT

5. Sir Robert Armstrong reported in his minute of 2 August that the Irish had pressed us hard for further moves regarding the UDR, as being necessary to the Irish Government in defending the agreement in the Dail and persuading the SDLP to support it. We have already told the Irish in confidence that the period of training undergone by recruits to the part-time cadre of the UDR will be increased from 8 to 14 days and that more regular army non-commissioned officers will be seconded to the UDR for training purposes. The Ministry of Defence have looked at the scope for other moves concerning the UDR which would be justified on their merits. The Defence Secretary has agreed to various small steps: to formalise existing practice regarding arrests by members of the UDR by issuing instructions that the power of arrest is not to be used,

except in extreme conditions such as a physical emergency, by members of the UDR who have not completed their initial training and six months of service; and to eliminate the special contingency provision for 2562 part-time members of the UDR over and above the part-time establishment of 6483 men, an establishment which itself is never likely to be reached. These measures would be likely to become publicly known, but any announcements by the Government would be unilateral and would not present the measures as a result of the Anglo-Irish talks. The Defence Secretary has also agreed that we may tell the Irish in confidence that the part-time establishment of the UDR might over the course of the next year be reduced by 2000 men to 4483, bringing it more into line with the actual number of part-timers, which stands at just over 3700; that we shall consider the possibility of incorporating elements of the new RUC Code of Conduct in some form of standing instruction for the army in Northern Ireland, as well as making use of it in training army personnel there; and that we plan to increase the degree to which UDR personnel participate in the training undergone by the regular army, such as the standard officers' course at Sandhurst.

SUMMIT COMMUNIQUE

6. You and the Northern Ireland Secretary have expressed reservations about part of paragraph 3 of the language for a summit communique which Sir Robert Armstrong submitted on 2 August. Your objections were that paragraph 3b, which said that the new Intergovernmental Committee would consider how the RUC could increasingly be present during operations of the army including the UDR in Northern Ireland, smacked of interference in the United Kingdom's affairs; and also that the language was unclear. The Northern Ireland Secretary's objection to paragraph 3b was that it would be impolitic to advertise in the summit communique that the agreement would allow discussion with the Irish of the role of the UDR. The intended meaning of paragraphs 3a and

3b is that the principle that the armed forces act only in support of the civil power already applies in Northern Ireland and that its expression in practice should be progressively developed. Paragraph 3b is meant to give a specific example of how the principle could be more fully developed in practice. Officials have considered the language again and concluded that the best course is to eliminate the specific references to the army and the UDR and to revert to the language attached to Sir Robert Armstrong's minute of 30 July, which you approved at the time.

7. I think that the objection that the text is unclear could also be levelled at paragraph 3a, where there may be a possible implication that the principle that the military operate only in support of the civil power does not already apply in Northern Ireland. This can be corrected by amending the phrase "can be progressively developed" in paragraph 3a to read "can be further developed". The attached version of the language submitted on 30 July incorporates this change and also some simplification of paragraph 3a.

8. The Irish have proposed that the communique on an Anglo-Irish Summit might also include a summary of the new agreement. This would provide a ready-made summary for the media, and might reduce the risk that the media would distort the agreement in making their own summaries. It would also provide a common point of reference for the two Governments in their public descriptions of the agreement. Officials think that the idea of a jointly agreed summary of the agreement is worth pursuing. It would have to be scrupulously balanced, and to bring out the points of value to the British just as much as those of value to the Irish. It is for consideration whether such a summary should appear in the communique itself or should have a less formal status, for instance as a press release. The latter course may be preferable, because it

should reduce the risk that critics of the agreement could make mischief by looking for differences between two formal texts - the agreement and the communique - and speculating on what might lie behind them. Sir Robert Armstrong could explore this alternative with Mr Nally on 3 September.

THE PROPOSED FUND FOR EXPENDITURE IN IRELAND

9. There has been discussion in August between British and Irish officials to consider without commitment some of the aspects of the proposed Fund. Good progress was made in developing a common approach. Among the principles on which officials on both sides are agreed are that the Fund would be established in response to the wish of other Governments, notably that of the United States, to express their support for the agreement by financial means; that about three-quarters of the Fund would be spent in Northern Ireland; that the money would have to be additional to existing Government expenditure but that it would be used in ways consistent with the policies of the respective Governments; that the projects to be financed would thus be chosen with the aim of countering real economic and social problems and not for mere presentational impact; and that some of the money would go to a venture capital corporation to stimulate private sector investment. Sir Robert Armstrong could seek on 3 September to advance the discussion of this subject ad referendum, with a view to a submission to Ministers about the Fund.

LOCATION OF AN ANLO-IRISH SUMMIT

10. Given the difficulty for us in holding a summit in the Republic and for the Irish in holding one in Britain, and given that the media reports of a summit in Northern Ireland could be dominated by coverage of demonstrations against the agreement, the best idea for the location of a summit appears to be for a two part meeting, starting in the Republic and concluding in Britain. The logistic problems should not be insuperable if the summit started at a location near Shannon Airport, where the talks would take place and one copy of the



agreement would be signed, and concluded in London (or a place nearer to Heathrow or Gatwick), where the second copy of the agreement would be signed, the communique would be published and a joint press conference would be held. Sir Robert Armstrong could try on 3 September to persuade the Irish to look seriously at this arrangement.

11. I am sending copies of this minute to the Secretary of State for Foreign and Commonwealth Affairs, to the Secretary of State for Northern Ireland and to Sir Robert Armstrong (who will be coming in from leave to attend your meeting).

C L G MALLABY

28 August 1985

GRS 860

UNCLASSIFIED
FM DUBLIN
TO DESKBY 270830Z FCOLN
TELNO 568
OF 261430Z AUGUST 85
INFO BIS NEW YORK WASHINGTON

MIPT: ANGLO/IRISH TALKS

1. FOLLOWING IS TEXT OF SPEECH BY MR BARRY IN CORK ON 24
AUGUST:

QUOTE : I BELIEVE THAT THE POINT OF DEPARTURE IN ANY DIALOGUE THAT
CAN TAKE PLACE BETWEEN UNIONISTS AND NATIONALISTS MUST BE MUTUAL
RESPECT. RESPECT : NOT SENTIMENTAL AFFECTION. BY RESPECT I MEAN
ACCEPTANCE BY NATIONALISTS THAT UNIONISTS ARE WHO THEY SAY THEY
ARE AND I MEAN ACCEPTANCE BY US THAT UNIONISTS HAVE A (FOLLOWING
WORD UNDERLINED) RIGHT TO BE WHAT THEY SAY THEY ARE. THAT IS MUCH
MORE DIFFICULT IN PRACTICE THAT IT SOUNDS WHEN PUT IN THEORETICAL
TERMS.

IN PRACTICE IT MEANS ACCEPTANCE OF THE BRITISHNESS OF UNIONISTS,
THE VERY BRITISHNESS THAT NATIONALISTS HAVE FOR HUNDREDS OF YEARS
STRUGGLED TO EXTIRPATE FROM THIS ISLAND. IT MEANS ACKNOWLEDGING
FRANKLY THAT NATIONALISTS HAVE NOT IN THE PAST FACED UP TO OR ACCE-
PTED THE REALITY OF THE UNIONIST TRADITION. IN PRACTICE IT MEANS
RESPECT FOR UNIONISTS OPPOSITION TO IRISH UNITY: RESPECT FOR
THEIR CONCERN THAT THE UNIONIST HERITAGE AND VALUES COULD BE
OVERWHELMED BY THE RELIGIOUS AND POLITICAL INHERITANCE OF THE
MAJORITY OF THE PEOPLE OF IRELAND. IN PRACTICE IT MEANS THAT ALL
NATIONALISTS MUST ACCEPT THAT THE NINE HUNDRED THOUSAND
PEOPLE THAT MAKE UP THE UNIONIST COMMUNITY ARE NOT GOING TO GO AWAY
AND THAT THEY ARE NOT GOING TO BECOME NATIONALISTS JUST
BECAUSE WE WOULD LIKE THEM TO DO SO. IN SHORT IT MEANS OUR
ACCEPTANCE THAT UNIONISTS HAVE A RIGHT TO BE BOTH (FOLLOWING WORD
UNDERLINED) WHERE THEY ARE AND (FOLLOWING WORD UNDERLINED) WHAT
THEY ARE.

IT IS NOT EASY FOR NATIONALISTS TO ACCEPT ALL OF THAT. BUT THAT
IS WHAT THE NEW IRELAND FORUM ACCEPTED: EXACTLY AND IN DETAIL.
THAT IS THE NEW POSITION AND COMMITMENT OF IRISH NATIONALISM SINCE
1984. UNIONISTS SHOULD READ WHAT THE FORUM SAYS ABOUT THEIR IDENTITY
THEIR ETHOS AND THEIR RIGHTS AND THEY SHOULD CHALLENGE THE
NATIONALIST PEOPLE AND THEIR LEADERS TO LIVE UP TO THOSE WORDS.

THE POINT OF DEPARTURE IS RESPECT. IT IS BECAUSE I BELIEVE THAT
A NEW DEPARTURE HAD AT LEAST BEEN INITIATED - BY THE NATIONALIST
SIDE - THAT I FEEL THAT WE ARE NOW ENTITLED TO SAY TO
UNIONISTS: YOU FOR YOUR PART MUST ACCEPT THE REALITY OF NATIONALISM.
WE THE NATIONALISTS ARE NOT GOING TO GO AWAY EITHER: SOUTHERN
NATIONALISTS AND NORTHERN NATIONALISTS ARE NOT GOING TO STOP BEING
NATIONALISTS FOR THE SAKE OF A QUIET LIFE OR FOR ANY OTHER REASON.

REMEMBER

REMEMBER THAT FOR CENTURIES AND CENTURIES BRITISH GOVERNMENTS TRIED TO PRETEND TO THE WORLD AND EVEN TO THEMSELVES THAT IRISH NATIONALISTS - THE GREAT MAJORITY OF THE PEOPLE OF THIS ISLAND - WERE NOT IRISH AT ALL AND THAT CORK WAS AS BRITISH AS MANCHESTER. EVERYONE AGREES TODAY THAT THAT WAS A DISASTROUS POLICY: ONE OF THE APPALLING ERRORS OF HUMAN HISTORY. UNIONISTS WOULD BE JUST AS MISTAKEN TODAY TO PRETEND TO ANYONE THAT SIX HUNDRED THOUSAND NATIONALISTS IN NORTHERN IRELAND AND OVER THREE MILLION IN THE SOUTH ARE NOT WHAT WE SAY WE ARE.

IT WOULD BE A NEW AND PROMISING BEGINNING WERE WE BOTH TO ACCEPT EACH OTHER AS BEING WHAT EACH OF US SAYS WE ARE AND BELIEVES WE ARE. IN OTHER WORDS: LET US, BOTH OF US, ACKNOWLEDGE AND RESPECT THE DIFFERENCES BETWEEN US.

WE MUST ALSO ACCEPT THAT WE HAVE MANY THINGS IN COMMON: STRONG RELIGIOUS AND MORAL VALUES, RESPECT FOR TRADITION AND DEEP LOVE OF THIS ISLAND. WE ALSO HAVE IN COMMON A MAJOR PROBLEM, A PROBLEM WHICH HAS BLIGHTED THE LIVES AND HOPES OF MANY THOUSANDS OF FINE PEOPLE AND WHICH CASTS A DANGEROUS SHADOW OVER THE FUTURE OF THE CHILDREN OF BOTH UNIONISTS AND NATIONALISTS IN IRELAND. WE ARE ALL IN THIS MESS TOGETHER. FUNDAMENTALLY IT WAS CREATED NOT BY EITHER OF US ON THIS ISLAND BUT RATHER BY OUR NEIGHBOURS.

WE IN THE IRISH GOVERNMENT HAVE BEEN TRYING FOR SEVERAL MONTHS TO REACH A COMMON UNDERSTANDING WITH THE BRITISH GOVERNMENT ON MEASURES WHICH WOULD CREATE A NEW FRAMEWORK WITHIN WHICH NATIONALISTS AND UNIONISTS COULD WORK TOGETHER IN AN ATMOSPHERE OF GENUINE MUTUAL ACCEPTANCE AND RESPECT. I KNOW THAT THIS NECESSARILY CONFIDENTIAL BUSINESS CREATES UNCERTAINTY AMONG UNIONISTS AS IT DOES BY THE WAY AMONG NATIONALISTS. I KNOW TOO THAT DEMAGOGUES AND TERRORISTS ARE SEEKING TO EXPLOIT THE GENUINE ANXIETIES OF BOTH SIDES.

I HOPE THAT THIS ANLGO-IRBUBH EFFORT BEARS FRUIT. THAT IS NOT YET DECIDED ONE WAY OR THE OTHER. SHOULD WE MANAGE TO SUCCEED I WOULD HOPE THAT ALL DECENT UNIONISTS AND NATIONALIST MEN AND WOMEN WILL IGNORE THE DEMOGAGIC VOICES AND MAKE UP THEIR OWN MINDS ABOUT OUR CONCLUSIONS, CALMLY AND CAREFULLY. THEY SHOULD RESIST THE EFFORTS OF THE BOMBERS AND THE MURDERERS TO DESTROY PROGRESS AND SABOTAGE THE PROSPECT OF PEACE: IN OUR RESISTANCE TO VIOLENCE THE IRISH GOVERNMENT AND ALL THE PEOPLE NORTH AND SOUTH SHOULD STAND FIRMLY TOGETHER. UNIONISTS SHOULD I BELIEVE BEAR IN MIND THAT THE APPROACH OF THE IRISH GOVERNMENT IS NOT TO GAIN AN ADVANTAGE OVER ANYONE BUT ONLY TO CREATE EQUILIBRIUM EQUALITY AND STABILITY WHERE THEY DO NOT TODAY EXIST, AND ONLY TO DO SO FROM A BASIS OF GENUINE RESPECT FOR THE IDENTITY THE ETHOS AND THE RIGHTS OF BOTH UNIONISTS AND NATIONALISTS.

IN SAYING THESE FEW WORDS TO THE UNIONIST PEOPLE I ASK MY FELLOW-NATIONALISTS IN THE WORDS OF CORKS AND IRELANDS GREATEST SON, GENERAL MICHAEL COLLINS, TO "THINK IN LARGE STRIDES". IT IS WE WHO MUST FIRST BE IMAGINATIVE - I BELIEVE WE HAVE THROUGH THE FORUM BEGUN TO BE SO. WE MUST NOW PRESS ON. IT IS WE WHO MUST FIRST BE GENEROUS TO THE UNIONISTS TRADITION - I HAVE NO DOUBT THAT WE ARE CAPABLE OF THIS. WHETHER THE CURRENT ANGLO-IRISH NEGOTIATIONS SUCCEED OR FAIL, WE MUST STRETCH OUT THE HAND OF GENUINLEY RESPECTFUL FRIENDSHIP TO THOSE WHO SHARE IRELAND WITH US AND EVEN IF IT IS DISDAINED OR REJECTED, WE MUST KEEP IT OUTSTRETCHED. UNQUOTE.

STIMSON

NORTHERN IRELAND
LIMITED
RID
NAD
INFO D
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MAED
NEWS D
PUSD
SCD
RES D
PS
PS/LADY YOUNG

PS/MR RENTON
PS/PUS
MR DEREK THOMAS
SIR W HARDING
MR GOODALL
MR BARRINGTON
MR O'NEILL
MR JENKINS
MR D C THOMAS
BUCKINGHAM PALACE

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THE LEGAL SECRETARY
ATTORNEY GENERAL'S CHAMBERS

ATTORNEY GENERAL'S CHAMBERS,
LAW OFFICERS' DEPARTMENT,
ROYAL COURTS OF JUSTICE,
LONDON, WC2A 2LL

C L G Mallaby Esq CMG
Cabinet Office
70 Whitehall
London SW1

28 August, 1985

Dear Mallaby,

ANGLO/IRISH TALKS ABOUT NORTHERN IRELAND: JOINT COURTS

1. I am writing in the absence of Henry Steel to report that the Attorney General has seen Sir Robert Armstrong's letter of 2nd August and subsequent correspondence.
2. The Attorney General confirms the account of his meeting with the Irish Attorney General given in Henry Steel's letter of 30 July (save that the reference to Mr. Russell in the third line of paragraph 2 should be a reference to Mr. Rogers). He also agrees with Henry Steel's letter of 5 August.
3. In the circumstances the Attorney General sees no future in any further meeting with Mr. Rogers on this matter.
4. I am copying this letter to the Private Secretaries to the Prime Minister, the Lord Chancellor, the Foreign and Commonwealth Secretary and the Northern Ireland Secretary.

Yours ever,

Richard Gardiner

R K GARDINER

IRELAND : Relations : Pt 9.

Anglo-Irish Agreement: Draft Passage for a Communiqué

1. The agreement provides for entry into force as soon as each Government has formally notified the other of acceptance. This exchange of notifications ^{not} will be completed ^{until} after the agreement has been considered by the House of Commons and by Dail Eireann. The two Governments intend that action to implement the provisions of the agreement should begin once the exchange of notifications has been completed. The first meeting of the Intergovernmental Committee will take place as soon as possible thereafter. The British side will be led by the Secretary of State for Northern Ireland and the Irish side by [the Minister for Foreign Affairs].

2. The two Governments envisage that the meetings and agenda of the Committee will not normally be announced. But they wish it to be known that at its first meeting the Committee will consider its future programme of work in all the fields - political, security, legal, economic, social and cultural - which come within its remit, and will concentrate in the first instance on:

? is that Police and army?

relations between the security forces and the minority community in Northern Ireland; and

ways of improving security co-operation between the two Governments.

~~behave that~~
The two sides are ~~determined~~ that progress should be made quickly in these fields, in the interests of all of the people of Northern Ireland.

3. In considering the improvement of relations between the Security forces and the minority community, the meeting will address:

a. how the ~~application of the general principle~~ ^{(in the} ~~conduct of public order in the United Kingdom,~~) that the military operate only in support of the civil power, can be further ^{applied} ~~developed~~ in the operations and deployment of the security forces in Northern Ireland, ~~having regard to~~ considerations of community relations as well as to the ~~need for operational effectiveness;~~ ^{needs.}

b. possible ways of underlining the established policy of the Royal Ulster Constabulary that they discharge their duties even-handedly and with equal respect for the unionist and nationalist identities and traditions.

4. In considering the improvement of security co-operation between the two Governments, the meeting of the Intergovernmental Committee will give particular attention to the policing of border areas and consider the implications of the Irish decision, of which the Taoiseach has informed the Prime Minister at the present meeting, to ratify the European Convention on the Suppression of Terrorism.



GRS180

SECRET

SECRET
FM DUBLIN
TO DESKBY 290900Z FCOLN
TELNO 573
OF 281740Z AUGUST 85

ANGLO-IRISH TALKS

1. SHARKEY, COUNSELLOR, DFA, SUMMONED ME THIS EVENING TO MAKE A SPECIFIC COMPLAINT IN THE CONTEXT OF EARLIER EXCHANGES ABOUT THE MANAGEMENT OF PUBLICITY SURROUNDING THE PRESENT TALKS.

2. SHARKEY SAID THAT A SHORT FILM ABOUT THE UDR WAS SHOWN ON CHANNEL 4 EARLY LAST WEEK. THE PROGRAMME SEEMED TO THE IRISH A DELIBERATE ATTEMPT TO DEAL WITH A SENSITIVE AND PRIVATE ISSUE IN THE NEGOTIATIONS IN A PUBLIC AND PARTISAN WAY. THE IRISH OBJECTED IN PARTICULAR TO THREE THINGS. FIRST, THE HIGH PROFILE GIVEN TO THREE BRITISH OFFICERS SPEAKING ON THE PROGRAMME ABOUT THE ROLE OF THE UDR AND MAKING A CASE WHICH THE IRISH FOR THEIR PART CONTEST. SECONDLY, THE SDLP VIEW ON DISBANDMENT OF THE UDR WAS CONTRASTED WITH DUBLIN'S MORE MODEST DEMANDS IN SUCH A WAY AS TO DENIGRATE THE LATTER. THIRDLY, DESMOND HAMILL ENDED THE PROGRAMME BY AUTHORITATIVELY CONCLUDING THAT ANY CONCESSIONS MADE BY THE BRITISH SIDE ON THE UDR WOULD IN THE END BE MINIMAL.

3. SHARKEY SAID THAT THE IRISH WISHED TO STRESS ONCE AGAIN THE SENSITIVITY OF LEAKS TO THE PRESS AND THE UNDESIRABILITY OF PARTIAL PRESENTATIONS OR SPECULATIONS ABOUT THE CONTENT OF THE TALKDS AT THE PRESENT STAGE OF NEGOTIATION.

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ANGLO-IRISH TALKS/ SPEECHES BY IRISH GOVERNMENT MINISTERS

SUMMARY

1. TWO WEEKEND CONTRIBUTIONS BY FOREIGN MINISTER BARRY, ONE OF WHICH WAS REMARKABLY WARM TOWARDS UNIONISTS, AND A SPEECH FROM JUNIOR MINISTER O'KEEFE ON THE NEED FOR NEW STRUCTURES TO END ALIENATION IN THE NORTH.

DETAIL

2. MR BARRY'S SPEECH ON 24 AUGUST (TEXT IN MIFT) HAS BEEN WIDELY REPORTED IN BOTH IRISH AND BRITISH MEDIA AS EXTENDING AN UNDERSTANDING HAND TO UNIONISTS. TODAY'S IRISH TIMES COMMENTS THAT UNIONISTS MAY NOT THINK MR BARRY'S WORDS MUCH OF AN ADVANCE, BUT 'BALD AS THE MINISTERS STATEMENT MAY BE, NAIVE EVEN, OR STUMBLING, IT SETS A DECENT LEVEL OF DIALOGUE'. THE IRISH TIMES ALSO REMARKS THAT 'IN VARIOUS WAYS, MR BARRYS SPEECH REMINDS US THAT IF ANY AGREEMENT COMES OUT OF THE ANGLO-IRISH TALKS (AND WHO LOSES FACE IF NOTHING DOES ISSUE?) IT COULD BE A VERY MODEST PACKAGE AS FAR AS IRISH NATIONALISTS ARE CONCERNED'.

3. SEPARATELY, MR BARRY TOLD REPORTERS IN CORK THAT HE BELIEVED MRS THATCHER WAS MAKING A SERIOUS EFFORT TO SOLVE THE NORTHERN PROBLEM, BUT THAT THIS DID NOT MEAN THAT SHE WOULD SCUTTLE HER OWN GOVERNMENT OR DAMAGE THE UK IN THE PROCESS. ON THE TALKS MR BARRY IS REPORTED TO HAVE SAID THAT HE WOULD NOT DISAGREE WITH PEOPLE WHO SAID THAT THEY HAD GONE ON TOO LONG. THERE WERE, HOWEVER, SENSITIVE MATTERS UNDER DISCUSSION AND THE TALKS WERE NOW IN FACT ENTERING THEIR MOST DIFFICULT STAGE. A SUMMIT MIGHT BE MONTHS AWAY OR IT MIGHT NOT OCCUR UNTIL NEXT YEAR. AT SUCH A MEETING THERE WOULD BE NO QUESTION OF THE IRISH GOVERNMENT ACCEPTING WHAT THE BRITISH WANTED AND IF NECESSARY THEY WOULD SAY 'NO'. MR BARRY WALSO SAID LEAKS ON THE SUBSTANCE OF THE TALKS WERE POTENTIALLY DAMAGING AND HAD THE EFFECT OF RAISING PEOPLE'S EXPECTATIONS ABOUT WHAT A SUMMIT MEETING MIGHT ACHIEVE:

THE TALKS WERE POTENTIALLY DAMAGING AND HAD THE EFFECT OF RAISING PEOPLE'S EXPECTATIONS ABOUT WHAT A SUMMIT MEETING MIGHT ACHIEVE: WHOEVER WAS RESPONSIBLE FOR SUCH LEAKS HOWEVER THE IRISH GOVERNMENT WAS NOT. IT WOULD BE UNREALISTIC TO COMPARE THE NEXT SUMMIT TO SUNNING DALE OR ANYTHING ELSE - IT SHOULD BE SEEN AS THE 1984-85 ATTEMPT TO BRING ABOUT RECONCILIATION.

4. MR BARRY WARNED THAT PIRA WOULD ATTEMPT TO UNLEASH A BLOOD BATH IN ORDER TO WRECK ANY ANLGO-IRISH AGREEMENT ON NORTHERN IRELAND, SINCE THE IRA DID NOT SEE IT AS IN THEIR INTERESTS TO SEE THE POSITION OF NORTHERN NATIONALISTS IMPROVE. THE PAST WEEK WAS A PERFECT EXAMPLE OF HOW THE PROVOS COULD USE BOTH THE BALLOT BOX AND THE ARMALITE. THE IRISH GOVERNMENT WOULD ONLY TALK TO THE PROVOS WHEN THEY RENOUNCED VIOLENCE AND DECIDED TO OPERATE UNDER THE SAME SET OF RULES AS EVERYONE ELSE, NAMELY THE BALLOT BOX ALONE. "THERE ARE 600,000 NATIONALISTS IN NORTHERN IRELAND AND IF WE CAN SHOW WE ARE WORKING ON THEIR BEHALF AND ACHIEVING PROGRESS ON THEIR BEHALF, THEN THE COVER FOR THE PROVISIONAL IRA WILL BE REMOVED, AND THAT IS IMPORTANT. THE CONSTITUTIONAL NATIONALIST PARTIES IN THAT SITUATION WOULD BECOME MUCH MORE POWERFUL AND WOULD BENEFIT." MR BARRY ADDED THAT REGARDLESS OF WHAT HAPPENED IN THE ANGLO-IRISH TALKS, HE WOULD NOT CEASE TO REPRESENT NATIONALISTS IN THE NORTH.

5. MR O'KEEFE 'S SPEECH WAS MADE TO A GROUP OF MEPS VISITING DONEGAL. HE SAID THAT "NEW STRUCTURES FOR HEALING AND RECONCILIATION MUST BE DEVELOPED WHICH GIVE FULL EXPRESSION TO THE IDENTITY OF BOTH NATIONALIST AND UNIONIST TRADITIONS ON A BASIS OF MUTUAL RESPECT AND TRUE EQUALITY AND WHICH HELP END THE INCREASING ALIENATION OF THE MINORITY IN NORTHERN IRELAND". AFTER SPEAKING OF THE FORUM REPORT AND THE ANGLO/IRISH TALKS, MR O'KEEFE SAID: "FOR OUR PART WE ARE COMMITTED TO STRENGTHEN PRACTICAL CROSS BORDER COOPERATION WITH THE BRITISH GOVERNMENT".

STIMSON

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MR WICKS

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cc Mr Hatfield, C.O.
Mr Chesterton, NLO
Mr Goodall O.S.
Mr Mallaby C.O. O.S.

BRITISH EMBASSY,

WASHINGTON, D.C.

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15 August 1985

C D O Barrie Esq
RID
FCO

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INDEXED IN REGISTRY NO: 75	
19 AUG 1985	
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CABINET OFFICE	
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21 AUG 1985	
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Dear David,

ANGLO-IRISH NEGOTIATIONS

603

1. I am replying to Gerald Clark's letter of 9 August to John Kerr, who is on leave. We are grateful for the opportunity to comment on the American dimension to the proposed Anglo-Irish agreement. We shall of course show the papers to the Ambassador on his return at the end of the month and will let you have any further comments then.

2. Before commenting on the individual questions raised in the letter, there is one general point to make: an Anglo-Irish agreement signed and promoted by Dr FitzGerald's Government and supported by the SDLP will be warmly welcomed by American political and public opinion. We would expect criticism only from a small minority in the Republican lobby. Generally people here will be less interested in the detail of the agreement reached - although there will be some on the Hill and beyond who will be in a position to cast a professional and experienced eye over the fine print in relation to issues of long-standing concern to the Irish-American community, eg the judiciary, security - than they will be in its broad political significance, and what it says for Anglo-Irish co-operation. Except in the extreme Republican camp, the watch-word will be: "What's good for Garret is good for the United States".

Procedure

3. Let me now take the points in Gerald's letter in more or less the order in which he raised them. First, the question of procedure. It is clear that the informal contacts we have already had with the State Department over the Anglo-Irish negotiations have been treated with the utmost discretion and held very close. There have been no leaks in a town notorious for leaks. Now that the matter has been formally raised with Shultz by Sir G Howe and Barry (FCO telno 171 to Dublin) we think it reasonable to assume that there are a number of senior officials in the State Department with whom we can discuss these matters with a reasonable certainty that they would not leak.

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SECRET AND PERSONAL



This would obviously include Shultz himself, Deputy Secretary Whitehead, Under Secretary Armacost, Assistant Secretary Ridgway and Marty Wenick. If we are to get detailed and sound answers to questions about future US actions, we shall need to start talking to them soon. And if our procedures here are to work, we shall need - as Gerald Clark's letter indicated - to work in close consultation with the Irish Embassy as well. We should want to be able to brief the Irish about our contacts with the State Department, and very possibly take action jointly with them. We have a very good working relationship with the Irish Embassy, and there would be no inhibitions on our part about such cooperation.

Administration and Congress

4. Indeed joint activity may help to correct the tendency that the Irish seem to have for dealing on this issue first and most extensively with Congress and only then with the Administration. Relations between the Administration and Congress are fraught enough at the best of times and look set to be more than usually so this autumn. We must surely resist any idea of playing Congress off against the Administration - an idea which seems to be at the back of some of the thinking in the Donlon approach - if we are not to risk getting badly bogged down. Our advice would be that we should first discuss these issues with the Administration and then take our proposals to a select group on the Hill. We would not expect the President and Speaker O'Neill to be on different sides of this issue, even though they are of course at each other's throats on practically everything else. But the fact that they are political opponents should make us sensitive to any procedure which might embarrass the Administration.

5. The Administration and, we believe, the main players in the Friends of Ireland, will understand very well the need to avoid conveying any impression that US money given to the proposed fund is a bribe to buy Unionist support for the agreement. On the other hand, we think that it would be difficult in practical terms for the Administration and Congressional leaders to say nothing about US aid in their statements immediately after the signing of the agreement. This is the one specific US angle to the agreement which, whether we like it or not, has been flagged well in advance. The Administration and Congress will come under pressure to say something about it. To say nothing might give the impression that they were lukewarm about the agreement, negative about the fund or just ill-prepared. There clearly needs to be some degree of staging. The State Department are alive to this. But the dividing line may be more blurred than is suggested in Gerald's letter,

/The US



The US and the Fund

6. As far as the US contribution to the fund is concerned, we obviously do have to bear in mind, as Donlon has warned, that this autumn is going to be a hard time for the Americans to find money easily. They will be looking very closely at all forms of Government expenditure, and one would normally expect foreign aid to be among the first candidates for cuts. But there are two factors which will weigh in our favour. First, the fact that there is a real domestic political angle to the way in which American politicians respond to an Anglo-Irish agreement. Aid to Israel is regarded as much as a matter of American political life as an instrument of foreign policy. It does not get cut, however badly other foreign aid suffers. So it should be to a large extent with a major development in Ireland, given the large number of Americans claiming Irish descent and the significant proportion of Irishmen who have found their way into political and civic life. Second, the sums involved are by American standards not large. We know that the State Department have in the past been rather cautious as to whether there would in the end be funds available. Although we do not share their pessimism, we think it is much too early to be talking confidently about precise figures.

British Contribution

7. There is, however, one way in which we could make the task of attracting US funds extremely difficult: that is, by HMG being seen to have less of a financial commitment to the successful implementation of the agreement than is being asked of third parties. We can expect to have to say at a very early stage what the intentions of the British and Irish Governments will be as regards contributions to the fund. The Irish may be able to get away with playing the church mouse. But we shall not. It is bound to be argued, particularly given the way in which the agreement is likely to treat the question of the continuing constitutional status of Northern Ireland and the continuing British responsibility for running it, that it is above all HMG's job to underpin the political and security aspects of an agreement by means of a significant contribution to the fund. Any suggestion that American money would, as it were, simply reduce the amount the UK would be giving would create major difficulties for us. Many Americans will point out, for example, that, if the agreement works and if in the longer term security improves and the Northern Ireland economy is regenerated, there will be an inevitable net reduction in the cost of the province to HMG. British Government intentions vis-a-vis the fund will therefore be critical. It will also be very helpful to have some indication of what the Community will be doing.

US Funding Mechanisms

8. As for the mechanism by which US funds are granted, I am afraid that this is something on which we cannot comment properly until

/we



we have discussed the matter with some degree of precision with the Americans. Since Donlon's visit, a Foreign Aid Authorisation Bill for 1986 (beginning in October 1985) has been signed into law. This of course makes no provision for Northern Ireland. The next step is for a Foreign Aid Appropriations Bill to be drawn up, but this will be subject to the rule that you cannot appropriate what has not been authorised. So that possibility would seem to have passed. The other options mentioned by Donlon certainly look possible. A "continuing resolution" is passed at the end of a Congressional session to appropriate funds in those areas where it has not been possible to pass individual appropriation bills. Last year's continuing resolution on foreign aid was a massive affair because only four of the thirteen regular appropriations bills had been enacted by the start of the fiscal year. It would be quite possible to try to include something for Northern Ireland in such a continuing resolution. Extraneous matter has been introduced successfully in the past - last year's resolution, for example, included a crime bill which was tacked on simply to ensure passage before the Congress ended. The general point is that Congressional procedure, especially in the Senate, is designed to be flexible and that the leadership has at its disposal ingenious ways of getting things through if demonstrable political profit is involved on all sides.

9. One technical point on which we shall need to be certain is whether we shall want to include a provision for FY 86 (1 October 1985 - 30 September 1986). We shall presumably only want to do so if there are projects in Northern Ireland and the Republic which can absorb the first tranche of US aid in that time scale. Another point on which we shall need to be clear is whether it is intended to create a single fund into which all contributions (HMG, Irish Government, US Government, EC and private donations) are placed. If so, there may be no need for an intermediary, like the Ireland Fund, to be involved. We shall need to know how we envisage the funds being administered (jointly with the Irish Government, by Northern Ireland departments alone or by some other means): this will be of interest here.

Briefing the Administration and Congress

10. Gerald Clark asked for our views on a possible joint mission to Washington by senior officials. We can see the attraction of sending emissaries with first-hand experience of the negotiations themselves. But we believe that any such mission by visiting officials - and a fortiori by Ministers - would almost certainly leak from the Hill. If the visit were to take place in September, ie perhaps 6 weeks before the proposed summit, there would surely be a danger that a leak could have a real impact on the outcome of the negotiations themselves. Such a visit would be bound to arouse speculation that the British and Irish Governments were

/engaged



engaged in soliciting American funds for an Anglo-Irish agreement. That would be the obvious conclusion the media here would draw; and we would hardly be able to confine ourselves to talking about the need to "brief" interested Americans. Our preliminary advice would therefore be to think instead of sending instructions to Sir O Wright and the new Irish Ambassador Mackernan, who has just arrived, to undertake a joint briefing exercise with the Administration and the Hill. This would not exclude the possibility of a high-level mission just before the summit at a time when a leak might be easier to handle. This is something on which we shall of course consult the Ambassador on his return.

11. You asked, by the way, about the Congressional timetable. The House and Senate reconvene on 4 September. There are one-day holidays on 16 and 25 September and the House of Representatives adjourns from 11-16 October. But apart from that, the Congress will be in session. Congressmen will be much preoccupied with the budget, trade and other issues, but we believe that a joint approach by the two Ambassadors or by senior officials would achieve high-level access in both chambers. We would also of course hope to arrange appointments with the NSC and State Department at senior levels. Without knowing the possible dates it is too early to say who might be available.

Media Handling

12. As far as the media is concerned, we would expect a very high degree of attention at the time of the signing of an agreement. A lot of the running will clearly be made by the Irish, but there will be a significant level of interest also in the British side of the deal. Although on a very different scale, there are some parallels with the operation we ran here last autumn to publicise and to get a favourable reaction to the Hong Kong Agreement. I know that you are already in touch with those who were involved in that exercise.

13. We look forward to having your reactions to these points and to receiving instructions in due course. John Kerr returns on 19 August; the Ambassador on 3 September. Nigel Sheinwald will be here throughout. Michael Jenkins is not due to arrive until 4 or 5 October. I imagine that you are already taking steps to brief him on the American dimension to the negotiations.

14. One final point, You mentioned the possibility of someone coming back from here. John Kerr will be in Europe to attend the IISS Conference in Berlin on 12-15 September. It might be possible to fit a meeting in during that week with you and others in Whitehall, but we will need to consult John on his return from leave. If the dates do not fit or if you wanted someone for

/rather



rather longer, we would be happy to think about sending Nigel Sheinwald or Andrew Burns back for a few days.

The Bee

David

D H A Hannay

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SECRET PERSONAL NORTHERN IRELAND OFFICE

WHITEHALL
LONDON SW1A 2AZTimothy Flesher Esq
No 10 Downing Street

15 August 1985

*Dear Mr Flesher,**NBM.*ANGLO-IRISH RELATIONS : NORTHERN IRELAND

My Secretary of State has seen Sir Robert Armstrong's minute to you of 8 August in response to your own minute of 5 August.

Mr Hurd shared the Prime Minister's concern about paragraph 3b of the draft communique material attached to Sir Robert Armstrong's minute of 2 August. How the Government reacts to pressure from the Republic to "do something" about the UDR will, in his view, be crucial to containing the adverse reaction we must expect from the Unionists if an Anglo-Irish agreement is made. Therefore, although it is clear that the agreement allows for discussion with the Republic of the role of the UDR, he would be wary of advertising this in a post-Summit communique, and believes that it may be preferable for the changes that we have in mind, notably in relation to the training of the Regiment, to be announced unilaterally in Parliament. Such an announcement would provide an opportunity to re-state the policy on the deployment of the UDR in nationalist areas.

Mr Hurd suggests that officials from the relevant Departments should give further thought to this, taking his views into account, during this month with a view to making considered proposals on this difficult issue in the submission that Sir Robert Armstrong mentions in paragraph 5 of his minute.

I am copying this minute to the Private Secretaries to the Foreign and Commonwealth Secretary and the Secretary to the Cabinet.

*Yours sincerely,**Jonathan Duke-Evans*J B DUKE-EVANS
Assistant Private Secretary

SECRET PERSONAL

Relations ; IRELAND 8+9.





10 DOWNING STREET

From the Private Secretary

SIR ROBERT ARMSTRONG

ANGLO/IRISH RELATIONS

As you know, following your minute of 8 August to Tim Flesher, a meeting has been arranged for 30 August to clear your instructions for the next round of talks.

The Prime Minister remains unhappy about paragraph 3b of the draft Communique attached to your minute of 2 August, and the alternative set out in para 4 of your minute of 8 August. Her concern is that the paragraph is not clear: is it trying to say that we shall discuss how to return to a situation of normal policing, or that the army acts now other than in support of the civil power? She believes that once the meaning has been clarified, it should not be difficult to find the right words to express it.

(MARK ADDISON)

13 August 1985

JB

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Foreign and Commonwealth Office
London SW1A 2AH

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Telephone 01 233 3994

SECRET AND PERSONAL

J O Kerr Esq
Head of Chancery
HM Embassy
Washington

Your reference

Our reference

Date 9 August 1985

c- ~~Mr. Mallaby~~

ANGLO-IRISH NEGOTIATIONS

1. As you know, the Anglo-Irish negotiations are now poised at a delicate stage. Most of the key players on either side have however now gone on leave and we therefore have a short breathing space before the process starts again in early September.

2. We have been conscious for some time of the need to bring the Embassy in Washington more fully into the picture, not least because there are a number of questions on which we need your advice. The political sensitivity surrounding the negotiations places very tight constraints on the number of people to whom we are allowed to reveal any details. It has however been agreed that we should brief you on a strictly personal basis with a view to obtaining your advice on the matters to which the Secretary of State referred in his reply of 22 July to Sir Oliver Wright's letter of 9 July. We recognise that you will need to discuss these questions with David Hannay and the Ambassador when he returns. I must emphasize however the importance of restricting the number of people involved in any such discussions as tightly as possible. In due course you will no doubt need to consult the State Department (where Marty Wenick is pretty well informed already) and perhaps the Irish Embassy. But at this stage you should not discuss these matters with outsiders except in the most general terms along the lines of recent Ministerial statements.

The state of the negotiations

3. Since you were present when David Goodall briefed Marty Wenick in June, you will already be aware of the general nature of the agreement that is under discussion between the two Governments. Since then a good deal of progress has been made and the two negotiating teams have all but agreed a text (though it is still ad referendum to Ministers on either side). A number of very tricky problems still remain to be resolved, particularly in relation to possible changes in the modus operandi of the UDR and the Irish demand for progress towards the establishment of "mixed courts".

4. If these difficulties can be overcome (which is by no means certain), the agreement may be signed at a Summit meeting towards

the end of October. The Irish would have preferred, if at all possible, to arrange for signature in September but this looks almost impossible on practical grounds and would pose problems in relation to Parliament which is in recess until the end of October: if an agreement were signed in September, there would be demands for a recall of Parliament which could be difficult to resist but which Ministers would rather not face.

The Fund

5. As you know, it is intended that the agreement, once approved by the two Parliaments, should be quickly followed by an early meeting of the proposed Intergovernmental Committee to start the process of implementation. We should also want to see quick progress on the arrangements of a fund for international and above all American financial support for development and reconciliation in both parts of Ireland, but especially in the North.

6. This is an idea which the Irish side originally put forward. We have approached it with some caution, but have gone along with it partly because the Irish attach considerable importance to it, as helping the Taoiseach to get a favourable political reaction to the agreement in hand. We should want it to be very clear that any money given was a reaction to the agreement not an inducement for it. For this reason we think, and we believe the Irish share our view, that it would be preferable to have a gap between the publication of the Anglo-Irish agreement and any US announcement about a Fund. Otherwise we could be accused by the Unionists of making concessions to the Republic in return for American money. The purposes and management of the fund and the choice of projects would require careful consideration. Officials on the two sides are beginning to examine these questions in detail.

7. In addition to a governmental fund to which the US and possibly EC Governments would contribute, we hope that there would be a prospect of attracting to an appropriate private fund (probably the Ireland Fund) non-governmental contributions from the US.

8. It may be helpful to you to know that Sean Donlon visited Washington last month to discuss these questions with the State Department (Burt and Kelly) and with Congressional figures (including Speaker O'Neill and Senator Kennedy). He says that the principle of a major US donation to a fund has been generally accepted but that Mr Shultz has only so far given his informal blessing to it. He confidently expects positive support in the White House. He has also warned that there would be special problems in relation to the US budget in the present financial year.

9. According to Donlon, the most satisfactory way of setting up the arrangements would be for the President and Speaker O'Neill privately to agree on a figure and on the broad purposes of the fund whereafter the procedures to vote the money in Congress would be straight-forward. Failing such agreement, Congress might itself take the initiative by informing the President that it



SECRET AND PERSONAL

would be willing to vote a stated sum.

10. Donlon thinks that we could secure American money for financial year 1986 provided we made our approaches in Washington in or before mid-October, though further talks with responsible Americans on procedures would be needed. Congress could vote money for more than one year up to a maximum of four. He suggests three ways in which funding could be provided: a new section in the Foreign Aid Bill; a "continuing resolution" at the end of the present session of Congress which would enable the Administration to disburse money without further recourse to Congress; or tagging it on to a catch-all appropriations bill. At this stage the "continuing resolution" system seems to us to be the best, but it would be useful to have your views.

11. Donlon was apparently pressed to say whether the British and Irish Governments would match the contribution of the US Administration to a fund. So far as the British Government is concerned, we could raise no expectations of being able to do so, given the already very high level of public spending in Northern Ireland. We believe that it would not be easy for the Irish Government either in view of their severe deficit problems.

US political support for an agreement

12. Donlon also discussed in Washington the question of obtaining political support from the Administration and Congress for an Anglo-Irish agreement. In the light of his soundings, our feeling at this stage is that there should be statements by the President, Speaker O'Neill, Senator Kennedy, and possibly others. It would be important for the handling of the agreement in the Dail but that least the President's statement, and perhaps also that of Speaker O'Neill, should come directly after the news of the agreement and before the British and Irish Parliaments had been invited to approve it. We are beginning to give detailed thought to the important question of media handling; it will clearly need to be co-ordinated with the greatest care.

Conclusion

13. As you can see, our thinking is still at a fairly early stage. It would be very helpful if you could let us have your comments on all these questions as well as any additional ideas you may have. Please do not hesitate to say if you think that any of the proposals which I have mentioned seem to you off-beam.

14. Finally, you should know that there is a plan that the two Governments should send high-level official emissaries on a joint mission to Washington, possibly in September, to brief the US Administration and Congress about the agreement. It is likely that Sir Robert Armstrong would represent HMG. We should be grateful for your advice on how such a visit should be handled and particularly on the question of timing in relation to the Congressional timetable and the presence or absence of senior figures in the Administration. We realise that such a mission will increase the risk of leaks (particularly where Congress is concerned) and would be grateful for your views on how best to

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limit this danger.

15. We are going to have our work cut out in making all the necessary preparations for a Summit, even if it is not held until the end of October. It might be useful to bring someone back from Washington to take part in the interdepartmental consultations on such questions as the public handling of an agreement. These are likely to start in earnest in September. Please let me know how you feel about this.

16. Any correspondence should be classified "Secret and Personal" and should be addressed either to me or to David Barrie (who will be in charge in my absence on leave from the end of this week for three weeks). It should not be copied elsewhere.

G E Clark
Republic of Ireland Department

bec
Sir Robert Armstrong —
Mr Goodall
Mr Brennan



NBPM

70 WHITEHALL, LONDON SW1A 2AS

01-233 8319

From the Secretary of the Cabinet and Head of the Home Civil Service

Sir Robert Armstrong GCB CVO

Ref. A085/2161

9 August 1985

Dear David,

As I mentioned to you before you went on leave, I spoke to David Astor on the telephone at the beginning of the month.

I said that I was sorry to have to reopen with him the question of cancelling or postponing the meeting of the British-Irish Association (BIA) scheduled for mid-September, since I knew that the matter had been raised and considered by the officers and committee of the Association, who took the view that the meeting should not be cancelled or postponed, but that it might be limited in its agenda and might have to be conducted without benefit of Ministerial or official representation from either government. I was bound, however, to reopen the matter with him given the clear view of "my principal", which I knew "her opposite number" shared, that it would be better if the meeting did not take place in the present delicate state of the Anglo-Irish talks. I said that this was not just a matter of what was discussed in the formal proceedings at the BIA meeting or of whether governments were represented or not. There were too many people about, on both sides of the border, with a sometimes passionate and not always supportive interest in the outcome of the talks. The leaks which had already occurred were already making it difficult enough: there was a real danger that, if the BIA meeting took place as scheduled, the representatives of the various parties and groups gathered together at the meeting could work themselves and each other up into states of mind and emotion in which things were done or said then or subsequently which could seriously affect the prospects of being able to reach an agreement as a result of the talks. The two principals were very anxious not to incur this risk if it could be avoided.

/Mr Astor was

A D S Goodall Esq CMG

Mr Astor was more receptive than I had expected to this line of argument. He understood the problem, and said that there were a number of members of his committee who shared his view that, if the two governments continued to press for cancellation or postponement, it would be right for the BIA to accede to their request, though he reminded me that cancellation or postponement would itself provoke comment and speculation. He suggested, however, that that was not a good moment to take or announce a decision. He suggested that the situation should be reviewed at the beginning of September. If the two governments then continued to think it desirable that the BIA meeting should be cancelled or postponed, he and his colleagues would "give very serious consideration" to that: it was clear that he meant to convey that the meeting would not take place. If it was decided not to hold the meeting as scheduled, they would probably hold a short, perhaps one-day, meeting toward the end of the year, by which time it was probable that either an agreement would have been signed or that it was not going to be possible to reach an agreement.

After having a word with you on the telephone, I later spoke again to Mr Astor to say that we should be content to let matters stand for the time being and review the situation again at the beginning of September. I made it clear that, unless the situation had greatly changed, I did not expect any change in the view of the British Government on this.

I am sending copies of this letter to Robert Andrew and Charles Powell.

Yours

Richard

(Approved by Sir Robert Ametys
and signed in his absence)

SECRET

PRIME MINISTER

ANGLO/IRISH RELATIONS

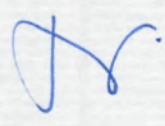
You saw this minute from Robert Armstrong yesterday. I have now arranged for a meeting to take place on Friday, 30 August to give Sir Robert his instructions for the next round of talks.

You commented on his suggestion for a paragraph on military operations for the draft Communique that you did not like the English. Does your comment extend to disliking the principles?

Sir Robert also referred (and you questioned) to a formula on the same subject in an earlier submission. I attach at Flag A a copy of that formula.

Would you prefer to stick to this?

What is the para fresh us up to say? That we shall discuss how to return to a situation of normal relations? Or that, the Army can't see other in support of the civil power?



TIMOTHY FLESHER

9 August 1985

If we work out the meaning we can find the words not.

Prime Minister:

Ref. A085/2119

MR FLESHER

i) Sir Robert proposes a meeting with the Foreign Secretary + the NI Secretary on Monday 2 September. Are you prepared to hold such a meeting in view of other things which are happening then?

NO

ii) Is the formula set out in para 4 more acceptable than the Anglo-Irish Relations: Northern Ireland are you rejected over the weekend?

Thank you for your minute of 5 August 1985.

2. There is due to be a further meeting with Mr Nally on Tuesday 3 September, and we shall be seeking fresh instructions from Ministers for that meeting nearer the time. I think that it would be useful if time could be found for the Prime Minister to have a short meeting with the Secretaries of State for Foreign and Commonwealth Affairs and Northern Ireland on Monday 2 September, to clear those instructions, a submission on which will, I hope, be coming up to you in the last week of August. That submission will take account of the Prime Minister's views, as conveyed in your minute.

TF 8/8

No non-possible

3. On the point in the third paragraph of your minute, we could perfectly well revert to the formulation in paragraph 3a of the draft communiqué attached to my minute of 30 July, with which the Prime Minister was content (Mr Powell's minute of that date). But paragraph 3b in the draft attached to my minute of 2 August represents no more than our existing policy: taking that element out of the old paragraph 3a into a new sub-paragraph would therefore be a cosmetic rather than a real change and thus provides an opportunity of being able to respond positively to an Irish suggestion relatively painlessly to ourselves.

4. The formulation in the draft attached to my minute of 2 August would not be the only way of responding to the Irish suggestion. For instance, we could suggest something like:

"a. how the application of the general principle in the conduct of public order in the United Kingdom, that the military operate only in support of the civil power, can be progressively developed as circumstances permit in the operations and deployment of the security forces in Northern Ireland, having regard to considerations of community relations as well as to the need for operational effectiveness; including the scope for progressive implementation of the policy that the operations and deployment of the British army (including the Ulster Defence Regiment) in Northern Ireland should be conducted not only at the request but whenever possible in the presence of the Royal Ulster Constabulary."

*Shouldn't
dream of
pulling my
name to such
length English
mb*

5. We will report further on this and other matters in the submission that will be put forward towards the end of the month.

6. I am sending copies of this minute to the Private Secretaries to the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland.

RA

ROBERT ARMSTRONG

8 August 1985

DRAFT SPEAKING NOTE

Having studied the communication made on instructions by Mr Lillis to Mr Goodall on 12 November, the British side judges it necessary to clarify its understanding of the position reached between the two sides in Dublin on 3-4 November 1984.

2. The British side remains of the view, which it understands to be the view of the Irish side also, that the objective of the current talks which have been undertaken by officials on an exploratory and non-committal basis, is to identify for submission to Ministers a set of proposals on which both sides might agree as a means of promoting peace and stability in Northern Ireland and, as a necessary element in that process, helping to strengthen the confidence of the minority community in the forces of law and order and in the political institutions of Northern Ireland.

3. The position of the British side throughout the talks has been and remains that joint authority, or arrangements tantamount to or apparently suggestive of joint authority, are unacceptable to the United Kingdom Government. At no time has the British side accepted the contention that "it was essential that the Irish nationalist role be that of an equal participant in decision-making either at the Ministerial Commission level or at the level of devolved government". Nor has it ever entertained the suggestion that the Irish Government might be a participant in decision-making as part of an interim executive chaired by the Secretary of State for Northern Ireland.

4. It remains the position of the British side that in return for action by the Irish Government to waive its territorial claim and formally to acknowledge this by the amendment of Articles 2 and 3 of the Irish Constitution, and to acknowledge that Northern Ireland remains part of the

United Kingdom unless and until the majority of its inhabitants might wish otherwise, the United Kingdom Government could accord the Irish Government a right to contribute, on a systematic and institutionalised basis, to the consideration by the United Kingdom Government of a range of policy matters, including security, as a means of strengthening the confidence of the minority community in Northern Ireland in the institutions of government there. The British side emphasises that to accord the Irish Government an institutionalised role in relation to the affairs of Northern Ireland would be a very large step for a United Kingdom Government to take and could only be contemplated in return for the formal acknowledgement by the Irish Government that Northern Ireland is and will remain part of the United Kingdom for the foreseeable future.

5. As regards the conditions on which the proposals under discussion might be implemented, it was agreed between the two sides in Dublin on 3-4 November that a system of devolved government in Northern Ireland would be integral to any new arrangements; that it was part of the central concept under discussion that such a system would need to command the acceptance of both the majority and the minority communities in Northern Ireland; and that the support and encouragement of the Irish Government would be needed in order to bring about the participation of the minority community in such arrangements. It is not the British position that the establishment of devolved government in Northern Ireland on a basis acceptable to both communities would be a necessary condition for the implementation of any of the other proposals under discussion. But the British side believes that if it proved impossible to establish a system of devolved government in Northern Ireland, then the range of matters which could be the subject of institutionalised consultation between the Irish and British Governments would need careful definition in order to ensure that the extent of

Will that
ever happen?

change
whenever

such consultation was consistent with the continued good government of Northern Ireland and with securing the acquiescence of the majority in that arrangement. Such acquiescence would be more difficult to obtain in the absence of clear progress towards devolved government.

6. The British side continues to believe that any system of devolved government for Northern Ireland would have to command widespread acceptance throughout the community. But it wishes the Irish side to understand that, if the Irish Government were to be permitted to establish a resident official representative in Northern Ireland with a formal right to be consulted by the United Kingdom Government on matters affecting the lives and well-being of the minority, the Northern majority's refusal to participate in devolved government based on power sharing would be likely to be further entrenched. It is in that context that the United Kingdom Government would wish to examine alternative bases for devolution which, by providing effective safeguards for the minority, might be acceptable to them.

7. The British side places on record that, while the support and encouragement of the Irish Government would be valuable in persuading the minority community in the North to participate in devolved government, at no point has the British side accepted that the Irish Government has a formal locus standi to agree to or dissent from whatever arrangements for the government of Northern Ireland may be decided upon by the Government of the United Kingdom of which Northern Ireland is a part.

8. As regards security arrangements, and a possible Joint Security Commission, the British side wishes to record that it has serious reservations about a dual structure, one part of which would be concerned only with Northern Ireland. In

the British view reciprocity should form an essential feature of the security arrangements. While noting the views on the security forces put forward by the Irish side, the British side emphasises that any changes in the structure of either the RUC or the UDR would be strongly opposed by the majority community. It has hitherto been the position of both sides, and it remains the position of the British side, that any action taken to strengthen the confidence of the minority community in the forces of law and order in Northern Ireland should not diminish the effectiveness of the fight against terrorism.

9. On the basis of the position described in this speaking note, the British side wishes to leave no doubt about its desire to continue the process of seeking jointly to identify a set of measures which would be adequate, durable and transparent in the sense of those words which were agreed between the two sides in Dublin on 3-4 November; and hopes that the Irish side is ready to continue to proceed in the same spirit.



LPO

10 DOWNING STREET

From the Private Secretary

5 August 1985

X

This is to confirm that the Prime Minister has seen and noted the contents of your Parliamentary Under Secretary of State's minute of 29 July.

I am copying this letter to Joan MacNaughton (Lord President's Office), Len Appleyard (Foreign and Commonwealth Office), Jim Daniell and Murdo Maclean (Chief Whip's Office).

TIMOTHY FLESHER

Alan Whysall, Esq.,
Northern Ireland Office.

B5



fa RB 31
C03A JJ

10 DOWNING STREET

From the Private Secretary

MR. HATFIELD
CABINET OFFICE.

The Prime Minister has seen Sir Robert Armstrong's minute of 2 August about the latest stage of his talks with Mr. Nally. On the timing of a possible Agreement the Prime Minister would, as Sir Robert indicated to Mr. Nally, prefer to confirm that we could not agree to signature until Parliament returns at the end of October.

On joint Courts, the Prime Minister would not favour the Irish suggestion that there should be a "side document". She would be grateful, therefore, if the Attorney General could make this clear in further contacts with his Irish colleague.

On the draft Communique attached to Sir Robert's minutes, the Prime Minister remains unhappy about paragraph 3(b) which, she believes, would seem to be interference in the way we conduct our own affairs.

I should be grateful if you could arrange for the Prime Minister's views to be taken into account in further progress on this matter.

I am sending a copy of this minute to Mr. Ricketts (Foreign and Commonwealth Office), Mr. Daniell (Northern Ireland Office) and Mr. Steel (Law Officers' Department).

TIMOTHY FLESHER

5 August 1985

PRIME MINISTER

ANGLO-IRISH RELATIONS: NORTHERN IRELAND

I attach a minute from Sir Robert Armstrong regarding the outcome of his latest round of discussions with Irish officials. There are a number of points on which decisions are required:

(i) Timing of a possible agreement

Irish officials were under instructions to suggest bringing forward signature to the first week of September. Sir Robert Armstrong undertook to report this while making clear that it was unlikely to be acceptable. In view of the strong feelings in Cabinet, agree to confirm that we cannot agree to signature until Parliament returns at the end of October?

End October
not

I do not like
the mention of
3 (K) I do
not think
we can
agree to such
a request. It
seems interference
in the way
we conduct
our affairs
not

(ii) Joint courts

The Irish side continued to hanker for a firm commitment to introduce joint courts and want further discussion between the two Attorney Generals. In particular they are pressing their suggestion that there should be a "side document" to the agreement embodying a private understanding that a different scheme for establishing joint courts would be devised. We can hardly object to further discussion between the two Attorney Generals. But we cannot surely accept a "side letter" which would probably leak and anyway be rather dishonest. Agree that the Attorney General should make this clear in further contacts with his Irish colleague?

Cannot accept
side letter.
Question is whether
we can even
understand the
did not
possibility
of joint courts

Yes not

(iii) Summit communique

[old version
also attached]

The Irish side suggest some changes to paragraph 3 of the communique. Subject to the views of the Defence Secretary and the Northern Ireland Secretary these look tolerable. Agree?

(vi) UDR

The Irish side are pressing for further measures concerning the UDR, while recognising that these cannot appear in the Summit communique itself. Officials are considering these and nothing further will be said to the Irish side without a further submission to you.

No further contact is envisaged with the Irish side until the beginning of September.

C.D.P.

(C.D. Powell)

2 August 1985

Ref. A085/2053

PRIME MINISTER

Anglo-Irish Relations: Northern Ireland

This minute reports my latest round of talks with Mr Nally on 30-31 July and assesses the stage reached in the negotiations at the start of the summer holidays.

2. I began the meeting by saying that the Cabinet had reviewed the state of play in the negotiations and had decided that the British Government should continue to work for an agreement on the lines proposed. On timing, I said that Ministers were clear that any agreement must be debated in the House of Commons before any steps were taken to implement it: this was of course the view also taken by Irish Ministers. The Cabinet were also clear that it would not be desirable to have to recall Parliament prematurely to debate an agreement. This suggested that a Summit meeting might best take place at the end of October, and be followed by Parliamentary debate in London and Dublin and then by the start of implementation of the agreement through a first meeting of the Intergovernmental Committee. The Irish were extremely concerned that, if information about the negotiations continued to find its way into the media, opposition to the proposed agreement would mobilise and the whole arrangement would unravel. They said that their Ministers, who had also discussed the agreement last week, would like to bring signature forward to the first week in September. I said that I would report this suggestion of Irish Ministers to you and your colleagues, but I made it clear that it was not likely to be acceptable in London. Indeed, I suspect that Mr Nally privately realised that a Summit in early September was most unlikely; I had the impression that he personally was convinced by our arguments for waiting until the two Parliaments were in

Session (the Dail is due to return two days after the House of Commons) rather than recalling them to debate the agreement. But he was clearly under firm instructions to propose signature in the first week of September.

3. The Irish also argued that, whether or not Parliament and the Dail were sitting at the time, debate should take place immediately after signature. They said that the Dail would almost certainly hold its debate on the very next day and they were concerned that, if the debate at Westminster were delayed, opponents of the agreement would have time to launch a more effective campaign against it. I said that it could well be possible to arrange a debate at Westminster within a matter of days after signature, even if it meant rearranging Parliamentary business, but that a debate on the very next day might ^{not} be difficult for practical and other reasons.

4. Mr Nally said that the view of Irish Ministers in their discussion last week had been that the agreement that was emerging was generally acceptable in itself, subject to the major difference about joint courts (see below), but that Irish Ministers were insistent that they needed to see the complete package in detail before they could reach any decisions. Mr Nally and his team said repeatedly that the missing element was significant British measures in the context of the conclusion of an agreement, which would actually alter circumstances in Northern Ireland. They said that our idea of a new Code of Conduct for the Royal Ulster Constabulary and the specific moves we planned concerning training for the Ulster Defence Regiment (UDR) were useful, but the Taoiseach would have a difficult task in defending the agreement in the Dail and persuading the SDLP to support it unless we could go further. The Irish team pressed especially for further measures concerning the UDR.



5. The Irish did not insist that the measures we took in the context of the conclusion of an agreement should be declared in the communiqué issued by an Anglo-Irish Summit. They seemed to go along with our view that the section of the communiqué concerning implementation of the agreement should be about the objectives for the first meeting of the Intergovernmental Committee rather than the actual measures which might be decided or announced at that meeting. Mr Nally reacted quite well to the language for a Summit communiqué which you authorised me to give him. He suggested only that paragraph 3(a) should be divided into two parts, as in the attached version. We took note of this, undertaking to report it to Ministers: in fact officials consider that this amendment could be accepted. The Irish were also receptive to the thought that, while some of the steps taken by the two Governments in rapid implementation of an agreement might be announced after the first meeting of the Intergovernmental Committee, it might be politically preferable for others to be announced unilaterally, for instance in the Parliamentary debates about the agreement. British officials will reflect on this possibility.

6. My discussion this time with Mr Nally about joint courts is recorded in my attached letter to Mr Steel in the Law Officers' Department. In a word, the positions of both sides were restated, and the Irish suggested that discussion of the subject between the two Attorneys General, which began with Sir Michael Havers's meeting with his Irish opposite number on 26 July, should continue. I said that Ministers had not yet had time to consider the idea put by the Irish Attorney General to Sir Michael Havers of a "side document" embodying a private understanding that a definite scheme for establishing mixed courts would be devised shortly after conclusion of the Anglo-Irish agreement; I gave no indication that such a scheme could be entertained by British Ministers.



The state of play in the talks

7. The stage reached in my talks with Mr Nally is that we have virtually completed negotiations on the text for an agreement and have made considerable progress in discussing a Summit communiqué and other aspects of the presentation of an agreement. But disagreement persists about joint courts; and although we have persuaded the Irish to drop their concept of "associated measures", they are pressing us to undertake more steps in rapid implementation of an agreement, notably measures concerning the UDR; they believe that these could be very important in determining the reaction of the SDLP to the agreement. It is true that the two measures which the Irish are prepared to take in the context of conclusion of an agreement - redeployment of Garda task forces in the border area and adherence to the European Convention on the Suppression of Terrorism - are of genuine value to us, and that the measures we so far have in mind are less significant. We shall be considering whether there are any other steps, for instance concerning the UDR, which both would have merit in themselves and would help us in the context of the negotiations.

8. As of now, the Irish want an agreement but will not take a final decision until nearer the time. One consideration that will influence their decision will be the extent to which we can offer more in the way of specific measures, to be disclosed either in the Summit communiqué or in the subsequent debate in Parliament or as the outcome of the first meeting of the Intergovernmental Committee. The Irish will be very anxious that nothing should be done to encourage press speculation during the difficult period between now and conclusion of the agreement, which I think they realise will probably not be before late October. They, like us, might have to revise their views if the situation on the ground in Northern Ireland were to deteriorate seriously.



9. I am sending copies of this minute to the Secretary of State for Foreign and Commonwealth Affairs, the Secretary of State for Northern Ireland and the Attorney General.

RA

ROBERT ARMSTRONG

2 August 1985

conqueror

31 July 1985

Anglo-Irish Agreement: Draft Passage for a Communiqué

1. The agreement provides for entry into force as soon as each Government has formally notified the other of acceptance. This exchange of notifications will be completed after the agreement has been considered by the House of Commons and by Dail Eireann. The two Governments intend that action to implement the provisions of the agreement should begin once the exchange of notifications has been completed. The first meeting of the Intergovernmental Committee will take place as soon as possible thereafter. The British side will be led by the Secretary of State for Northern Ireland and the Irish side by [the Minister for Foreign Affairs].

2. The two Governments envisage that the meetings and agenda of the Committee will not normally be announced. But they wish it to be known that at its first meeting the Committee will consider its future programme of work in all the fields - political, security, legal, economic, social and cultural - which come within its remit, and will concentrate in the first instance on:

relations between the security forces and the minority community in Northern Ireland; and

ways of improving security co-operation between the two Governments.

The two sides are determined that progress should be made quickly in these fields, in the interests of all of the people of Northern Ireland.



3. In considering the improvement of relations between the security forces and the minority community, the meeting will address:

a. how the application of the general principle in the conduct of public order in the United Kingdom, that the military operate only in support of the civil power, can be progressively developed as circumstances permit in the operations and deployment of the security forces in Northern Ireland;

b. how in this context the operations and deployment of the British army including the Ulster Defence Regiment in Northern Ireland can increasingly be conducted not only at the request but also in the presence of the Royal Ulster Constabulary, having regard to considerations of community relations as well as to the need for operational effectiveness;

c. possible ways of underlining the established policy of the Royal Ulster Constabulary that they discharge their duties even-handedly and with equal respect for the unionist and nationalist identities and traditions.

4. In considering the improvement of security co-operation between the two Governments, the meeting of the Intergovernmental Committee will also give particular attention to the policing of border areas and consider the implications of the Irish decision, of which the Taoiseach has informed the Prime Minister at the present meeting, to ratify the European Convention on the Suppression of Terrorism.

Revised.

I do not think we can accept this. Not



70 WHITEHALL, LONDON SW1A 2AS

01-233 8319

From the Secretary of the Cabinet and Head of the Home Civil Service

Sir Robert Armstrong GCB CVO

Ref. A085/2054

2 August 1985

Anglo-Irish Talks about Northern Ireland: Joint Courts

Thank you for your letter of 30 July about the Attorney General's meeting with his Irish opposite number on 26 July.

I had a further session of the official talks with Dermot Nally on 30-31 July. The Irish side gave an account of the meeting between Sir Michael Havers and Mr Rogers which seemed to differ somewhat from the account in your letter. In particular, the Irish alleged that their Attorney General had been told that there were no legal difficulties on our side in the way of the establishment of mixed courts. Nally also recalled that the Lord Chief Justice in Northern Ireland had stated that the Bench would carry out whatever decisions were enacted by Parliament. They inquired what were the nature of the difficulties we saw in the proposition. I said that I was no lawyer but that, in my understanding, there were substantial politico-legal difficulties on the British side in the way of agreeing in principle to the establishment of joint courts in the Northern Ireland context. The most we could do, as I had often said to Nally, was to agree without commitment to consider the question in the new Intergovernmental Committee to be established under an Anglo-Irish agreement.

Nally said that the stalemate on the issue of mixed courts had persisted in the official talks for a considerable time. He suggested that the two Attorney Generals should continue to discuss the questions. I said that I thought that this would probably be a good way to pursue the matter.

Mr Rogers may therefore be in touch with Sir Michael Havers again before long.

/I am

Henry Steel Esq CMG OBE

SECRET AND PERSONAL

I am sending copies of this letter to David Goodall,
Tony Brennan and Peter Robinson.

ROBERT ARMSTRONG

SECRET AND PERSONAL

30 July 1985

Anglo-Irish Agreement: Draft Passage for a Communiqué

1. The agreement provides for entry into force as soon as each Government has formally notified the other of acceptance. This exchange of notifications will be completed after the agreement has been considered by the House of Commons and by Dail Eireann. The two Governments intend that action to implement the provisions of the agreement should begin once the exchange of notifications has been completed. The first meeting of the Intergovernmental Committee will take place as soon as possible thereafter. The British side will be led by the Secretary of State for Northern Ireland and the Irish side by [the Minister for Foreign Affairs].

2. The two Governments envisage that the meetings and agenda of the Committee will not normally be announced. But they wish it to be known that at its first meeting the Committee will consider its future programme of work in all the fields - political, security, legal, economic, social and cultural - which come within its remit, and will concentrate in the first instance on:

relations between the security forces and the minority community in Northern Ireland; and

ways of improving security co-operation between the two Governments.

The two sides are determined that progress should be made quickly in these fields, in the interests of all of the people of Northern Ireland.

3. In considering the improvement of relations between the security forces and the minority community, the meeting will address:

a. how the application of the general principle in the conduct of public order in the United Kingdom, that the military operate only in support of the civil power, can be progressively developed as circumstances permit in the operations and deployment of the security forces in Northern Ireland, having regard to considerations of community relations as well as to the need for operational effectiveness;

b. possible ways of underlining the established policy of the Royal Ulster Constabulary that they discharge their duties even-handedly and with equal respect for the unionist and nationalist identities and traditions.

4. In considering the improvement of security co-operation between the two Governments, the meeting of the Intergovernmental Committee will also give particular attention to the policing of border areas and consider the implications of the Irish decision, of which the Taoiseach has informed the Prime Minister at the present meeting, to ratify the European Convention on the Suppression of Terrorism.

SECRET

PERSONAL

28

294



NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

SECRETARY OF STATE
FOR
NORTHERN IRELAND

NBPM
CDP 2/8

The Rt Hon the Lord Hailsham
of St Marylebone CH
Lord Chancellor
Lord Chancellor's Department
House of Lords
LONDON
SW1A OPW

2 August 1985

Dear Quentin,

Many thanks for your letter of August 1 about joint courts.

I enclose a copy of my reply to Lord Lowry. It would perhaps have been helpful to have seen a copy of his letter to you of June 21 before reports of it reached the Irish press and were relayed by Dr FitzGerald to the Prime Minister - but at least that fact absolves this office from being the source of the leak!

I agree with you about the foolishness of any "side-document" on this subject.

I am copying this letter to the Prime Minister, the Foreign Secretary and the Attorney General.

Lowry,
Doyle.

SECRET

PERSONAL

SECRET



NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

SECRETARY OF STATE
FOR
NORTHERN IRELAND

The Rt Hon Lord Lowry
Lord Chief Justice of
Northern Ireland
Royal Courts of Justice
BELFAST

2 August 1985

My dear Lord Chief Justice

Thank you very much for your letter of 23 July.

The articles to which you refer were not written as a result of briefing from me or from my officials. There is no inclination on our part to discuss these matters in the press. We have no intention of revealing the advice which we receive or the private views which are expressed to us. Just as one does not take all newspaper reports at their face value, so I am sure one should deal circumspectly with reports of this nature which purport to identify their sources. As it happens I did not see a copy of your letter of June 21 to the Lord Chancellor until several days after reports of its content had reached the Irish press and indeed Irish Ministers.

On the substance, the Government's attitude has not changed since we met on 30 April. My colleagues and I fully understand that your position is as set out in your letter to me of 3 March, and your letter of 21 June to the Lord Chancellor.

I agree that we should continue to keep in touch and I hope that we can arrange to have a further talk, perhaps over dinner, before too long.

I am copying this letter to the Lord Chancellor.

Best wishes,
Yours,
Douglas Hurd.

SECRET

SECRET

PERSONAL

27

2 of 11



NORTHERN IRELAND OFFICE

2

WHITEHALL

LONDON SW1A 2AZ

SECRETARY OF STATE
FOR
NORTHERN IRELAND

The Rt Hon Peter Rees QC MP
Chief Secretary to the Treasury
Parliament Street
LONDON
SW1P 3AG

mt Prime Minister
It's must be right.
But it does not rule out
a freeze in the growth
of expenditure on Northern
held in future years.
CDP/p.

August 1985

Dear Peter,

ANGLO-IRISH RELATIONS: PROPOSED "FUND FOR ECONOMIC RECONSTRUCTION"

Thank you for your letter of 24 July. I will respond to your points in the order that you make them.

First, whether any such fund should be "part of the Anglo-Irish agreement" is not at issue. The draft agreement makes no mention of it. It merely has an allusive reference to the possibility of international help.

The reality is that, under pressure from the Republic, and from the Irish-American lobbies, the Americans will want to signal their intention to give financial help very rapidly after an agreement is concluded. For our part, we shall want to see that anything that the Americans may say suggests neither that the agreement has been made with their help in mind, nor that the Northern Ireland economy is dependent on it. But it is unrealistic to suppose that we shall simply be able to shelve the whole matter to look at in a leisurely fashion after an agreement is reached.

So we come to the crucial point about additionality. The soundings which we have ourselves made in the United States, and which the Irish have made and reported back to us, make it clear that there would be no question of getting American money and not treating it as additional. Indeed, the Irish side have already floated with us criteria for the fund which would include the exclusion of any project within the present capacity of the two Governments. If it emerged during the inevitable discussion of the fund that we meant to use it simply to subsidise our general expenditure, then there would be no fund, and the Irish and Americans, not to speak of the people of Northern Ireland, would be amazed and affronted. I hope we are all agreed that we do not want to look this particular gift horse in the mouth. The Treasury may not like the prospect of Northern Ireland expenditure being increased but there is no realistic alternative if we are to benefit from what the Americans are prepared to offer.

SECRET

PERSONAL /I agree

I agree that the economic dynamism which we need in Northern Ireland will not be achieved by increased public expenditure. But it should not therefore be supposed that there are no sound purposes to which extra funds could be devoted which would satisfy the hard-headed criteria of value for money which should be applied. I do not propose to revive our discussions of last year on the level of public expenditure in Northern Ireland in relation to need. It is a fact, however, that notwithstanding alert and careful management my budget is under considerable pressure this year and will be over the survey period and beyond. I am not suggesting that similar pressures do not exist elsewhere, but I believe that we would be unwise to forego resources to relieve them in Northern Ireland in the only terms on which they are likely to be available. This apart, we might also have to settle for some expenditure on "cross-border" projects which, by our own lights, are not of the highest priority: but that is a price worth paying, in terms of international relations, for getting American support.

You suggest that the money might be spent entirely within the USA by way of incentives given by the US Government to US firms to set up in Northern Ireland. That is not my understanding. Of course, I want to do all I can to encourage US investment, and one idea we shall be pursuing in the context of an agreement - though we cannot be too optimistic about being successful - is to persuade the Americans to encourage investment in Northern Ireland by some tax incentive scheme. But anything of this kind will have to be pursued separately; the fund, as I have understood it so far, will be for spending in both parts of Ireland. This is not to exclude the possibility that some money might be spent in Ireland in ways which would attract American investment.

The same considerations apply to any EC or other type of foreign fund which might emerge alongside the American effort.

I do not, for my part, think that this fund should be resourced from private sources. There is already a constructive private channel (the Ireland Fund) for American private money, and we should build on or supplement that with the object of diverting support from organisations like NORAID. I have no reason to think that private funds would become available on a scale which could affect public expenditure provision.

I note your suggestion that I should put in an early paper about the proposed fund but I do not think that our negotiations with the Irish or our mutual feelers with the Americans have yet reached a point where I could usefully do this. I can, however, repeat my view that we should seek to use any fund in ways which are consistent with our economic policies and priorities; I do not see this as meaning that the fund should be used exclusively on public, as distinct from private, projects.

I am copying this to the other recipients of your own letter.

*Conner,
Douglas.*

MEMO
Re: P. G.



FROM:

THE RT. HON. LORD HAILSHAM OF ST. MARYLEBONE, C.H., F.R.S., D.C.L.

3 OF 3



HOUSE OF LORDS,
LONDON SW1A 0PW

26

SECRET AND PERSONAL

1st August, 1985

The Right Honourable
Douglas Hurd, CBE MP
Secretary of State for Northern Ireland,
Northern Ireland Office,
Whitehall,
London,
SW1A 2AZ.

Our ref: 112/175/01

NBPN
(Enigma over
he said in
cabinet)
COP
2/P.

My dear Douglas:

Anglo/Irish talks about Northern Ireland: Joint Courts

Lord Lowry has sent me a copy of his letter to you of 23rd July and I have seen a copy of Mr. Steel's letter to Sir Robert Armstrong of 30th July.

I think it would be most unwise to leave the Irish Government under any illusions about the practicability of the Joint Courts Scheme. In my view this is not a starter under present conditions, and has no hope of becoming one. I am quite sure that it would wreck the whole enterprise. I am particularly opposed to any kind of private understanding or so-called "side-document"; we should not contemplate being a party to any such secret agreement. It would certainly leak, is obviously dishonourable, and, when leaked, would produce a megaton explosion.

The Irish Government will undoubtedly accuse us of breach of faith if we lead them to suppose that there is any mileage in the proposed Joint Courts Scheme, because this will undoubtedly fail, and they should be told this clearly and unambiguously now.

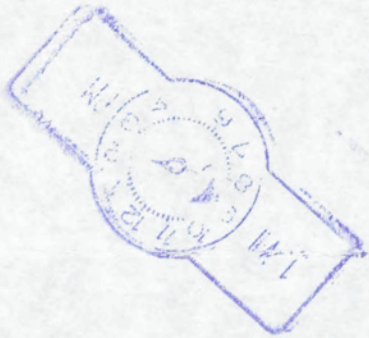
I endorse what Lord Lowry says in his letter of 23rd July about the leak of his letter to me of 21st June. This should never have occurred, and has put the Government in a bad light. It certainly did not come from here.

I am copying this to the Prime Minister, the Foreign Secretary and the Attorney-General.

Yrs:
L.

Noone shd be insecure w: Mary Holland. She has bad contacts.

REARND: Pers. Ptg



NORTHERN IRELAND

ADVANCE COPY

PS

PS/LADY YOUNG

PS/PUS

MR GOODALL

HD/RID

P-HD/PUSD (2)

HD/INFO DEPT

HD/NEWS DEPT



PS/ S

PS/MR R-ANDREW, OAS 1/55

MR BRENNAN

MR BURNS

MR J LYON

NIO

SIR R ARMSTRONG)

DIO

CABINET OFFICE

~~PS/ NO 10 DOWNING STREET~~ (3)

UNCLASSIFIED

FM DUBLIN 311000Z JUL 85

TO IMMEDIATE FCO

TELEGRAM NUMBER 500 OF 31 JULY 1985

INFO IMMEDIATE NIO (BELFAST)

ANGLO-IRISH TALKS

1. FOLLOWING IS THE TEXT OF AN ARTICLE BY THE RESPECTED AND VERY WELL INFORMED JOURNALIST MARY HOLLAND, PUBLISHED IN TODAY'S IRISH TIMES:

'DUBLIN NOW ABLE TO CALL THE TUNE'

"SHORTLY AFTER THE ILL-FATED CHEQUERS SUMMIT LAST NOVEMBER A BRITISH POLITICIAN, A FIRM BELIEVER IN THE ANGLO-IRISH PROCESS, WAS EXPLAINING WHY HE BELIEVED THE TALKS SHOULD CONTINUE.

"IT'S LIKE ROCK CLIMBING," HE SAID, "EVERY TIME YOU MANAGE TO HAMMER ANOTHER GRAPPLING HOOK INTO THE ROCK FACE YOU HAUL 'HER' UP A BIT FURTHER AND IT'S A MORE DANGEROUS DROP IF SHE DECIDES TO PULL OUT OF THE WHOLE THING."

THE TAOISEACH WOULD PROBABLY CHOOSE A MORE DIPLOMATIC ANOLOGY BUT THE SIGNS ARE THAT HE BELIEVES THAT THE LONG AND OFTEN THANKLESS PROCESS OF NEGOTIATIONS HAVE PAID OFF IN MUCH THE WAY DESCRIBED ABOVE. ON SEVERAL OCCASIONS RECENTLY HE HAS REMARKED THAT THE BRITISH NOW HAVE MORE TO LOSE, IF THE ANGLO-IRISH TALKS COLLAPSE WITHOUT AGREEMENT THAN DOES HIS OWN GOVERNMENT. THE RECENT SPATE OF LEAKS IN LONDON, THE DELIBERATELY UPBEAT BRIEFING OF POLITICAL JOURNALISTS, THE MUCH MORE POSITIVE TONE OF BRITISH MINISTERS' REMARKS HAVE, PERHAPS INEVITABLY, CAUSED DARK SUSPICIONS HERE. WHAT ARE THE BRITISH UP TO, PEOPLE ASK, THAT THEY SOUND MUCH MORE OPTIMISTIC THAN OUR OWN SIDE WHICH INSISTS THE CHANCES OF SUCCESS ARE FIFTY-FIFTY AT BEST ?

ONE SIMPLE ANSWER IS THAT THE TALKS THEMSELVES HAVE CREATED A DEGREE OF INTEREST AND MOMENTUM THAT MAKES IT IMPOSSIBLE FOR POLITICIANS TO DISMISS THEM AS UNIMPORTANT. THEY HAVE PUT IRELAND BACK ON THE BRITISH POLITICAL AGENDA AND, RIGHTLY OR WRONGLY CREATED AN EXPECTATION THAT SOMETHING OF SIGNIFICANCE IS GOING TO HAPPEN IN THE AUTUMN, EVEN IF THAT SOMETHING TURNS OUT TO BE A BREAKDOWN IN ANGLO-IRISH RELATIONS. AN EXAMPLE OF THIS NEW AND MUCH MORE SERIOUS POLITICAL INTEREST WAS TO BE FOUND IN THE RECENT LIBERAL/SDP POLICY DOCUMENT ON NORTHERN

OF THIS NEW AND MUCH MORE SERIOUS POLITICAL INTEREST WAS TO BE FOUND IN THE RECENT LIBERAL/SDP POLICY DOCUMENT ON NORTHERN IRELAND. WHILE THIS CAUSED DISMAY IN DUBLIN BECAUSE IT BACKTRACKED FROM THE LIBERAL PARTY'S TRADITIONAL COMMITMENT TO IRISH UNITY, IT DID LOOK AT THE PROBLEMS OF THE NORTH IN CONSIDERABLE AND QUITE SOPHISTICATED DETAIL. ITS KEY SENTENCE WAS: 'WE ARE CONVINCED THAT THINGS CANNOT GO ON AS THEY ARE IN NORTHERN IRELAND; THE STATUS QUO IS NOT AN OPTION.' THIS IS A VIEW INCREASINGLY REITERATED IN THE BRITISH MEDIA.

IT IS REALLY QUITE DRAMATIC - AND INSUFFICIENTLY RECOGNISED HERE - HOW THE BALANCE OF PUBLIC OPINION, NATIONAL AND INTERNATIONAL, HAS SHIFTED IN DUBLIN'S FAVOUR AS THE TALKS HAVE PROGRESSED. THIS IN TURN HAS LED TO A SHIFT IN THE BALANCE OF POWER BETWEEN THE TWO GOVERNMENTS.

AT THE TIME OF THE CHEQUERS SUMMIT THE IRISH GOVERNMENT APPEARED AS A SUPPLIANT, CAP IN HAND, AND BRITISH POLITICIANS DISMISSED THE IMPORTANCE OF THE MEETING WHICH, THEY SAID, HAD BEEN 'HYPED UP' OUT OF ALL PROPORTION BY DUBLIN. THAT HAS CHANGED. NOW IT IS DR FITZGERALD AND MR BARRY WHO KEEP SAYING THAT UNLESS THE BRITISH COME UP WITH SOME CONCRETE PROPOSALS ACCEPTABLE TO THE WIDE SPECTRUM OF NATIONALIST OPINION THEY WILL PULL OUT OF THE WHOLE PROCESS. AN UNSATISFACTORY COMPROMISE WOULD BE WORSE THAN NO DEAL AT ALL. MOREOVER, THEY SAID THIS WITH A QUITE NEW CONFIDENCE THAT IF THEY ARE FORCED TO WITHDRAW WORLD OPINION WILL BE ON THEIR SIDE, THAT BRITAIN NOT IRELAND WILL BE SEEN AS UNREASONABLE AND UNGENEROUS.

BOTH SIDES ARE VERY WELL AWARE THAT, FOR ONCE, DUBLIN HAS ALREADY WON THE PROPAGANDA BATTLE ON THIS ISSUE. THIS IS DUE TO A NUMBER OF FACTORS. THE OBVIOUS SINCERITY OF THE FORUM REPORT IN ITS EFFORTS TO ESCAPE OLD PREJUDICES, MRS THATCHER'S OFFENSIVE DISMISSAL OF THOSE EFFORTS AND, LAST BUT NOT LEAST, THE TAOISEACH'S SINGLEMINDED DETERMINATION THAT HIS GOVERNMENT WOULD BE SEEN AS MODERATE AND REASONABLE, MODEST DEMEANOR EVEN WHEN THIS PROVED COSTLY AT HOME. IN THIS CONTEXT, THE DEBACLE OF CHEQUERS WAS AN INSTRUCTIVE EXAMPLE OF HOW VERY DIFFERENT POLITICAL EVENTS CAN APPEAR IN DIFFERENT COUNTRIES. IN IRELAND THE WHOLE CHEQUERS AFTERMATH SEEMED A DAMAGING POLITICAL HUMILIATION FOR AN IRISH LEADER AT THE HANDS OF THE ANCIENT ENEMY. ABROAD PEOPLE SAW THE TAOISEACH AS A CIVILISED AND COURTEOUS POLITICIAN WRETCHEDLY PUT UPON BY A SHREWISH AND INTOLERANT WOMAN, A ROLE IN WHICH THEY ARE ACCUSTOMED TO CASTING MRS THATCHER. WHATEVER THEY THINK OF HIS POLICIES EVEN HIS SEVEREST CRITICS MUST ADMIT THAT DR FITZGERALD'S SELF-PROJECTION OF PASSIONATE MODERATION ON THE ISSUE OF THE NORTH HAS BEEN MASTERLY.

ONE RESULT OF THIS IS THAT HE HAS ON SEVERAL OCCASIONS BEEN ABLE TO BE EXTREMELY TOUGH ON SPECIFIC ISSUES WITH THE BRITISH PRIME MINISTER, FOR EXAMPLE THE NORTHERN JUDICIARY, AND STILL REMAIN CONFIDENT THAT HE WILL APPEAR SWEETLY REASONABLE.

THE IRONY OF ALL THIS SPILLS OVER INTO THE DOMESTIC POLITICAL SCENE. AS FIANNA FAIL GOES FROM STRENGTH TO STRENGTH IN THE OPINION POLLS ON ECONOMIC ISSUES THE WISDOM OF ADOPTING A

HARD LINE ON THE NORTH MUST BECOME MORE DUBIOUS. THE RECEIVED WISDOM, AS SPELT OUT BY JAMES MOLYNEUX AMONG OTHERS, IS THAT C.J. HAUGHEY WILL DENOUNCE ANY DEAL WITH BRITAIN AS A SELL OUT ON IRISH UNITY. BUT GIVEN THE LATEST STATE OF THE PARTIES ARE THINGS REALLY THAT SIMPLE FOR FIANNA FAIL ?

THE LOCAL ELECTIONS HAVE SHOWN, AND THE OPINION POLLS CONFIRM, THAT IF AN ELECTION WAS HELD TOMORROW THE PARTY WOULD ROMP HOME ON THE STATE OF THE ECONOMY ALONE. IT HAS REGAINED THE CONFIDENCE OF THE DUBLIN MIDDLE CLASS VOTERS AND THE HAUGHEY FACTOR APPEARS TO HAVE BEEN WIPED OUT. BUT MR HAUGHEY HIMSELF KNOWS THAT THIS RISE IN THE POPULARITY CHARTS OWES ALMOST EVERYTHING TO THE GOVERNMENT'S FAILURE ON THE ECONOMY AND ON JOBS. THE ONE ISSUE ON WHICH MANY OF FIANNA FAIL'S URBAN SUPPORTERS CONTINUE TO MISTRUST IT IS OVER ITS ATTITUDES TOWARDS THE NORTH. WITH VICTORY QUITE PALPABLY WITHIN HIS GRASP WILL MR HAUGHEY WANT TO BE SEEN AS AN INTRANSIGENT HARDLINER, UNWILLING EVEN TO WISH 'GODSPEED' TO WHAT JUST MIGHT TURN OUT TO BE A REASONABLE OFFER FROM BRITAIN, PARTICULARLY IF THAT OFFER WINS THE SUPPORT OF THE SDLP ? THE NORTH, AND ANY HINT OF RABID GREENERY FROM MR HAUGHEY, IS ALSO THE ONE ISSUE WHICH COULD PUT A FAIR WIND IN DES O'MALLEY'S SAILS. WHILE IT MIGHT NOT WEAN AWAY ANY DISSIDENTS TO A NEW PARTY IT COULD MAKE THEIR SITUATION VERY DIFFICULT, PARTICULARLY THOSE FIGHTING IN DUBLIN MIDDLE-CLASS CONSTITUENCIES.

GOVERNMENT SPOKESMEN ARE STILL AT GREAT PAINS TO EMPHASISE THAT THE ODDS ON ANY SUCCESS COMING FROM THE TALKS ARE VERY FINELY BALANCED. EVEN THIS ESTIMATE MAY PROVE TOO OPTIMISTIC. THERE REMAIN CRUCIALLY IMPORTANT DIFFERENCES BETWEEN THE BRITISH AND IRISH POSITIONS, PARTICULARLY ON SECURITY WHICH IS WHAT AFFECTS THE LIVES OF MOST PEOPLE LIVING IN THE NORTH. THESE DIFFERENCES WILL BE HIGHLIGHTED IN THE WEEKS AHEAD WHEN A WHOLE RANGE OF ANNIVERSARIES, ORANGE AND GREEN, WILL PROVIDE THE POTENTIAL FOR CONFRONTATIONS THAT COULD BLOW THE WHOLE ANGLO-IRISH PROCESS INTO KINGDOM COME. THE MOOD OF THE UNIONISTS IS DESPERATELY VOLATILE, SO THAT EVEN THOSE ORANGE LEADERS WHO COUNSELLED RESTRAINT OVER THE JULY MARCHES ARE NOW ALARMED THAT THEY MAY HAVE ERRED ON THE SIDE OF MODERATION. EVEN SO, AS THE TAOISEACH REMAINS IN DUBLIN TO MONITOR THE ONGOING PROCESS OF THE ANGLO-IRISH TALKS HE MUST DERIVE SOME SATISFACTION FROM THE FACT THAT LIKE ANY GOOD GENERAL HE NOT ONLY NURTURES MODEST HOPES FOR SUCCESS BUT HAS ALSO PREPARED THE GROUND FOR RETREAT."

2. FCO PLEASE PASS LYON, NIO LONDON.

MILLS

NNNN



H. STEEL, CMG OBE
LEGAL SECRETARY

LAW OFFICERS' DEPARTMENT
ROYAL COURTS OF JUSTICE
LONDON, WC2A 2LL

Sir Robert Armstrong GCB CVO
Secretary of the Cabinet
Cabinet Office
70 Whitehall
London SW1

Prime Minister
A hopelessly unrealistic
approach by the Irish.
30 July, 1985 *CDP3072*

mt

Dear Robert,

ANGLO/IRISH TALKS ABOUT NORTHERN IRELAND: JOINT COURTS

- As the Attorney-General reported at last Thursday's Cabinet, the approach from the Irish Attorney-General, Mr. Rogers, which was forecast in your minute of 12 July materialised last Wednesday, and we arranged for Mr. Rogers to come over for a talk with the Attorney-General on Friday morning. He was accompanied by his senior official, Mr. Russell, and I accompanied the Attorney-General. The Attorney-General has asked me to write to you to report what happened.
- The two Attorneys-General first dealt, very amicably, with a couple of minor matters (one connected with an English prosecution and one with a Northern Ireland prosecution) on which we have been seeking Irish co-operation. Mr. Russell then turned to the question of joint courts (or, more accurately, mixed courts: a joint court is something rather different and is not what the Irish are currently pressing for). Most of what he had to say on this topic was familiar and predictable. He emphasised that, as the Irish Government saw it, the negotiations had now reached a critical moment and he urged the Attorney-General to understand, and to report to his colleagues, the seriousness with which the Irish viewed this particular issue. A mere undertaking to examine the possibility of establishing mixed courts would not be enough: they must have, in one form or another, a definite commitment that mixed courts would be established. He accepted, in response to a remark made by the Attorney-General, that not all Irish opinion was united on this. However, he assured us that the Irish Judges,

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-2-

for their part, would have no difficulty in serving on mixed courts and he said that Mr. Haughey's opposition was unimportant: what was important was that the attitude of the Irish Government was strongly supported by substantial sections of Northern Ireland opinion. In particular, the SDLP were insisting on three things: changes in the RUC; changes in the UDR; and changes in the judicial process and specifically the establishment of mixed courts.

3. After a great deal more of familiar arguments and assertions of this kind, Mr. Rogers put forward one proposition which, at least to the Attorney-General and me, was new, though Mr. Rogers half-implies that it had been floated before in a limited circle. The proposition was that, if we could not go further on the face of the Inter-Governmental Agreement than an undertaking to examine the possibility, etc., the Agreement should be accompanied by what he called a "side-document", which would embody a private understanding between the two Heads of Government, binding them in honour though not in law. The understanding would be that, in Mr. Rogers's own words, "not long after" the Summit at which the Inter-Governmental Agreement was concluded and the first meeting of the Inter-Governmental Commission, the two Attorneys-General would devise (would perhaps have already devised) a definite scheme for establishing mixed courts. In effect, therefore, as we understood the proposition, the formal commitment merely to examine the possibility would be accompanied by a private commitment that mixed courts would be established; all that would in substance be left to be settled were the modalities; and these would be worked out by the two Attorneys-General at a very early date after the formal Agreement came into effect. Mr. Rogers said that, with these arrangements in Dr. Fitzgerald's pocket, he would be able to give the SDLP his personal assurance that they would, in due course, have the mixed courts which they wanted; and, with this assurance from him, they would go along with an Agreement which, on the face of it, bound us only to examine the possibility.

/4.

-3-

4. The Attorney-General said at once that he saw grave difficulties in the way of any such arrangements, though he of course would report the proposition to his colleagues. More generally, he reminded Mr. Rogers of all the impediments which we saw to the establishment of a mixed courts. He said that these included the practical objections set out in the Report of the 1974 Law Enforcement Commission (though, privately, he doubts whether these objections are really as formidable as we have previously suggested, and some of them, indeed, are not relevant at all in the present context). He also urged Mr. Rogers not to underestimate the very real opposition which any proposal to establish mixed courts would encounter from important sections of Northern Ireland opinion—not merely the Unionists, etc. but also the non-political legal establishment. In this connection, he explained that, despite the Lord Chief Justice's denial that he and his fellow Judges were threatening resignation, their hostility to the idea appeared to be as strong as ever. However, on all this, as on the specific proposal about a "side-document", the Attorney-General promised to report faithfully to his colleagues what Mr. Rogers had said to him. Mr. Rogers seemed content with that.

5. In the course of what became a rather repetitive discussion, Mr. Rogers made two particular remarks which are worth reporting. The first was that, if the proposed Inter-Governmental Agreement went ahead, the Irish Government would certainly accede to the European Convention on the Suppression of Terrorism:

he himself would prepare the legislation for that. But the clear implication of the way in which he expressed this was that accession was very much conditional upon the outcome of a satisfactory Inter-Governmental Agreement.

6. His second point was made in connection with what the Attorney-General had said about the attitude of the Northern Ireland judiciary (see above). When the Attorney-General commented, in passing, upon the apparent extensive leaking of the Lord Chief Justice's successive expositions of where he and his fellow Judges stood, Mr. Rogers said, with some emphasis, that the leaks that had taken place about the negotiations between the two Governments had done the Irish Government enormous harm. He did not elaborate on this and I am not sure what we

/were

-4-

were intended to make of it: it may have been meant as a reproach or it may have been an attempt at self-exculpation.

7. The whole discussion was conducted in a very friendly and indeed cordial manner. Though this was only the second occasion on which the two Attorneys-General had met, they have already established a good personal rapport and our own Attorney-General hopes that he will, before long, achieve the same easy and trusting relationship with Mr. Rogers that he enjoyed with his predecessor, Mr. Sutherland.

8. I am copying this letter to the Private Secretaries to the Prime Minister, the Lord Chancellor, the Foreign and Commonwealth Secretary and the Northern Ireland Secretary.

*Yours ever,
Henry Steel*

H STEEL

NORTHERN IRELAND

PS
PS/LADY YOUNG
PS/PUS
MR GOODALL

PS/ S of S.
PS/MR R ANDREW, OAB 1/56
MR BRENNAN
MR BURNS
MR J LYON

NIO

HD/RID
p-HD/PUSD (2)
HD/INFO DEPT
HD/NEWS DEPT

SIR R ARMSTRONG)
DIO } CABINET OFFICE

PS/ NO 10 DOWNING STREET (3)

UNCLASSIFIED
FM DUBLIN 300945Z JUL 85
TO IMMEDIATE FCO
TELEGRAM NUMBER 498 OF 30 JULY 1985
INFO IMMEDIATE NIO (BELFAST)

IMMEDIATE

ADVANCE COPY

*Prime Minister
A devastating
article &
worth reading.*

CDP

MIPT: ANGLO-IRISH TALKS

1. FOLLOWING IS THE TEXT OF AN ARTICLE BY CONOR CRUISE O'BRIEN
IN TODAY'S IRISH TIMES:

'WHAT GARRET SHOULD DO WITH BRITAIN'S OFFER'

'THE BRITISH ARE SAID TO BE MAKING AN OFFER TO DR FITZGERALD
OVER NORTHERN IRELAND. I EARNESTLY HOPE THAT HE WILL NOT,
REPEAT NOT, ACCEPT THAT OFFER.'

TRUE, WE DON'T KNOW THE EXACT NATURE OF THE OFFER. BUT WE DON'T
HAVE TO KNOW ITS EXACT NATURE TO SEE THAT GARRET WILL GET HIMSELF
INTO BAD TROUBLE IF HE BUYS IT. IT IS ALREADY CLEAR THAT WHAT
IS ON OFFER IS SOME KIND OF SHARE IN 'POLICY FORMATION',
LEAVING THE BRITISH GOVERNMENT IN EXECUTIVE CONTROL. NOW, IF
THE DUBLIN GOVERNMENT ACCEPTS THIS OFFER, SOME OF WHAT WILL
FOLLOW MAY BE PREDICTED WITH CERTAINTY, AND SOME WITH
PROBABILITY.

MT

CERTAINTIES:

- (A) THE DEAL WILL BE PRONOUNCED BY MR HAUGHEY AS A BETRAYAL
OF THE NATIONAL CAUSE, 'PROPPING UP A FAILED POLITICAL
ENTITY,' AND WHAT NOT. THIS DENUNCIATION WILL BE AUTOMATIC,
IRRESPECTIVE OF THE NATURE OF THE DEAL. IF GARRET WERE
TO GET A UNITED IRELAND, THE LEADER OF THE OPPOSITION WOULD
DENOUNCE HIM FOR PREPARING TO TAKE US INTO NATO. BUT SOME
ATTACKS ARE MORE DANGEROUS THAN OTHERS, BECAUSE MORE PLAUSIBLE.
IN THE EVENT OF A LIMITED DEAL - AND WHAT IS ON OFFER IS
LESS THAN THE LEAST THE FORUM PRESENTED - THE OPPOSITION
WOULD BE AT A DISTINCT ADVANTAGE.
- (B) THE PAISLEYITES WILL RAISE THE CRY OF 'ULSTER BETRAYED'
AND BE WIDELY BELIEVED AND FOLLOWED.
- (C) THE PROVOS WILL NOT DESIST FROM THEIR CAMPAIGN OF VIOLENCE,
BUT WILL STEP IT UP AS FAR AS THEY CAN.
- (D) CATHOLIC SUPPORT FOR THE PROVOS WILL NOT DIMINISH, BUT WILL
TEND TO INCREASE, THROUGH THE PERCEPTION THAT THE BRITS
ARE BEGINNING TO CAVE IN, NOT BECAUSE OF ANY NEW POLITICAL
ARGUMENT, BUT BECAUSE OF CONTINUING VIOLENCE.

ARGUMENT, BUT BECAUSE OF CONTINUING VIOLENCE.

PROBABILITIES:

- (A) NORTHERN IRELAND WILL HEAT UP, AND WITH GROWING INTER-COMMUNAL VIOLENCE.
- (B) THE SECURITY FORCES WILL BE INCREASINGLY STRETCHED, EDGY AND BITTER.
- (C) THE NUMBER OF CONTROVERSIAL INCIDENTS INVOLVING THE SECURITY FORCES WILL INCREASE.
- (D) THERE WILL BE SOME INCIDENTS INVOLVING DEATHS OF CATHOLICS. THE FIRST SUCH INCIDENT WILL PUT THE DUBLIN PARTNER IN "JOINT POLICY FORMATION" UNDER HEAVY POLITICAL STRAIN.
- (E) AFTER NOT MORE THAN THREE SUCH INCIDENTS - AND THE INEVITABLY "UNSATISFACTORY" NATURE OF BRITISH REPOSSESSES - DUBLIN WILL WITHDRAW FROM "JOINT POLICY FORMATION" AND THE WHOLE EPISODE WILL BE SEEN AS A GHASTLY FAILURE, SERIOUSLY REFLECTING ON THE JUDGEMENT OF THE DUBLIN GOVERNMENT THAT ENTERED INTO IT.

ON THE WHOLE, I THINK THE GOVERNMENT IS PROBABLY SUFFICIENTLY AWARE OF THE TRUTH CONTAINED IN THE ABOVE SCENARIO TO TURN THE DEAL DOWN. BUT I'M NOT SURE. THERE ARE SOME SIGNS OF A TRULY ALARMING DEGREE OF COMPLACENCY IN OFFICIAL CIRCLES AT PRESENT. THUS MR GERALD BARRY, IN THE SUNDAY TRIBUNE, REPORTS "THE IRISH SIDE" IN THESE NEGOTIATIONS AS SAYING THAT TO DESCRIBE THE IRISH ROLE IN "JOINT POLICY FORMATION" AS MERELY "CONSULTATIVE" WOULD BE "TO BELITTLE A BRITISH COMMITMENT TO MAKE SURE THAT PROBLEMS WOULD IN PRACTICE BE RESOLVED TO THE SATISFACTION OF THE IRISH GOVERNMENT".

THE OFFICIAL WHO SAID THAT SHOULD BE SENT OFF TO SNAG TURNIPS. THE BRITISH ARE OBVIOUSLY IN NO POSITION TO MAKE SURE THAT PROBLEMS IN NORTHERN IRELAND ARE "RESOLVED" TO THEIR OWN SATISFACTION, LET ALONE THE SATISFACTION OF THE IRISH GOVERNMENT. IF THE BRITISH ARE REALLY PURPORTING TO OFFER A "COMMITMENT" OF THAT ORDER, AND OUR NEGOTIATORS FAIL "TO BELITTLE" IT, THEY ARE NOT DOING THEIR JOB.

WHAT I FEAR MOST IN THIS MATTER IS THE INFLUENCE OF MR JOHN HUME. GARRET FITZGERALD HAS LONG BEEN DISPOSED TO VIEW NORTHERN IRELAND THROUGH MR HUME'S SPECTACLES. IT WAS MR HUME, AT THE TIME OF SUNNINGDALE, WHO SOLD THE THEN GOVERNMENT THE IDEA THAT THE PROTESTANT COMMUNITY WAS READY TO ACCEPT, NOT MERELY THE POWER-SHARING EXECUTIVE, BUT ALSO A COUNCIL OF IRELAND WITH EXECUTIVE POWERS AND THREE TIERS. WHEN I VENTURED AT THE TIME, IN CABINET, TO QUESTION THIS ASSESSMENT, I WAS SHUSHED. JOHN HUME HAD SPOKEN AND THAT WAS THAT. JOHN WAS (AND I FEAR IS STILL SEEN AS) THE DEFINITIVE AUTHORITY, NOT MERELY ON NORTHERN CATHOLICS, BUT ALSO ON NORTHERN PROTESTANTS. OF COURSE JOHN HAD GOT IT ALL WRONG, BUT BY THE TIME HE REALISED HE HAD GOT IT WRONG, AND JETTISONED THE COUNCIL OF IRELAND, IT WAS TOO LATE TO SAVE THE POWER-SHARING EXECUTIVE.

I DON'T KNOW WHAT JOHN HUME MAY BE ADVISING IN THE PRESENT SITUATION, BUT I FEAR THE WORST. THE IDEA OF "A TOE IN THE DOOR" FOR DUBLIN WILL BE INHERENTLY ATTRACTIVE TO HIM - ESPECIALLY AS HE KNOWS THE TOE IS LIKELY TO WIGGLE WHICHEVER WAY HE WANTS IT TO. YET A PUBLIC WELCOME FOR THE DEAL MIGHT BE IMPRUDENT.

TO. YET A PUBLIC WELCOME FOR THE DEAL MIGHT BE IMPRUDENT, ESPECIALLY AT A TIME WHEN POLLS IN THE REPUBLIC MAKE A HAUGHEYITE RESTORATION LOOK LIKELY. IT IS A REAL DILEMMA, FOR ANY POLITICIAN IN JOHN HUME'S POSITION. BUT OUR TAOISEACH MIGHT DO WELL TO REFLECT THAT POLITICIANS WITH DILEMMAS SELDOM MAKE RELIABLE ALLIES. AND IF OUR GOVERNMENT GOES ON THE VERY HIGH-RISK COURSE OF A LIMITED DEAL WITH BRITAIN OVER NORTHERN IRELAND, IT IS GOING TO NEED ALL THE RELIABLE ALLIES IT CAN FIND. IF ANY.

OF COURSE, THERE ARE ALSO RISKS IN THE ALTERNATIVE POLICY: TURNING THE DEAL DOWN. THERE WILL BE SHOUTS OF 'FAILURE' AND PRESSURES TO DO SOMETHING SILLY IN RESPONSE TO THESE SHOUTS. ONCE THE GOVERNMENT ALLOWED ITSELF TO BE CAUGHT UP IN THE RIDICULOUS 'WHO WILL BE THE FIRST TO GET A UNITED IRELAND?' COMPETITION WITH CHARLIE HAUGHEY, THERE COULD BE NOTHING BUT DISAPPOINTMENT (AT BEST) IN STORE IN THIS AREA. BUT TO CUT THE LOSSES AT THIS STAGE IS CERTAINLY MUCH LESS DANGEROUS - AND LESS DAMAGING IN ITS EFFECTS ON NORTHERN IRELAND - THAN TAKING UP THAT LIMITED DEAL. AND THERE ARE EVEN COMPENSATIONS IN CUTTING THE LOSSES. MR HAUGHEY WILL SHOUT A LOT TOO BUT HE WILL BE SHOUTING EITHER WAY. AND MR HAUGHEY IS PROBABLY LESS DANGEROUS TO THE GOVERNMENT WHEN HE IS SHOUTING ABOUT NORTHERN IRELAND THAN WHEN ENGAGED ON ANY OTHER POLITICAL ACTIVITY. THAT IS, PROVIDED THE GOVERNMENT DOESN'T GET ITSELF STUCK WITH A SHARE IN RESPONSIBILITY FOR NORTHERN IRELAND'.

2. FCO PLEASE PASS LYON NORTHERN IRELAND OFFICE LONDON.

GOODISON

NNNN

REFLECTING ON THE PROBLEMS OF THE DRAFT...
EVIDENCE WILL BE SEEN...
...
(E) ...

...
THE FIRST SUCH INCIDENT WILL BE...
(D) THERE WILL BE SOME INCIDENTS...

...
(C) THE NUMBER OF COMBINATION...

...
(B) THE TECHNICAL...

...
(A) ...

MJAW G



10 DOWNING STREET

From the Private Secretary

SIR ROBERT ARMSTRONG

ANGLO-IRISH RELATIONS: NORTHERN IRELAND

Thank you for your minute of 30 July enclosing a revised draft of the proposed communique.

The Prime Minister would be content for you to hand over the revised draft to the Irish side and to make to them the further points proposed in your minute.

I am copying this minute to the Private Secretaries to the Foreign and Commonwealth Secretary and to the Northern Ireland Secretary.

Charles Powell

30 July 1985

TMG

25

DRAFT

Ref.A085/2034

MR POWELL

*Speed -
subject to D.H.'s
agreement
ms*Anglo-Irish Relations: Northern Ireland

A — When I see Mr Nally today and tomorrow I shall speak in line with your minute of 29 July about the title of the Intergovernmental Committee and the omission from a Summit communiqué of mention of the UDR and of release of prisoners.

B — 2. As regards the points about communiqué language in your third paragraph, the intention of the language I submitted on 26 July was to avoid any implication that the British Government might in any way subscribe to criticisms of the security forces which the minority may make in Northern Ireland. It is clear from your minute that the Prime Minister did not feel that the draft was wholly successful in this respect. It has therefore been revised, in consultation with Foreign and Commonwealth and Northern Ireland officials, and I attach a revised version herewith. The modifications are:

a. paragraph 1 has been modified as proposed in your

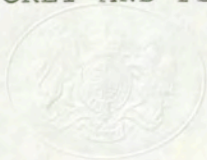
(i); *[i.e. to make clear that nothing can happen until after Parliament has debated the agreement]*

b. the final phrases of paragraph 2 and paragraph 3(b) have been modified: there is now no reference in paragraph 2 to enhancing confidence in the institutions of law and order, and in paragraph 3(b) the language speaks of the "established policy of the RUC" to discharge its duties even-handedly and with equal respect for the two traditions.

c. We have omitted the former paragraph 4 about the administration of justice (which is of course covered by the reference to legal matters in paragraph 2); and there are no paragraphs about the UDR or the release of prisoners.

3. I have taken copies of the revised draft with me to Chevening and, if you can let my office know whether the Prime Minister is content with the revised draft, I will hand copies over to the Irish side during the course of the meeting. I hope that the Prime Minister will feel able to agree that we should pass the revised text to the Irish. I should be apprehensive that, if we were not to do so, that would create the misleading impression that British Government did not wish to continue to work towards an agreement on the lines under discussion.

4. As to the UDR, I shall have to explain the omission of any reference to it in the communiqué language. I propose to say that when British Ministers considered the matter they underlined the point which we had made to the Irish at our last meeting, that the communiqué language could refer to objectives, but should not refer to measures, so as not to invite misleading speculation; that Ministers considered that a specific reference in the communiqué to changes in the arrangements for the UDR would be likely to arouse strong unionist speculation and concern which could be counter-productive to the efforts to bring them to acquiesce in an agreement; but that Ministers had decided to make the changes to training arrangements of the UDR, including the provision of non-commissioned officers from the regular army, which the Defence Secretary has agreed, and these changes would be put into effect and announced at a suitable moment. One possibility might be that they could be announced by the Secretary of State in the Parliamentary Debate on the agreement; but I should not make a definite commitment to that.



5. I am sending copies of this minute to the Private Secretaries to the Secretaries of State for Foreign and Commonwealth Affairs and Northern Ireland. Neither of them has seen the attached revised communiqué language. The Foreign and Commonwealth Secretary is in Helsinki and would be unable to do so in time. The Secretary of State for Northern Ireland will see it overnight. I should be grateful if his Private Secretary could let me know as soon as possible whether he is content.

RIA

ROBERT ARMSTRONG

30 July 1985

30 July 1985

Anglo-Irish Agreement: Draft Passage for a Communiqué

1. The agreement provides for entry into force as soon as each Government has formally notified the other of acceptance. This exchange of notifications will be completed after the agreement has been considered by the House of Commons and by Dail Eireann. The two Governments intend that action to implement the provisions of the agreement should begin once the exchange of notifications has been completed. The first meeting of the Intergovernmental Committee will take place as soon as possible thereafter. The British side will be led by the Secretary of State for Northern Ireland and the Irish side by [the Minister for Foreign Affairs].

2. The two Governments envisage that the meetings and agenda of the Committee will not normally be announced. But they wish it to be known that at its first meeting the Committee will consider its future programme of work in all the fields - political, security, legal, economic, social and cultural - which come within its remit, and will concentrate in the first instance on:

relations between the security forces and the minority community in Northern Ireland; and

ways of improving security co-operation between the two Governments.

The two sides are determined that progress should be made quickly in these fields, in the interests of all of the people of Northern Ireland.

3. In considering the improvement of relations between the security forces and the minority community, the meeting will address:

a. how the application of the general principle in the conduct of public order in the United Kingdom, that the military operate only in support of the civil power, can be progressively developed as circumstances permit in the operations and deployment of the security forces in Northern Ireland, having regard to considerations of community relations as well as to the need for operational effectiveness;

b. possible ways of underlining the established policy of the Royal Ulster Constabulary that they discharge their duties even-handedly and with equal respect for the unionist and nationalist identities and traditions.

4. In considering the improvement of security co-operation between the two Governments, the meeting of the Intergovernmental Committee will also give particular attention to the policing of border areas and consider the implications of the Irish decision, of which the Taoiseach has informed the Prime Minister at the present meeting, to ratify the European Convention on the Suppression of Terrorism.

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~~SECRET~~

cc 4

Prime Minister
CDP
1/P

PRIME MINISTER

NORTHERN IRELAND : OVERSEAS INFORMATION EFFORT

ms

in P113 (att.)

I last minuted you about our work to explain Northern Ireland policies overseas in April 1983. Douglas Hurd has asked me to let you have a brief report on the present position.

2. Our main information effort has been concentrated on the United States. Over the past two years there has been a major shift for the better in American attitudes towards Northern Ireland. In general people of the United States are taking a much more informed attitude to Northern Ireland affairs: they recognise the need to stop help going to terrorists and are sympathetic to the talks we are having with the Irish Government. Only a conspicuous failure in these talks is likely to set back the progress which has been made.

3. A turning point in the presentation of our policy in the USA was your own visit in February this year. The references to Northern Ireland in your speech to Congress were very well received and reached a wide audience. Our efforts have also been helped by the attitude of the Administration. The President made helpful St Patrick's Day statements this year and last, and the Friends of Ireland have helped to ensure a generally responsible attitude from the Irish lobby in Congress. Helped by their own experiences, the Americans now undoubtedly have a better understanding of the international threat posed by terrorism. We have also been helped by the Irish Republic's clear statement of its opposition to terrorist violence. You will recall how effectively you were able to deploy this in your speech to Congress.

4. There has been a steady stream of visitors to and from Northern Ireland to back up these messages. Douglas made an intensive visit at the end of March, Chris Patten attended an important conference in

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/Virginia

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Virginia in January and Rhodes Boyson is planning a trip to the States in September. To ensure that the views of nationalist politicians like John Hume were balanced by the Unionist position, we arranged two visits for Harold McCusker. In May this year a US delegation of senior information policy officials spent two very successful days in Northern Ireland.

5. Douglas and I have given high priority to the briefing of London based journalists and diplomats and we continue to encourage as many as possible to visit Northern Ireland. The South African Ambassador and a senior Australian diplomat paid useful visits in the last few months and Douglas has had a number of meetings with senior foreign diplomats in London, including the American Ambassador. Regular briefing at lesser levels has continued.

6. There have been three main issues on which we have concentrated in the last two years. The first is combatting American financial aid for terrorism. Although there has been a growing awareness of NORIAD's links with the Provisional IRA, there remains a small but active minority who will not be persuaded either by reason or by information. The death last August in Northern Ireland, of one person killed by a baton round during the disturbances that followed the appearance at a Sinn Fein rally of NORIAD's director of publicity, Martin Galvin, did us some harm presentationally in the United States. Nevertheless, responsible American newspapers and broadcasting networks support our stand on terrorism and it is only in the Irish ethnic press and maverick newspapers such as the Philadelphia Daily News that our security policy is regularly criticised.

7. The second main issue is on the political front, where we have had to contend with exaggerated expectations following the New Ireland Forum Report. There is now greater understanding of the complexities and in Government circles at least, a more realistic level of expectation. But we shall need to be ready to present our position very positively following the conclusion of the talks with the Irish Government whatever their outcome.

8. The third issue concerns fair employment policies. The extremist Irish National Caucus has been vigorously promoting the so-called

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McBride principles which would put unfair and possibly unlawful burdens on American companies in Northern Ireland in relation to their employment practices. Those companies who do not comply have been threatened by the withdrawal of major investments, such as those by the City of New York Pension Funds. These efforts have been backed by the introduction of legislation in some states calling on American companies to accept the principles. We have lobbied strenuously against the campaign. We must limit its potential to damage investment in Northern Ireland. We will therefore continue to give high priority to our work to frustrate this campaign.

9. We shall need to continue to work closely with the Foreign Office over the next few months in the presentation of our policies on Northern Ireland. We shall together take every opportunity in the United States to drum in the message about terrorism, and we will continue to try to thwart the potential damage to Northern Ireland's economy posed by the McBride principles. But our work will be substantially influenced by our relations with the Irish Republic. We will be ready to build on any agreement without encouraging unfounded euphoria; at the same time we should not underestimate the very real difficulties we will have in presenting our policies in the United States if those talks should be seen to fail.

10. I am copying this minute to Willie Whitelaw, Geoffrey Howe, Douglas Hurd and John Wakeham.

N.S.

NICHOLAS SCOTT

29 July 1985

ssd

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CONFIDENTIAL

Ireland : Situation A 20



CONFIDENTIAL PERSONAL

From: THE PRIVATE SECRETARY



NORTHERN IRELAND OFFICE

WHITEHALL

LONDON SW1A 2AZ

R P Hatfield Esq
Cabinet Office
70 Whitehall
LONDON
SW1A 2AS

NBAM
CROO
29/7

29 July 1985

Dear Mr Hatfield,

BRITISH IRISH ASSOCIATION

My Secretary of State has asked me to let you know that on balance he shared the Prime Minister's view that Sir Robert Armstrong should seek to persuade Mr David Astor to postpone the Association's Annual Meeting in mid-September.

I am sending copies of this letter to Charles Powell (No 10) and Len Appleyard (Foreign and Commonwealth Office).

Yours sincerely,

Jonathan Duke-Evans

J DUKE-EVANS
Assistant Private Secretary

CONFIDENTIAL PERSONAL



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10 DOWNING STREET

From the Private Secretary

SIR ROBERT ARMSTRONG

ANGLO-IRISH RELATIONS: NORTHERN IRELAND

The Prime Minister has considered your minute of 26 July about your next round of discussions with Mr Nally on 30/31 July, together with the revised draft passage for a Summit communique on rapid implementation of an agreement.

The Prime Minister sees the principal purpose of your meeting with Mr Nally as being to convey the main points of the Cabinet's discussion, notably strong doubts on the subject of Joint Courts which will need further examination, postponement of the target date for reaching an agreement until the end of October, and the need for parliamentary debate to take place before any action is taken under the agreement. The Prime Minister would also, on reflection, wish you to say that we much prefer to abide by the original intention to call the proposed joint body a Committee rather than a Commission. We could only agree to Commission if it were preceded by a qualifying word such as 'advisory' or 'consultative'.

The draft passage for the communique enclosed with your minute was no doubt drafted before last week's discussion in Cabinet. The Prime Minister feels that in the light of that discussion the tone of the draft is wrong. In revising it, you will want to take account in particular of the following points:-

- i) the need to make clear in the opening paragraph that any action to implement the agreement is dependent upon prior approval of the agreement itself by the House of Commons and the Dail.
- ii) the importance of avoiding any implication that we subscribe to doubts which may be held by the minority about the fairness of the institutions of law and order in Northern Ireland. This means dropping or substantially amending the final phrase of paragraph 2 ("with a view operational effectiveness") and paragraph 3(b). If you opt for amendment you may wish to submit revised passages for the Prime Minister's approval before your meeting with Mr Nally.

CST

The Prime Minister is in no doubt that a reference to changes in the UDR - even if desirable in themselves - in the communique of the Summit would be badly received by the Unionists and make implementation of the Agreement even more difficult. She takes the view that this is something which should be kept quite distinct from the Agreement. You should not therefore give Mr Nally any ground to think that we could accept a reference to it in the communique.

The Prime Minister is also firmly opposed to any reference to release of prisoners in connection with the Agreement. While she recognises that there may be good grounds to review release of those connected with terrorist crimes, it would be counter-productive to connect this publicly with the Agreement. I interpret this to mean that she would not exclude some private assurance to the Irish Government at a later stage.

In the light of these comments, you may well conclude that it would be better not to give Mr Nally any redraft of the passage for the communique at this stage, but simply convey to him orally the various points of difficulty.

I am copying this minute to the Private Secretaries to the Foreign and Commonwealth Secretary and the Northern Ireland Secretary.

Charles Powell

29 July 1985

SECRET

PERSONAL

From: THE PRIVATE SECRETARY



NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

CDP or
23

Charles Powell Esq
10 Downing Street
LONDON SW1

Prime Minister

26 July 1985

CDP
27/7

ms

Dear Charles

As agreed with the Prime Minister, the Secretary of State met James Molyneaux and Enoch Powell yesterday evening.

Mr Molyneaux said that they had asked to see the Secretary of State before the recess in order to be brought up to date on his current thinking on constitutional matters. They had it in mind to discuss with the Government and the Labour party ways of improving legislative procedures under direct rule; but they needed to be sure that such discussions would not be overtaken and rendered irrelevant by developments on the Anglo-Irish front. The negotiations with the Irish were causing damage and uncertainty in the North; and Mr Molyneaux had felt it necessary to issue some dire warnings in public because he feared that elected representatives on the Unionist side might be pushed aside by extremists.

The Secretary of State said that he had discussed the Anglo-Irish negotiations with colleagues earlier in the day. There had been no decisions on the content of any agreement as discussions were continuing. The Secretary of State recognised that the continuing uncertainty was difficult for Northern Ireland, but the talks had to be confidential. He could not comment in public on the press speculation on the content of any agreement as even denials of some of the wilder ideas would constitute a breach of confidentiality; there had been one exception to this rule in that, in the face of serious concern in the Province, the Secretary of State had felt constrained to make it clear that a restructuring of or abolition of part of the UDR would not be part of an agreement.

The Secretary of State offered to provide Mr Molyneaux and Mr Powell with a fuller picture of the talks, on a strict Privy Council basis. While Mr Molyneaux felt that this would ease their position and stop them "blundering around in the dark" Mr Powell was not so sure. He wondered why the Secretary of State would wish to give such a briefing and went on to argue that any agreement, which resulted in Northern Ireland having relations with a foreign country of a type which did not apply to the rest of the United Kingdom, would infringe the constitutional guarantee. The Secretary of State stressed that the

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/discussions

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discussions were taking place within the framework of the guarantee and the communiqué issued after the Chequers Summit. HMG would retain full sovereign authority in Northern Ireland and there would be no question of the Republic having any form of veto over the exercise of that authority. In view of Mr Powell's doubts, it was agreed that the offer of a briefing, on a Privy Council basis, would be left on the table for the duration of the recess.

The Secretary of State concluded by saying that the Cabinet attached great importance to the position of Parliament in relation to the talks. In particular, no agreement would come into operation until Parliament had had an opportunity to consider it.

Copies of this letter go to Len Appleyard and Richard Hatfield.

Yours sincerely
J A Daniell

J A DANIELL

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Ref. A085/1993

PRIME MINISTER

I am utterly astounded by this number. I am not prepared to go ahead with either of these things - not NO

Prime Minister Subject to views of Northern Ireland Security, context with: (a) proposed redraft of communiqué;

Anglo-Irish Relations: Northern Ireland

NO or (b) proposed statement on release of prisoners? CDP

Following the discussion in Cabinet on 25 July of a possible agreement with the Irish Republic concerning Northern Ireland, our preferred timetable seems likely to be an Anglo-Irish Summit in late October followed quickly by debates in the House of Commons and the Dail and then by the first meeting of the Intergovernmental Commission. I shall argue for this in my next round of talks with Mr Nally on 30-31 July, when I shall also reflect other points made in Cabinet. I should also give Mr Nally a revised draft of the passage relating to rapid implementation of the agreement which would appear in the communiqué issued by an Anglo-Irish Summit.

We have to decide these last before they are communicated

This cannot be so. A debate must come first

2. As foreseen in my minute of 24 July, I now submit the passage which I would propose to give to Mr Nally. The language takes account of what passed in my last session of talks with him. The draft has been agreed with the Foreign and Commonwealth Office and the Northern Ireland Office. We believe that it fairly reflects British interests. We shall have to see whether it is broadly acceptable to the Irish; I think that it may be possible to persuade them to accept this or something very like it.

3

3. One point requires explanation. The Irish have pressed us to indicate in the communiqué that we would be making changes concerning the Ulster Defence Regiment. As recorded in my minute of 24 July, the Ministry of Defence are willing that the training undergone on recruitment by part-timers in the Ulster Defence Regiment should be increased and more non-commissioned officers from the regular army should be seconded to the UDR. We have

NO

considered alluding obliquely in the communiqué to "certain steps concerning the UDR" which would be discussed at the first meeting of the Intergovernmental Commission. But an unspecific phrase of this kind would invite speculation that the steps we had in mind were much greater than they are. We have concluded that it would be better to be specific on this point in the communiqué, and to present this as something we have decided to do, not as something we propose to discuss with the Irish in the Intergovernmental Commission, as in paragraph 6 of the attached text.

4. As you will remember, the Taoiseach has more than once raised the possibility of some kind of release for prisoners in the context of an Anglo-Irish agreement. We think that nothing should be said about this in the agreement or in the Summit communiqué. But I seek authority to tell the Irish side that, in the event of an agreement being signed, you or the Secretary of State for Northern Ireland, in the debate in the House of Commons, would be prepared to say something on the following lines:

"It is the profound hope of the two Governments that the agreement, and the closer co-operation between them which will result from it, will help to foster reconciliation between the communities in Northern Ireland with full respect for their identities and traditions. If this leads, as both Governments hope, to a real and sustained reduction in the level of violence, that will be among the factors to be taken into account by the Secretary of State for Northern Ireland in reviewing the release of prisoners in Northern Ireland who have been convicted of terrorist crimes."

This proposal has been agreed with the Northern Ireland Office.

no

with me



5. I am sending copies of this minute to the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland.

RA

ROBERT ARMSTRONG

26 July 1985

*The Love
to wrong
not*

ANGLO-IRISH AGREEMENT: Draft Passage for a Communiqué

1. The two Governments intend that action to implement the provisions of the agreement should begin as soon as possible. The first meeting of the Intergovernmental Commission will take place [in the near future]. The British side will be led by the Secretary of State for Northern Ireland and the Irish side by [the Minister for Foreign Affairs].

The whole thing has to be deleted for the

2. The two Governments envisage that the meetings and agenda of the Commission will not normally be announced. But they wish it to be known that at its first meeting the Commission will consider its future programme of work in all the fields - political, security, legal, economic, social and cultural - which come within its remit, and will concentrate in the first instance on:

relations between the security forces and the minority community in Northern Ireland; and

ways of improving security co-operation between the two Governments.

The two sides are determined that progress should be made quickly in these fields, with a view to enhancing the confidence of all of the people of Northern Ireland in the institutions of law and order and their operational effectiveness.

This is limited work!

3. In considering the improvement of relations between the security forces and the minority community, the meeting will address:

a. how the application of the general principle in the conduct of public order in the United Kingdom, that the military operate only in support of the civil power, can be

progressively developed as circumstances permit in the operations and deployment of the security forces in Northern Ireland, having regard to considerations of community relations as well as to the need for operational effectiveness;

b. possible ways of reinforcing the established principle that members of the Royal Ulster Constabulary discharge their duties even-handedly and with equal respect for the unionist and nationalist identities and traditions;

4. The meeting will also discuss how best to pursue matters of common interest in the administration of justice as outlined in Article 8 of the agreement.

5. In considering the improvement of security co-operation between the two Governments, the meeting of the Intergovernmental Commission will also give particular attention to the policing of border areas and consider the implications of the Irish decision, of which the Taoiseach has informed the Prime Minister at the present meeting, to ratify the European Convention on the Suppression of Terrorism.

Possible Additional Paragraph

The Prime Minister has informed the Taoiseach that the British Government have decided that the initial training undergone by recruits to the part-time cadre of the Ulster Defence Regiment should be increased from 8 to 14 days and that the number of non-commissioned officers from the British regular army who are seconded to the Ulster Defence Regiment should be increased.

[This might be interpreted as "quotas" for Catholics]

Deliberate



file

10 DOWNING STREET

From the Private Secretary

Sir Robert Armstrong

BRITISH-IRISH ASSOCIATION

The Prime Minister has considered your minute of 23 July about the annual meeting of the British-Irish Association due to be held from 13-15 September.

Subject to the views of the Northern Ireland Secretary, the Prime Minister agrees that it would be right to try to persuade organisers of the meeting to postpone it.

I am sending a copy of this minute to the Private Secretaries to the Northern Ireland Secretary and the Foreign and Commonwealth Secretary.

(C. D. POWELL)

25 July 1985

SECRET AND PERSONAL



SPW
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10 DOWNING STREET

From the Private Secretary

Sir Robert Armstrong

ANGLO-IRISH RELATIONS: NORTHERN IRELAND

The Prime Minister has noted your minute of 24 July about your further round of talks with Mr. Nally without comment.

I am copying this minute to the Private Secretaries of the Northern Ireland Secretary and the Foreign and Commonwealth Secretary.

(C. D. POWELL)

25 July 1985

SECRET AND PERSONAL

JB

20A

MS



Prime Minister
I can't see the
Americans giving money
to allow HRTG to spend

Treasury Chambers, Parliament Street, SW1P 3AG

Rt Hon Douglas Hurd MP
Secretary of State for Northern Ireland
Northern Ireland Office
Whitehall
London
SW1P 3 AH

less.
But the idea that it
might all be spent in the
US to provide an incentive to

24 July 1985

American firms to set up
in N. Ireland, is a new and

Am Douglas

C.D.P.
25/7.

OD(I) 3rd MEETING:
PROPOSED FUND FOR ECONOMIC RECONSTRUCTION

It was left at the meeting on 15 July that you and I would be in touch about the proposed fund for economic reconstruction.

The view was put forward that any such fund should not be part of the Anglo-Irish agreement. I think we all hold firmly to the view that the two should not be linked. There are a number of important issues regarding such a fund which will take a little while to resolve, and which will make it impracticable to gear the proposals to a September timetable.

A key issue is additionality. I have very grave doubts as to whether we can justify using this money to fund extra public expenditure in Northern Ireland. There is no evidence that your problems are susceptible to solutions of a financial kind, and every evidence that, even in relation to your special needs, you are already very generously provided. To use the money to enhance your block provision would certainly mean supporting a number of non-essential and relatively low-priority projects, and is most likely to lead to a further expansion of the public sector in the Province - contrary to the aim which you are yourself reported to have stated publicly, of bringing dependence on the public sector down to more normal levels as normality returns to the Province.

SECRET AND PERSONAL

My preference therefore would be to use this money to fund your existing expenditure plans (as adjusted by the outcome of the Survey), based as they are on relatively high standards of provision. This would mean that both the grant-in-aid to the Northern Ireland Consolidated Fund, and the PSBR, would be reduced by the amount of the American contribution - which would have presentational advantages of its own.

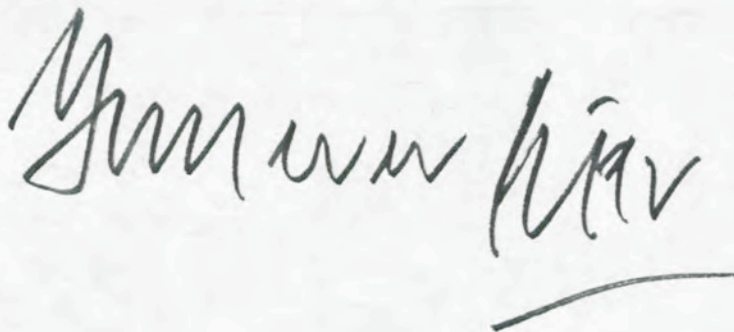
I can see that such non-additionality has its presentational disadvantages too, though I would need to be convinced that they are overriding - especially if the fund is not to be linked to the agreement. But there is also the possibility, as I understand it, that the money might be spent entirely within the USA, by way of incentives given by the US Government to US firms to set up in Northern Ireland. That could be valuable to you, I should have thought, and would sidestep the additionality problem altogether. I wonder if we should not work towards such an outcome.

I would adopt the above approach, too, to any money offered by other foreign governments *and by the European Community.*

As to contributions from private sources overseas, I would take the view that these could in some circumstances reduce the need for public provision, so that there might be a case for a parallel reduction in public expenditure.

I believe it would be helpful to all of us if you could let us see an early paper which explains your own thinking on the proposed fund. Additionality apart, there are other questions of obvious difficulty, such as the role of the Irish Government in relation to any fund, which we need to address at an early stage. I am particularly anxious that we should not find ourselves rushed by political deadlines, without the time to give due consideration to these difficult matters.

I am copying this letter to the Prime Minister, members of OD(I), and Sir Robert Armstrong.



PETER REES

SECRET AND PERSONAL

Ref. A085/1975

PRIME MINISTER

Cabinet: Northern Ireland Affairs

The subject has been placed on the Cabinet agenda in order to enable the Ministers most directly concerned to report on the latest stage of play in our talks with the Irish: that there is a real prospect of being able to reach an agreement and that, if the discussions on that and on the proposals to make an immediate start on its implementation can be successfully considered, the agreement might be ready for signature in late September. The Cabinet will have before it a joint memorandum by the Secretaries of State for Northern Ireland and for Foreign and Commonwealth Affairs (C(85) 20) describing the proposed agreement and the state of play in the talks.

HANDLING

2. I suggest that you begin by pointing out that the memorandum by the two Secretaries of State is particularly sensitive and has been given a very restricted distribution. You should say that Ministers' copies will be collected at the end of the Cabinet meeting.

3. You will wish to ask the Secretary of State for Northern Ireland and then the Foreign and Commonwealth Secretary to speak briefly at the start of the discussion. The main subjects on which discussion might focus are:

- a. security co-operation with the Irish Republic (Secretary of State for Northern Ireland, and the Secretary of State for Defence);

- b. the status of Northern Ireland (Secretary of State for Northern Ireland);
- c. the new Intergovernmental Commission (Secretary of State for Northern Ireland);
- d. joint courts (the Lord Chancellor, who is not a member of OD(I), and the Attorney General);
- e. the importance of careful presentation of an agreement especially vis-a-vis the Northern Ireland political parties and Parliament; a particular point concerning Parliament is highlighted in paragraph 14 of the memorandum by the two Secretaries of State (Secretary of State for Northern Ireland and the Lord Privy Seal).
4. There may also be discussion about the proposed fund for development in Ireland. The Chancellor of the Exchequer may argue that this would make reductions possible in expenditure by the Exchequer in Northern Ireland. But the United States Administration and Congress would not contribute unless the money was additional to existing expenditure.
5. Subject to discussion, you might guide Cabinet to agree with the conclusion in the memorandum by the two Secretaries of State that an agreement on the lines being discussed would be a useful step forward and could be signed this autumn, subject to the agreement of the three Ministers principally concerned (yourself and the Secretaries of State for Foreign and Commonwealth Affairs and for Northern Ireland).



ROBERT ARMSTRONG

24 July 1985

CDP

Prime Minister 19

CDP

24/7.

Ref. A085/1974

PRIME MINISTER

Anglo-Irish Relations: Northern Ireland

I had a round of talks with Mr Nally and his team on 21-22 July. There will be a further session on 30-31 July, after which I shall report fully on the stage reached before the summer break. But you may wish to know immediately the main points about this week's meeting, particularly since the subject is on the agenda for Cabinet on 25 July.

2. The Irish continue to express a strong preference for not calling the new body a "Committee". They say that this word has the wrong overtones in Ireland, being applied most frequently to parish committees in the countryside which are ineffectual and a traditional laughing stock. I deployed the arguments against "Commission" but agreed to take it back for further consideration. I hope that we may now be authorised to settle for the title "Intergovernmental Commission".

[You were ready to agree if DH was content]

3. There was another exchange about joint courts, with both sides sticking to their guns. When it was over, Mr Nally remarked that there were very few judges from the minority community on the Court of Appeal in Northern Ireland. We thought that he was hinting that a move to increase the number of such judges on that Court would help the Irish side to swallow our refusal to give an advance commitment to establish joint courts. Officials are looking into the point.

4. The Irish pressed us for undertakings about the steps we would take in rapid implementation of the agreement, especially regarding the security forces. We said that we thought that the communiqué issued at the time of the signature of the agreement

could (on lines already agreed) define the areas for discussion at the first meeting of the new body and indicate the objectives which would inform the discussion, but should not be specific about measures to be considered, in order to minimise speculation, false hopes or excessive fears. I shall submit shortly for approval a revised draft of the proposed communiqué passage, as a basis for discussion with the Irish side next week.

5. As to specific measures to be discussed at the first meeting of the new body, we have (with the agreement of the Northern Ireland Office and the Ministry of Defence) told the Irish side that we should in principle be willing to introduce a new Code of Conduct for the Royal Ulster Constabulary, which would enshrine the principle of even-handedness between the two communities; and that we could take some steps concerning the Ulster Defence Regiment, notably an increase in the training undergone by part-timers on recruitment and the seconding of more non-commissioned officers from the regular army to the Ulster Defence Regiment. I do not need further instructions at present, but we may not have heard the last of Irish pressure for "additional measures".

6. In discussion about where to hold the summit meeting to sign the agreement, the Irish were not enthusiastic about the idea of a double meeting, partly in London and partly in Dublin. They said that, if they were to consider it, such a meeting would have to begin in London and conclude in Dublin; and that the press conference, which Mr Nally and I both thought should on this occasion be a joint one by you and the Taoiseach, should take place in Dublin. Mr Nally argued that the last four Anglo-Irish Summits had taken place in Great Britain and that Dr FitzGerald would be greatly criticised if the meeting or the more public part of a two-part meeting, were to take place here.



7. The Irish continued to press for a location in Northern Ireland. The former Palace of the Anglican Archbishop at Armagh was mentioned. The attraction of this, in symbolic terms, is that Armagh is traditionally an "all-Ireland" site. We are looking into the practical and security implications.

8. I am sending copies of this minute to the Secretary of State for Northern Ireland and the Secretary of State for Foreign and Commonwealth Affairs.

RTA

ROBERT ARMSTRONG

24 July 1985

Prime Minister

Ref. A085/1973

PRIME MINISTER

Yes mb

Agree - subject to
DH's views - (but we
should try to persuade
the organizers to
cancel this meeting?)

British-Irish Association

CD? 24/7.

The annual meeting of the British-Irish Association is due to be held at Balliol College, Oxford, from Friday 13 to Sunday 15 September.

2. The British-Irish Association is an unofficial body whose Chairman is Mr David Astor. It exists to promote good relations between this country and Ireland, and to provide occasions for discussions between people from this country, from Northern Ireland and from the Republic of Ireland on matters of common interest. The people who come to the meetings include politicians, from both parts of Ireland as well as from Great Britain, journalists, academics and other people with an interest in or concern for Ireland and its problems. Though the body is unofficial, there has always been support for its activities from both Governments, and both Governments are represented at its annual meetings.

3. This year's annual meeting comes at a particularly awkward time in relation to the timetable for your next meeting with Dr FitzGerald and the possible signature of the Anglo-Irish Agreement. As you know, we are looking at the possibility of a date in the second half of September, perhaps only as little as ten days after the annual meeting of the British-Irish Association. The fact that the two Governments have been talking and the possibility that there will be a Summit meeting and Agreement before the end of the year are well established. Given the lively public interest in these matters, I think that we have to assume that speculation both about the contents and timing of an Agreement could have reached a high level of

excitement, as well as a considerable level of accuracy, by the time the British-Irish Association holds its annual meeting.

4. In these circumstances that meeting could become an extremely excitable occasion, with a lot of politicians from Northern Ireland tempted to take up positions which could make a subsequent signature and presentation of an Anglo-Irish Agreement on the lines under discussion very difficult and embarrassing for both Governments. This could particularly be the case, if the meeting includes (as has been proposed) a seminar to discuss sovereignty.

5. At my meeting with Mr Nally yesterday (on other aspects of which I am reporting separately) the two sides discussed the implications of this at some length. There is no easy answer. Invitations to the meeting have gone out, and the British-Irish Association would no doubt be reluctant to cancel or postpone the meeting. If the meeting were to be cancelled or postponed at the request or suggestion of the two Governments, the fact that the suggestion had been made would no doubt become known, and would itself intensify speculation. On the other hand, to hold the meeting could create very serious difficulties for the two Governments and quite possibly diminish the chances of reaching and sustaining an Agreement.

6. On balance, officials considered that it would be right, despite potential embarrassment, to try to persuade the organisers of the British-Irish Association that the best course, in the interests of good relations between Britain and Ireland at this critical juncture would be to cancel or postpone the meeting. This is also the view of the Taoiseach.

7. If you and the Secretaries of State for Foreign and Commonwealth Affairs and Northern Ireland (to whom I am sending



copies of this minute) agree, I propose to see Mr David Astor urgently, and to represent to him (as the Irish will also be representing to him) the case for cancellation or postponement.

A handwritten signature in black ink, consisting of the letters 'R' and 'A' in a stylized, cursive script.

ROBERT ARMSTRONG

23 July 1985



file 216
LO3AHI

10 DOWNING STREET

From the Private Secretary

SIR ROBERT ARMSTRONG

ANGLO-IRISH RELATIONS: NORTHERN IRELAND

The Prime Minister has considered your minute of 16 July recording the outcome of your meetings on 15/16 July with Mr. Nally. She notes that you will be having a further meeting next week.

The Prime Minister objects most strongly to the addition to the last sub-paragraph of the preamble of the draft Agreement which has now been proposed by the Irish side. She regards it as derogatory of and provocative to the Unionists and has described it as "totally unacceptable".

The Prime Minister prefers "Standing Inter-Governmental Committee" to "Inter-Governmental Commission". But she would be guided by the views of the Northern Ireland Secretary on whether the latter is acceptable.

The Prime Minister does not like the suggestion that the Agreement might be signed at the Royal Hospital, Kilmainham, nor is she enthusiastic about the suggestion of Corrymeela. She would prefer our proposal for signing twice, once in London and once in Dublin.

The Prime Minister considers it essential that the Secretariat of the Standing Inter-Governmental Committee should be small as we have proposed. She hopes that you will adopt a firm line with the Irish side on this.

I am sending copies of this minute to Mr. Daniell (Northern Ireland Office) and Mr. Appleyard (Foreign and Commonwealth Office).

CHARLES POWELL

CP

18 July 1985

PRIME MINISTER

ANGLO-IRISH RELATIONS: NORTHERN IRELAND

On Sir Robert Armstrong's minute attached, he will need guidance on:

No - totally unacceptable

(i) Do you agree the addition to the preamble proposed in 2(a) of his minute? It might justifiably be seen by the Unionists as derogatory.

I prefer our title - but would be prepared to concede on this - subject to view of N.I. authorities

(ii) Would you accept "Intergovernmental Commission" in place of "Standing Intergovernmental Committee"? "Commission" implies to me some direct responsibility in the North than we are giving the Irish Government.

(iii) I assume that you would not agree to signature at the Royal Hospital, Kilmainham (please see paragraph 9). Do you have any reaction to the centre for reconciliation at Corrymeela on the Northern Ireland coast (if the security assessment is favourable)? *would prefer Dublin/London*

(iv) Agree to insist on a small secretariat for the Standing Committee?

Yes no

C D P

C D POWELL

17 July 1985

Prime Minister 16.

Ref. A085/1920

PRIME MINISTER

Anglo-Irish Relations: Northern Ireland

Mr Nally and I met on the evening of Monday 15 July and through Tuesday 16 July to continue our discussion of the draft Anglo-Irish Agreement and the matters connected therewith. Each of us was accompanied by the usual supporting team.

Draft Agreement

2. There are only two changes to report in the text which was circulated with OD(I)(85) 4:

a. The Irish would like to expand the last sub-paragraph of the preamble so as to read (new words underlined):

"Reaffirming their commitment to a society in Northern Ireland (in which neither tradition dominates the other and) in which all may live in peace, free from discrimination and intolerance and with the opportunity for both communities to participate in the structures and processes of government".

b. The Irish are still unhappy with the title "Standing Intergovernmental Committee": apparently "Standing" does not have the same meaning in Irish as it has in English, and "Committee" is thought to have a depressing flavour. They have suggested that the title of the new body should be "the Intergovernmental Commission".

[This will be provocative to the Unionists]

[Such a Commission suggests a much greater degree of joint responsibility than is properly the case].

"Rapid Implementation"

3. The Irish are content to proceed as we propose, with a passage in the communiqué accompanying the Agreement which looks forward to an early meeting of the new body (whatever it is to be called) and sets out an agenda for that meeting. They believe that, if the Taoiseach is to be able to sell the proposition to the SDLP and to the Dail, the communiqué will need to go into rather more detail about the matters to be discussed at the first meeting; and they will privately want to know as much as we can tell them in advance about the progress that can be made at that first meeting. They are in general content with the approach represented in the draft passage for a communiqué attached as Annex B to OD(I)(85) 4, but are asking for it to go into much more detail and to mention one or two matters outside the security and legal fields. They will agree to include in the communiqué suitable references to their readiness to return the Garda task force to the border and to sign the European Convention on the Suppression of Terrorism.

4. On all this my impression was that in the end we should be able to reach agreement with them on wording which would be within what we are prepared to discuss.

5. On joint courts, they were still saying that the Irish Government needed a prior commitment to the establishment of joint courts. I made it absolutely clear that the British Government could enter into no such commitment. This was not just a matter of the objections of the Northern Ireland judiciary, who had (as they knew) made it clear that they would do what Parliament directed them to do. There were serious practical and political difficulties, through which we were not yet able to see our way. We were ready to undertake to consider the possibility of joint courts, but no more. As part of that process we should be ready to consider other measures, such as conferences of judges from North and South to consider alignment

of law and legal practice, for instance in the field of sentencing for terrorist offences. On this subject I formed the impression that they were under instructions from the Taoiseach; but that, if the rest of the package was acceptable, this might not in the end be a stumbling block to reaching an agreement.

Fund

6. We had some further discussion of the proposal for a fund for reconstruction and development, to which the United States Government would make a contribution. We dealt with this on the lines agreed at OD(I). There was a considerable measure of agreement with the Irish on our way of thinking about it, though the Taoiseach is likely to attach more importance than we do to expressions of support and contributions of money from European Governments and the European Community.

Timing

7. We did not discuss definite dates, but were in agreement in thinking in terms of the second half of September. I said that I thought that the Government would be unlikely to propose the recall of Parliament to debate the Agreement, and to think in terms of a Parliamentary debate in the last two weeks of October. It might, however, be that the Official Unionists would press for the recall of Parliament to debate the Agreement; if they did, there might be advantage in conceding an early recall, if that would help to focus Unionist reaction to the Agreement in Parliamentary channels.

8. Mr Nally said that the Dail was not due to resume after the Summer Recess until 23 October. The Irish Government thought that, if an agreement was reached in the latter half of September, the very early recall of the Dail to debate the

Agreement would be politically and perhaps legally necessary.
Such a debate would take place before the first meeting of the new intergovernmental body.

Venue for Signature

9. Mr Nally said that the Taoiseach was likely to propose that an Agreement might be signed at the Royal Hospital, Kilmainham (on the outskirts of Dublin), which is apparently an offshoot of the Royal Hospital, Chelsea. The signature would thus take place in Dublin, but in a building with long British associations and beneath portraits of King William III and Queen Mary II. Mr Nally thought that it would be difficult for the Taoiseach to sign the Agreement in the United Kingdom, given that the last three meetings with you had all taken place this side of the water. I said that I thought that it would be difficult for you to come to Dublin to sign the Agreement: that would convey the wrong signals to the Unionists in Northern Ireland. Mr Nally did not exclude the possibility of signing twice, once in England and once in Ireland, though he saw the practical difficulties associated with that. He was not enthusiastic about the idea of signing in the Irish Embassy in London. He said that the Taoiseach would be ready to go to Northern Ireland for the purpose of signing the Agreement. One possibility was Hillsborough; but that could present major security problems. Another suggestion was Corrymeela, on the north coast of Northern Ireland. Corrymeela is the site of a centre for reconciliation, and it seemed to me that it was well worth considering the suggestion seriously. I have asked the Northern Ireland Office to look into the practical and security implications.

Secretariat of Standing Intergovernmental Committee

10. We had some discussion of the role and composition of the Joint Secretariat of the Standing Intergovernmental Committee. Mr Robert Andrew outlined the Northern Ireland Office's ideas for

a very small British team of two or three people led by an Assistant Secretary, who would provide the secretarial services and act as a channel of communication with the Northern Ireland Office and the Northern Ireland Departments on matters of substance. It was evident that the Irish were thinking in terms of a somewhat larger and higher-powered Irish team: in particular, they would want the head of the Irish side of the Secretariat to be an official who had the confidence and right of access to Irish Ministers. They thought that the Minister for Foreign Affairs would be the Irish Chairman of the Committee.

Next Steps

11. We are to have another meeting with the Irish team next week, to progress these various matters further and in particular to exchange ideas about the additional detail for inclusion in the communiqué on "rapid implementation". I will report again to you after that meeting, in time for you to make a further progress report to the Cabinet on Thursday 25 July. We may need one more meeting with the Irish before the summer break, to continue discussion of these matters and to firm up the preparations for presenting the Agreement in advance to the United States Government and Congressional leaders and to other Governments whose support will be valuable and can be counted upon, such as the Governments of the European Community countries and the Governments of Canada and Australia.

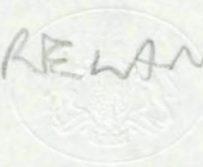
12. I am sending copies of this minute to the Secretaries of State for Foreign and Commonwealth Affairs and for Northern Ireland.



ROBERT ARMSTRONG

16 July 1985

Relations: IRELAND Pt 9.



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the Attorney-General*

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177



15

THE SECRETARY OF THE CABINET

ANGLO-IRISH TALKS ABOUT NORTHERN IRELAND:
JOINT COURTS

1. Thank you for your minute of 12 July. In the light of our discussion at yesterday's meeting of OD(I), I need not say more than that I am of course very willing to see Mr Rogers and to try, through him, to put across to the Irish Government the magnitude of the difficulties that we see in the way of any system of joint or mixed courts. I did indeed warn him of those difficulties when I met him some weeks ago but that was a passing reference in the course of discussing other matters and a meeting now, specifically addressed to this topic, could well make a greater impact.

2. I understand that the initiative for arranging a meeting has been left with the Irish and I therefore await an approach from Mr Rogers's office.

3. I note what you say about the Irish decision to accede to the European Convention on the Suppression of Terrorism but I do not think that I myself need raise that matter with Mr Rogers. It is a decision which I greatly welcome since it should remove the bulk of our problems in securing the extradition of terrorists from the Republic. The only comment that I would make on it is that I am puzzled by the ease with which the Irish now find that they can take this step after having so long argued that they were somehow precluded by their Constitution from doing so. But this, of course, is not a comment that I would make to Mr Rogers, at least so long as the Irish hold to their decision.

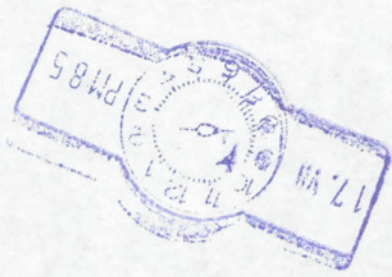


- page two -

4. I am sending copies of this minute to the Prime Minister, the Lord Chancellor, the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland.

M.H.
/

Law Officers' Department
16 July 1985



MEETING OF OD(I)

The text of a possible agreement with the Irish Government appears to be close to agreement with the very important exception of joint courts. You commented over the weekend: "We cannot agree to this". I don't think you will find much disposition in OD(I) to oppose this, though the position is undoubtedly a bit different since Lord Lowry's letter disclaiming root and branch opposition to the concept.

The focus has now shifted to the idea of rapid implementation of the agreement as an alternative to associated measures. You will want to be sure that the Northern Ireland Secretary does not think we are moving ahead too fast on this.

Other points on which you will want to focus are the timing of an agreement. But I really think you must avoid committing yourself on a date until you can assess the situation at the beginning of September. Dates - including some genuine ones - are already being bandied about in the Irish Press. On location, your idea of the Irish Embassy in London looks a strong runner. On presentation, I would be a bit cautious about the Foreign Secretary holding a meeting with Shultz and Barry in Helsinki in mid-July. This is too long before the likely conclusion of an agreement, and bound to leak.

You will remember that the Northern Ireland Secretary has some reservations about the idea of a fund financed mainly by the Americans. He fears that the Unionists will see it as traitors' gold.

CDP

CDP

15 July, 1985.

NORTHERN IRELAND

PS
PS/LADY YOUNG
PS/PUS
MR GOODALL



PS/ S of S.
PS/MR R ANDREW, OAB 1/56
MR BRENNAN
MR BURNS
MR J LYON

NIO

HD/RID
P. HD/PUSD (2)
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HD/NEWS DEPT

SIR R ARMSTRONG)
DIO } CABINET OFFICE

PS/ NO 10 DOWNING STREET (3)

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DESKBY 151030Z

FM DUBLIN 150930Z JUL 85
TO IMMEDIATE FCO
TELEGRAM NUMBER 467 OF 15 JULY 1985
INFO IMMEDIATE NIO (B)

IMMEDIATE
ADVANCE COPY

MY TELNO 462: ANGLO IRISH TALKS

1. IN A FRONT PAGE REPORT HEADED 'OPTIMISM ON NORTH DEAL BY AUTUMN', THE IRISH INDEPENDENT'S LONDON EDITOR TODAY SAYS THAT:

'GROWING OPTIMISM IS EMERGING AT WESTMINSTER THAT A NEW DEAL ON THE NORTH CAN BE FINALISED AT AN ANGLO-IRISH SUMMIT IN THE AUTUMN.

HINTS ARE BEING DROPPED IN WHITEHALL THAT THE LONG DRAWN-OUT ANGLO IRISH TALKS ON 'NEW STRUCTURES AND PROCESSES' ARE NOW NEARING A CONCLUSION THAT CAN BE ACCEPTED BY BOTH SIDES.

THE FINAL TOUCHES TO ANY AGREEMENT ARE EXPECTED TO BE COMPLETED AT A SUMMIT BETWEEN MRS THATCHER AND DR FITZGERALD IN DUBLIN. IT WILL PROBABLY BE HELD IN OCTOBER, SOON AFTER THE ANNUAL CONSERVATIVE PARTY CONFERENCE IN BLACKPOOL.

ANY AGREEMENT SEEMS LIKELY TO PROVIDE THE IRISH GOVERNMENT WITH SOME FORM OF LARGELY SYMBOLIC ROLE IN THE NORTH. INCLUDING, PERHAPS A SPECIAL REPRESENTATIVE OFFICE IN BELFAST. ANY SUCH PRESENCE WILL BE ORGANISED IN SUCH A WAY THAT THE CONCEPT OF 'SOVEREIGNTY' WITHIN THE UNITED KINGDOM IS NOT AFFECTED.

THE MAIN EMPHASIS FROM THE BRITISH SIDE WILL BE ON SECURITY COOPERATION, WHERE MINISTERS HAVE BEEN INCREASINGLY OUTSPOKEN RECENTLY ABOUT THE NEED FOR IMPROVEMENT.

NEW MEASURES TO REDUCE THE SENSE OF ALIENATION AMONG THE NATIONALISTS SUCH AS THE PRESENCE OF JUDGES FROM BOTH SIDES OF THE BORDER AT MAJOR TRIALS ARE ALSO EXPECTED. A MAJOR QUESTION MARK IS WHETHER THE BRITISH GOVERNMENT WILL ACT TO ALTER SIGNIFICANTLY THE ORGANISATION OF THE RUC AND THE UDR'.

2. FCO PLEASE PASS LYON NIO (L).

STIMSON

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NORTHERN IRELAND

PS
PS/LADY YOUNG
PS/PUS
MR GOODALL

PS/ S of S
PS/MR R ANDREW, OAB 1/56
MR BRENNAN
MR BURNS
MR J LYON

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HD/INFO DEPT
HD/NEWS DEPT

SIR R ARMSTRONG)
DIO } CABINET OFFICE
PS/ NO 10 DOWNING STREET (3)

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FM DUBLIN 150922Z JUL 85

TO IMMEDIATE FCO

TELEGRAM NUMBER 446 OF 15 JULY

INFO IMMEDIATE NIO BELFAST

MY TELNO 463: ANGLO/IRISH TALKS

SUMMARY

1. IN AN INTERVIEW WITH RTE ON 14 JULY, THE TAOISEACH SAID THAT THE AUTUMN WILL BE 'MAKE UP YOUR MIND TIME' FOR THE ANGLO-IRISH TALKS. SEAMUS MALLON INTERVIEWED ON THE SAME PROGRAMME SAID THAT THEY MUST LEAD TOWARDS IRISH UNITY.

DETAIL

2. THE RELEVANT PASSAGE OF THE TAOISEACH'S INTERVIEW WENT AS FOLLOWS:

QUOTE

Q. YOU AND YOUR GOVERNMENT ARE STILL INVOLVED IN TALKS WITH THE BRITISH GOVERNMENT ON ANGLO-IRISH AFFAIRS. I KNOW YOU ARE BOUND TO BE CIRCUMSPECT ON THIS, BUT WHAT'S THE TIMESCALE FOR THE PROGRESS OF THOSE TALKS ? AND ARE YOU STILL SAYING THAT THE CHANCES OF SUCCESS ARE ONLY 50/50?

A. YOU CAN'T NOW SUCCEED UNTIL YOU HAVE SUCCEEDED BECAUSE IN THE LATER STAGES OF NEGOTIATION YOU COME TO THE COMPLEX ISSUES WHICH HAVE TO BE DECIDED ONE WAY OR THE OTHER. I WOULD SAY THAT WE HAVE TO.... ITS MAKE YOUR UP YOUR MIND TIME IN THE AUTUMN. THE BRITISH HAVE TO MAKE UP THEIR MINDS AND WE HAVE TO MAKE UP OUR MINDS ONE WAY OR THE OTHER. YOU CANNOT CONTINUE INDEFINATELY WITH DISCUSSIONS OF THIS KIND, BUT I THINK ITS RIGHT TO GIVE THEM EVERY CHANCE TO SUCCEED.

Q. SO WE'RE TALKING ABOUT 1985?

A. YES

Q. IF THESE TALKS FAIL, YOUR GOVERNMENT WILL HAVE FAILED IN THE EYES OF MANY PEOPLE. WOULD YOU ACCEPT THAT ?

A. I DONT HHINK THAT PEOPLE WILL BALAME US. WHETHER THEY WILL BLAME YS FOR HAVING TRIED AND TRIED SO HARD AND TRIED FOR SO LONG. I THINK WE WOULD HAVE FAILED IN OUR DUTY TO HAVE DONE OTHERWISE. I USE THE WORD FAILURE, BUT THE OTHER POSSIBILITY IS THAT WE WILL SUCCEED. THE DISCUSSIONS ARE CONTINUING. I AM

OTHERWISE. I USE THE WORD FAILURE, BUT THE OTHER POSSIBILITY IS THAT WE WILL SUCCEED. THE DISCUSSIONS ARE CONTINUING. I AM NOT PRE-EMPTING THEM OR PREJUDGING THEM, AND I HOPE THAT WE SUCCEED IN DOING SOMETHING THAT WILL REALLY CHANGE THE LIFE OF THE PEOPLE IN NORTHERN IRELAND AND ENABLE THEM TO FEEL PART OF THE IRISH COMMUNITY AGAIN, FROM WHICH THEY HAVE BEEN EXCLUDED BY WHAT'S HAPPENED IN THE LAST 6 YEARS.

UNQUOTE

3. WHEN HE WAS ASKED ABOUT THE ANGLO-IRISH TALKS, SEAMUS MALLON SAID "...THE CONSTITUTIONAL POSITION OF NORTHERN IRELAND, WHICH HAS LOCKED NATIONALIST PEOPLE INTO A UNIONIST SITUATION FOR THE PAST 64 YEARS MUST BE UNLOCKED, AND IT MUST BE UNLOCKED IN SUCH A WAY THAT

I AS A POLITICIAN AND THE PEOPLE WHO SUPPORT ME AND MY PARTY AS VOTERS CAN SAY AND SAY WITH A DEGREE OF ACCURACY, THAT THEY ARE WORKING BY EVOLUTION THROUGH THE POLITICAL PROCESS TOWARDS IRISH UNITY. AND IF THAT ELEMENT ISN'T THERE THEN INDEED WHAT WOULD BE OFFERED WOULD BE SOMETHING WHICH COULD NOT BE ACCEPTED BY THE NATIONALIST COMMUNITY, BECAUSE THEN WE WOULD BE ACCEPTING WHAT WOULD BE AN ESSENTIALLY UNIONIST POSITION LOCKED INTO AN ESSENTIALLY AND EXCLUSIVELY BRITISH POSITION"

4. FCO PLEASE ADVANCE TO LYON NIO LONDON

STIMSON

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NORTHERN IRELAND

PS
PS/LADY YOUNG
PS/PUS
MR GOODALL

PS/ S of S
PS/MR R ANDREW, OAB 1/56
MR BRENNAN
MR BURNS
MR J LYON

NIO

HD/RID
Dep. HD/FUSD (2)
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RESIDENT CLERK

SIR R ARMSTRONG)
DIO } CABINET OFFICE
PS/ NO 10 DOWNING STREET (3)

14.11.84



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FM DUBLIN 140950Z JUL 85
TO IMMEDIATE FCO
TELEGRAM NUMBER 462 OF 14 JULY 1985
INFO IMMEDIATE NIO (B)

ANGLO/IRISH TALKS

1. FOLLOWING IS TEXT OF ARTICLE BY CONOR O'CLERY IN IRISH TIMES OF 13 JULY:

"THE DEVOLUTION OF EXECUTIVE POWER WITHIN NORTHERN IRELAND IS NOW BEING LINKED CLOSELY TO THE OTHER ELEMENTS OF THE PROPOSED ANGLO-IRISH AGREEMENT BEING NEGOTIATED BETWEEN DUBLIN AND LONDON, IT HAS BEEN LEARNED.

THE AIM WOULD BE TO MAKE ANY ANGLO-IRISH PACKAGE MORE ATTRACTIVE TO THE UNIONISTS, WHILE AT THE SAME TIME MAKING CLEAR THAT IF THEY OPT OUT, BRITAIN AND THE REPUBLIC MIGHT BECOME EVEN MORE INVOLVED IN DECISIONS ABOUT NORTHERN IRELAND AFFAIRS.

THE PACE OF NEGOTIATIONS HAS BEEN STEPPED UP SINCE THE MEETING IN MILAN BETWEEN THE TAOISEACH, DR FITZGERALD, AND THE BRITISH PRIME MINISTER, MRS THATCHER, ON JUNE 29TH, SOURCES CLOSE TO THE TALKS SAY. MEMBERS OF THE BRITISH NEGOTIATING TEAM, WHICH IS LED BY SIR ROBERT ARMSTRONG, SECRETARY TO THE CABINET, TRAVELLED TO DUBLIN ON TUESDAY LAST FOR INTENSIVE DISCUSSION IN AN ATMOSPHERE NOW DESCRIBED AS "BUOYANT."

THIS STEMS PARTLY FROM WHAT DUBLIN SEES AS AN INCREASED POLITICAL COMMITMENT FROM BRITAIN. MINISTER IN LONDON ARE DEVOTING A LOT OF TIME TO THE DISCUSSION PAPERS, AND MRS THATCHER IS BELIEVED TO HAVE SURPRISED DR FITZGERALD IN MILAN WITH HER ATTENTION TO THE DETAIL OF THE TALKS, WHICH HAVE NOW BEEN PROCEEDING SINCE JANUARY.

THE PROPOSAL BY DUBLIN THAT A HIGH COURT JUDGE FROM THE REPUBLIC SHOULD SIT WITH TWO HIGH COURT JUDGES FROM NORTHERN IRELAND IN BELFAST (AND VICE VERSA), TO GIVE A NATIONALIST IDENTITY TO JUDICIAL SYSTEM IN THE NORTH, IS NOW APPARENTLY BACK ON THE TABLE. AFTER INITIAL REJECTION NOT ONLY BY SOME BRITISH MINISTERS

JUDICIAL SYSTEM IN THE NORTH, IS NOW APPARENTLY BACK ON THE TABLE, AFTER INITIAL REJECTION NOT ONLY BY SOME BRITISH MINISTERS BUT ALSO BY THE LORD CHIEF JUSTICE IN NORTHERN IRELAND, LORD LOWRY.

LORD LOWRY HAS INDICATED THAT HE AND HIS FELLOW JUDGES WOULD NOT NOW OPPOSE ANY SUCH SCHEME IF IT WAS APPROVED BY WESTMINSTER, ACCORDING TO WELL-PLACE SOURCES IN LONDON. SIX WEEKS AGO THERE WAS ALARM IN LONDON AT THE PROSPECT OF HIS RESIGNATION. THIS DOES NOT MEAN THAT IT WILL NOW BE 'BOUGHT' BY THE BRITISH, AND THERE IS BOUND TO BE SUSPICION IN DUBLIN THAT NORTHERN JUDGES HAVE DILUTED THEIR OPPOSITION BECAUSE THEY FEEL THE PROPOSAL WILL NOT TAKE OFF AFTER ALL

THE INCREASED ACTIVITY IN LONDON AND DUBLIN IS AIMED AT A SUMMIT IN LATE SEPTEMBER. ONE SOURCE SAID HE HEARD THE TAOISEACH HAD PENCILLED SEPTEMBER 20TH INTO HIS DIARY. THE ATTITUDE ON BOTH SIDES HAS BEEN THAT IF AGREEMENT CAN'T BE REACHED BY SEPTEMBER THEN THE TALKS SHOULD BE BROKEN OFF, WITH AS MUCH 'DAMAGE LIMITATION' AS POSSIBLE.

IT IS STILL BY NO MEANS CERTAIN THAT THERE WILL BE AN AGREEMENT, OR THAT IT IS 'ALL OVER BAR THE SHOUTING' AS ONE OFFICIAL PUT IT. ONE SOURCE SAID: 'THE IRISH ARE NOT GOING TO BE PRECIPITATED INTO AN AGREEMENT WHICH IS NOT ENOUGH TO SELL IN THE REPUBLIC, SIMPLY BECAUSE OF THE ARGUMENT THAT THE POT IS BOILING NOW, BETTER TO SIGN BEFORE IT IS TOO LATE.'

THE UNRESOLVED ISSUES INCLUDE POLICING. ONE OF THE IRONIES OF THE RECENT DEVELOPMENTS IN THE NORTH IS THAT THE RUC'S CONFRONTATION OF ORANGE PARADES LESSENS THE IRISH GOVERNMENT'S ARGUMENTS THAT THE POLICE FORCE NEEDS RADICAL REFORM TO WIN CATHOLIC APPROVAL. THAT ARGUMENT IS STILL BEING FORCIBLY PUT, HOWEVER, ON THE GROUNDS THAT SCRATCHING THE SURFACE IS NOT SUFFICIENT, THAT THE LOGIC OF THE NEED FOR REFORM IS OVERWHELMING AND, IF ACCEPTED BY THE BRITISH, THEN THEY SHOULD BE ABLE TO COME UP WITH A RADICAL SOLUTION. THE CONTROL OF PARADES HAS, HOWEVER, DEMONSTRATED IN A LIMITED WAY THE GOOD-WILL IN THE RUC AND THE NORTHERN IRELAND OFFICE - THOUGH 'THAT HAS TO PERCOLATE DOWN TO CHIEF INSPECTOR LEVEL,' IN THE WORDS OF ONE SOURCE.

THE BRITISH HAVE NOT TURNED DOWN FLAT THE IRISH PROPOSALS IN THESE SENSITIVE AREAS, BUT HAVE NOT ACCEPTED THEM EITHER, ENTERING RESERVATIONS WHILE EXPRESSING THE DESIRE TO REACH AGREEMENT ON EACH POINT.

ON THE BASIS THAT THE IRISH GOVERNMENT REPRESENTS THE NATIONALIST COMMUNITY, WHOSE IDENTITY MUST BE RESPECTED AND REFLECTED IN THE STRUCTURES AND PROCESSES OF NORTHERN IRELAND, ACCORDING TO THE CHEQUERS COMMUNIQUE OF NOVEMBER 20TH, THE IRISH ARE ALSO INSISTING ON A PRESENCE IN NORTHERN IRELAND, WHETHER IN THE FORM OF A CONSULAR OFFICE (WHICH WOULD IMPLY RECOGNITION OF NORTHERN IRELAND) OR AN ANGLO-IRISH OFFICE IN BELFAST AND OTHER TOWNS. 'IT WOULD NOT BE A SERIOUS AGREEMENT UNLESS THE IRISH WERE THERE,' ONE OFFICIAL SAID. THIS ISSUE HAS ALSO APPARENTLY NOT YET BEEN RESOLVED.

THE 'PRESENCE' IN THE NORTH COULD BE LINKED TO THE OTHER CORNERSTONE OF THE PROPOSED SETTLEMENT - THE CREATION OF A STANDING COMMITTEE OF BRITISH AND IRISH MINISTERS WHOSE MEMBERS WOULD CHANGE ACCORDING TO THE TOPIC (SECURITY, TOURISM, ETC.) AND WHICH WOULD HAVE AN IMPUT INTO DECISION-MAKING IN NORTHERN IRELAND.

AND WHICH WOULD HAVE AN IMPUT INTO DECISION-MAKING IN NORTHERN IRELAND.

THE KEY TO ANY AGREEMENT WILL BE HOW IT MIGHT BE SOLD TO THE UNIONISTS. THOSE WHO HAVE CAREFULLY STUDIED WHAT THE NORTHERN IRELAND SECRETARY, MR HURD, HAS BEEN SAYING IN THE HOUSE OF COMMONS (AND THE IRISH AMBASSADOR, MR NOEL DORR, HAS BEEN A FREQUENT VISITOR, SITTING ALONE, OFTEN LATE AT NIGHT, IN THE PUBLIC GALLERY, LISTENING INTENTLY) WILL HAVE TAKEN NOTE OF HIS INSISTENCE IN ADVOCATING ANOTHER ATTEMPT AT SOME FORM OF DEVOLUTION IN THE NEAR FUTURE. HE SUGGESTED ONE WAY HIMSELF - TH STRAIGHTFORWARD DEVOLVING OF EXECUTIVE POWERS TO ELECTED REPRESENTATIVES. THE UNIONISTS HAVE SAID NOTHING. BUT THEY ALSO HAVE BEEN LISTENING INTENTLY."

2. FCO PLEASE PASS LYON, NIO (L).

STIMSON

NNNN

SENT/RECD 141037Z RS/WJL

THE PROPOSAL BY DUBLIN THAT A HIGH COURT JUDGE FROM THE REPUBLIC SHOULD SIT WITH TWO HIGH COURT JUDGES FROM NORTHERN IRELAND IN BELFAST (AND VICE VERSA), TO GIVE A NATIONALIST IDENTITY TO



Prime Minister
CJP
12/7.

70 WHITEHALL, LONDON SW1A 2AS

01-233 8319

From the Secretary of the Cabinet and Head of the Home Civil Service

Sir Robert Armstrong GCB CVO

Ref. A085/1884

ATTORNEY GENERAL

We cannot agree
to this
not

Anglo-Irish Talks about Northern Ireland: Joint Courts

At the most recent meeting of the Anglo-Irish talks on 9 July Mr Nally, my Irish opposite number, said yet again that he could not depart from the Irish position that there must be a commitment, before any Anglo-Irish agreement could be concluded to the establishment of joint courts within a defined time.

I argued, as before, that we could agree to discuss the possibility of establishing joint courts in the new Standing Intergovernmental Committee to be set up under the agreement but could enter into no prior commitment. I said that the difficulties in the way of establishing joint courts were numerous and many of them were of a practical nature; they were in no way diminished by the recent letter from the Lord Chief Justice in Northern Ireland to the Lord Chancellor in which he had assured the Lord Chancellor that the Bench in Northern Ireland would abide by whatever Parliament decided on this matter.

2. Mr Nally suggested that it might be helpful if you and the Irish Attorney General were to have a talk on this subject. He said that the Irish Attorney General anyway had other (unspecified) matters which he wanted to discuss with you before long. A meeting in July might cover these and also address the subject of joint courts.

3. I said that I could hold out no hope that a meeting of the kind proposed would dispose of the difficulties in the way of establishing joint courts before the time when an Anglo-Irish agreement might be concluded. But I thought that a meeting between you and the Irish Attorney General could well be useful, since it would enable you to explain the difficulties concerning joint courts directly to the Irish Government. I also thought that you might wish to have a word with the Irish Attorney General about his Government's decision, conveyed to us in the Anglo-Irish talks but not yet announced, to adhere to the European Convention on the Suppression of Terrorism. I therefore did not reject the suggestion of a meeting between yourself and the Irish Attorney General. It was therefore left that the latter might get in touch with you to suggest a meeting.

4. It occurs to me that you might also wish, if the Irish Attorney General should come to London to see you, to arrange a call on the Lord Chancellor since the question of joint courts would fall within his specific area of responsibility. I did not mention this idea to Mr Nally.

5. I am sending copies of this minute to the Prime Minister, the Lord Chancellor, the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland.

Robert Armstrong

12 July 1985



SECRET AND PERSONAL

Prime Minister
On dates, I doubt that mid-September will work, because you have to be abroad from 16-20 September. The following week (24-26 September) would be a possibility if we postponed certain other things.

B.07057

PRIME MINISTER

c Sir Robert Armstrong

Meeting of OD(I) at 4.45 p.m. on Monday 15 July
Anglo-Irish Relations: Northern Ireland

INTRODUCTION

The meeting will consider the note by the Secretary of the Cabinet (OD(I)(85)4) of 11 July about the state of play in the exploratory talks between British and Irish officials. The text for an agreement is virtually agreed, with the important exception of the reference to Joint Courts in paragraph 17. We seem to have a good chance of persuading the Irish to drop the concept of "associated measures" in favour of the more realistic idea of rapid implementation of the agreement, although it is likely that they will want more in the way of early British moves under the agreement than is foreseen in paragraph 4 of the Cabinet Secretary's note. The next meeting of the Armstrong/Nally talks will start on the evening of 15 July and continue on 16 July.

CJP
12/7.

2. All members of the Sub-Committee are expected to attend. There is a possibility that the Lord President of the Council will be delayed because of the passage of the Local Government Bill in the House of Lords that afternoon.

HANDLING

3. You may wish to start the meeting by asking the Northern Ireland Secretary and then the Foreign and Commonwealth Secretary to comment on the position reached in the negotiations. The text for an agreement is very similar to



SECRET AND PERSONAL

the version discussed by OD(I) on 23 May: you may thus be able to keep discussion of it brief. You could then focus the meeting on these issues -

(a) Joint Courts. The two sides' positions remain opposed. There seems to be little or no scope for movement on our side. Does the Attorney General see any way in which we could modify our position?

(b) The concept of rapid implementation (paragraphs 3-6 of the Cabinet Secretary's note) as an alternative to "associated measures". This first arose in your meeting with the Taoiseach in Milan on 29 June. It seems to represent the best, and perhaps the only, prospect of disposing of "associated measures" which would greatly provoke the Unionists and thus endanger the agreement. The Northern Ireland Secretary should comment.

(c) The individual steps which the United Kingdom could take to implement the agreement rapidly (paragraph 4 of the Cabinet Secretary's note). This aspect is still being pursued by officials but preliminary discussion in OD(I) would help to clarify it. We need measures which both stand up on their merits and will help us to sell the concept of rapid implementation to the Irish. When will the proposed Code of Conduct for the Royal Ulster Constabulary be ready and could it be announced shortly after conclusion of an Anglo-Irish agreement? (Northern Ireland Secretary). Could this Code or something similar be applied to the regular army and the Ulster Defence Regiment (UDR) in Northern Ireland? (Defence Secretary). Could the amount of initial training undergone by part-time members of the UDR be increased? The present initial training of 8 days seems very little for soldiers who have powers of



SECRET AND PERSONAL

arrest (Defence Secretary). Could more non-commissioned officers be seconded from the regular army to the UDR on exchange, a measure which the Irish side have suggested would increase the confidence of the Roman Catholic minority in the UDR? (Defence Secretary). Are the lesser measures in the legal field mentioned at the end of paragraph 4 of the Cabinet Secretary's note likely to help us to persuade the Irish to moderate their position on Joint Courts? Would they be acceptable to the judiciary in Northern Ireland? (The Attorney General). More generally, since the Irish are likely to press us to do more in rapid implementation of an agreement, can colleagues suggest other steps which the United Kingdom could take?

(d) The attitudes of the political parties in Northern Ireland. Does the Northern Ireland Secretary wish to add to the information in paragraphs 7 and 8 of the Cabinet Secretary's note?

(e) The timing of signature of an agreement (paragraph 9a of the Cabinet Secretary's note). Assuming that the rest of the marching season passes without major trouble, would there be serious objections to concluding the agreement in mid-September?

(f) The location of an Anglo-Irish Summit (paragraph 9b of the Cabinet Secretary's note). Given the difficulties about signature in either part of Ireland, what location in Great Britain would be suitable? Is there a better idea than the Irish Embassy in London or Leeds Castle?

(g) Should the agreement be ratified? (paragraph 9c of the Cabinet Secretary's note). The idea of rapid implementation requires a first meeting of the Standing



SECRET AND PERSONAL

Intergovernmental Committee very soon after signature of the agreement. That would mean that the agreement should not provide for ratification, in line with previous Anglo-Irish agreements. Would it be satisfactory for Parliament to debate the agreement after it had entered into force and the Standing Intergovernmental Committee had begun to meet during the Recess? The Lord Privy Seal and the Chief Whip should comment.

(h) Presentation of an agreement. Is the Sub-Committee content with the preliminary ideas in paragraph 9d of the Cabinet Secretary's note? Is a meeting between the Foreign and Commonwealth Secretary and his Irish and United States colleagues in Helsinki at the end of July desirable? One possible move, not mentioned in the Cabinet Secretary's note, might be a message from you to President Reagan, perhaps at the beginning of September, describing the proposed agreement and paving the way for a visit to Washington by a special emissary of the Government. Should we pursue the idea of a Fund privately with the Americans, shunning publicity on this as on all other aspects of the negotiations? The Northern Ireland Secretary and the Foreign and Commonwealth Secretary should comment.

CONCLUSION

4. Subject to the discussion, you could lead the Sub-Committee to agree that:

- the Cabinet Secretary should pursue the talks with the Irish in line with his note and under the direction of yourself and the Secretaries of State for Northern Ireland and for Foreign and Commonwealth Affairs;

[Bound to leak]



SECRET AND PERSONAL

- a list of measures which we could take in rapid implementation of the agreement should be finalised as soon as possible, building on paragraph 4 of the Cabinet Secretary's note;
- mid-September should be kept in mind for conclusion of the agreement but no commitment should be made until much nearer the time;
- we should seek to persuade the Irish that the Summit to sign the agreement should take place in Great Britain, perhaps in the Irish Embassy in London;
- plans for presentation of the agreement should be pursued in line with the Cabinet Secretary's note;
- you should report on the negotiations to Cabinet on 25 July on the basis of a paper to be circulated beforehand.

C L G Mallaby

12 July 1985



NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

SECRETARY OF STATE
FOR
NORTHERN IRELAND

Prime Minister

CDP
12/7.

The Rt Hon Sir Geoffrey Howe QC MP
Secretary of State for Foreign and
Commonwealth Affairs
Foreign and Commonwealth Office
Downing Street
LONDON
SW1A 2AL

12 July 1985

ms

Dear Geoffrey,

ANGLO-IRISH RELATIONS: AN INTERNATIONAL FUND

My officials have reported to me on the discussion of the fund which took place with the Irish side in Dublin on 9 July.

I entirely accept the importance of getting American endorsement of any Anglo-Irish agreement. I accept, too, that, properly handled, there could be both symbolic and real value in an injection of American money into the economies of both parts of Ireland. We certainly do not want to look a gift horse in the mouth. But I am concerned that we should keep the possibility of American money in perspective; that we should be constantly wary of allowing it to appear in Unionist eyes that that possibility has in any way influenced the conclusion of an agreement; and that we should not agree to any new fund unless we are clear that it will be managed and used in ways which meet sound value for money criteria and make economic sense for Northern Ireland. We should not allow the Irish side to make all of the running over arrangements for a fund, three quarters of which they themselves suggest should be for Northern Ireland. From what has been reported to me, their present approach seems naive and unrealistic in a number of ways.

I have also noted suggestions that we should at this stage solicit other countries, including those of the EC, to contribute to a fund, or that the British and Irish Governments should contribute to it themselves. I hardly imagine that the Republic envisages three-quarters of whatever it might contribute being spent in Northern Ireland, and there is certainly no reason why part of Northern Ireland's public expenditure allocation from the Treasury should be channelled through some fund mechanism, and the proper pattern of priorities possibly distorted. As to the European Community, there already exists great good will in principle towards Northern Ireland both in the Commission and the European Parliament. We hope soon to get off the ground, with EC encouragement and support, a further comprehensive study of the

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local economy which could give practical direction to that goodwill. On the basis of our experience with the Urban Renewal Regulation, one cannot be very optimistic that either the Community or its member states would be willing to contemplate further distinctive financial assistance for Northern Ireland, which would be genuinely additional to funding which the United Kingdom might otherwise expect to receive through its Community Membership. I would not wish to close the door on seeking contributions from European countries but the approach needs to be carefully worked out.

In any case, no funding, whether from American or European sources, would be of practical value in Northern Ireland unless the Chancellor were prepared to regard it as additional to the resources which Northern Ireland would otherwise receive through the Public Expenditure System.

Finally I would make the point that, while genuinely additional financial resources could over time be put to constructive use, the main impediment to economic improvement in Northern Ireland is lack of confidence rather than lack of money. We do not face a problem of "reconstruction" in a Marshall Aid sense. There will always be plenty of ways of wasting money in Ireland, and plenty of good and less good people putting forward half-baked projects. In the long run such projects will not be of real benefit.

I am copying this letter to the Prime Minister and Sir Robert Armstrong.

Conner,

Douglas.

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PERSONAL

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PRIME MINISTER

ANGLO-IRISH RELATIONS: NORTHERN IRELAND

You had two questions on Sir Robert Armstrong's submission:

- (i) How would the Flags and Emblems Act be repealed? I am told that the answer is by Order in Council.

- (ii) You asked why it was not the practice to submit Anglo-Irish agreements for ratification. The explanation appears to be that Ireland was originally treated in this way as a Member of the Commonwealth and the practice has not subsequently changed.

CDP

W

C D POWELL

8 July 1985

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PERSONAL

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Prime Minister
CDD
8/7

me

Prime Minister

ANGLO-IRISH RELATIONS: JOINT COURTS

I have seen a copy of the Lord Chancellor's minute to you of 1 July to which he attached a copy of a letter from the Lord Chief Justice of Northern Ireland.

2. As the Lord Chief Justice acknowledges, this letter represents a considerable change in his position. In his letter of 4 March to me he made clear that he would resign if joint courts were to be introduced. As you will know from my minute to you of 2 May, he reiterated this when I saw him privately on 30 April, and added that at least one of the Northern Ireland supreme court judges would do the same. Despite what he now says, this was a clear attempt to influence us on the substance of policy, and I am glad that the threat of resignation is now withdrawn.

3. There are of course substantial difficulties of principle and practice in the way of establishing joint courts. These remain cogent and telling, and are quite separate from any assessment we may make of how judges personally in Northern Ireland might react if such courts were introduced. We cannot make quick progress on this, and we need to go through the arguments carefully. I am sure we are right, therefore, not to go further with the Irish than to undertake to review this following the signing of an agreement. The Lord Chief Justice and his judicial colleagues will continue to be concerned about the outcome of such a review, and the Lord Chancellor and I will need to continue to maintain our private contacts with him.

4. I am copying this minute to the Lord Chancellor, the Foreign and Commonwealth Secretary, the Attorney General, and to Sir Robert Armstrong.

NDWand
(Private Secretary)

for

DH

(Approved by the Secretary of State and signed in his absence in Belfast)

8 July 1985

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SECRET PERSONAL

From: THE PRIVATE SECRETARY



NORTHERN IRELAND OFFICE

WHITEHALL

LONDON SW1A 2AZ

Charles Powell Esq
10 Downing Street
LONDON SW1

Prime Minister
I have read Robert Armstrong
that I felt 8th July 1985
sure you would agree
on both points. *mb*
CDP 2/7.

Dear Charles,

ANGLO-IRISH RELATIONS: NORTHERN IRELAND

The Secretary of State has seen Sir Robert Armstrong's minute to the Prime Minister of 5 July and, subject to two points set out below, is generally content with the proposed line to take at the meeting with Mr Nally.

The Secretary of State believes that it would be unwise to include the repeal of the Flags and Emblems Act among the measures to be mentioned to the Irish as being suitable for announcement immediately after the first meeting of the Standing Intergovernmental Committee. He does not feel that this should be offered, even with the qualification that it was subject to the situation in Northern Ireland at the time. Once offered, it would be difficult to withdraw; and given its symbolic importance to both sides, it would be seized upon as the most significant result of the first meeting of the Committee. Mr Hurd is in favour, at the right moment, of repealing the Act; but until we have a clear view of the level of tension after the marching season, he does not wish to be left with a commitment which might be taken as highly provocative by the loyalist community. In the wrong circumstances it could arouse feelings out of all proportion to its intrinsic importance. The draft agreement does of course refer to identity measures, including the issue of flags and emblems, as something to be discussed; but that would not assume the same significance as making a positive offer at the first meeting.

The Secretary of State's second point concerns paragraph 10. While he agrees that there is no need for ratification by the two Parliaments, he wants nothing to be said that would detract from the undertaking which he gave during the Northern Ireland debate on 4 July:- that if they (the talks) resulted in any agreement, the House would have an opportunity to discuss and take a view on that agreement. (Official Report for 4 July, Col 546 - copy attached). The Secretary of State feels that, where the unionists are concerned, it is particularly important in presentational terms for all to understand that these are matters which it is open to Parliament to discuss and indeed which we would want to be discussed in Parliament.

I am copying this letter to Len Appleyard and Richard Hatfield.

Yours sincerely
N Howard

for J A DANIELL
(in Belfast).

SECRET PERSONAL

[Continuation from column 544]

Northern Ireland

4.41 pm

The Secretary of State for Northern Ireland (Mr. Douglas Hurd): I beg to move, to leave out from "House" to the end of the Question and to add instead thereof:

'invites the Government to continue to promote measures which encourage peace, stability and good relations between the two communities in Northern Ireland; invites both communities to work to these ends; recognises the contribution which improved relations with the Government of the Republic of Ireland can make in furthering these objectives; and recognises the need to maintain a firm security policy under the law.'

Hon. Members on the Unionist Opposition Benches have, I think, chosen an admirable theme for their Supply day, and the hon. Member for Belfast, South (Rev. Martin Smyth) moved the motion in a clear and calm way. I think that it is an admirable theme because stability under the law is the first need of any society. It is not always present in Northern Ireland, and that is certainly the main shortcoming in Northern Ireland today. We discussed last week in two debates the details of this, and therefore I need today only to set out again, briefly, how we, the Government, work to achieve the stability which the Opposition and the hon. Member for Belfast, South rightly wish to see.

The motion that the Unionists have tabled selects one particular matter as destabilising, to use their phrase, and that is the talks between the British and Irish Governments, so I ought to deal with that first.

I cannot advise the House to accept the unamended motion that the Unionist party has tabled, but I notice that it is couched in moderate terms. It does not ask us to refuse discussions with the Irish Republic but to bring them to an early termination. It does not ask us to reject any agreement with the Irish Government but to publish any conclusions in a White Paper.

The origins of this round of discussions between the two Governments have been often discussed in the House. The House knows that they originated in the Chequers summit communiqué, which my right hon. Friend the Prime Minister and the Taoiseach issued after that summit, in which they reaffirmed the constitutional guarantee of the position of Northern Ireland within the United Kingdom, and went on to say that they wanted to find ways of reflecting the identity of both communities in Northern Ireland.

Speaking to the United States Congress on 20 February, my right hon. Friend said:

"Garret FitzGerald and I will continue to consult together in the quest for stability"—

note the same word as in the motion—

"in Northern Ireland and hope we will have your continued support for our joint efforts to find a way forward."

Both my right hon. Friend and I have made it clear on numerous occasions that there is no intention on the Government's part either to transfer or to share with others outside Northern Ireland in some scheme for joint authority the exercise of executive power in the Province.

The discussions with the Irish Government are, I think I can safely say, reasonably well advanced. I cannot say this afternoon exactly when they will come to a conclusion, nor can I say whether that conclusion will be

a successful agreement. There is work still to be done. I suspect that it will not be all that long now before we know one way or another, but we do not know, I do not know, no one knows, this afternoon.

I recognise the point made in the motion that in this period there are press reports that confuse and that can create anxiety. I think many Opposition Members will recognise that there are in the Province people who are anxious that there should be anxiety. There are people whose aim is not stability, but rather keeping the temperature high.

However, I recognise that there is also genuine anxiety in the majority community born out of many sufferings and the strong feelings of a community that has often felt beleaguered and threatened. I ask them to accept that, if discussions are to be serious, they do sometimes have to be in confidence until they are concluded. I think that it is almost implicit in the motion that they do accept this. This is true in many walks of life, and often in transactions between Governments.

I must tell the House that it would be rather easier for me personally in the job that I have if I were able to break confidences and deal faithfully with the rumours that have been circulating, but I am not so free at present. All that I can give the hon. Member for Belfast, South this afternoon is the assurance that, as soon as the present round of talks comes to an end, whether they succeed or fail, the outcome will be fully and openly announced. Obviously if they result in any agreement, the House will have an opportunity to discuss and take a view on that agreement.

Mr. J. Enoch Powell (South Down): When the Prime Minister in the last few days entered into discussions on behalf of this country with the representatives of other nations, she set out clearly to the House what the objectives were, what she wanted, what she was prepared to accept and what she was not prepared to accept. Would it not be helpful if the Secretary of State for Northern Ireland would do that in the relations between the United Kingdom and the Irish Republic, which are much more tense and which concern much more directly the stability of the Province?

Mr. Hurd: If the right hon. Gentleman would look up the account that my right hon. Friend gave to the House after the Chequers summit, he will see there set out exactly the same sort of explanation and analysis of objectives as my right hon. Friend gave the other day after the Milan summit. The aim of the talks, as the right hon. Gentleman will see if he looks up that reference, the aim of my right hon. Friend the Prime Minister and of our colleagues, is increased stability, to take place within the framework of the assurances that we have been given and to which I have referred.

The hon. Member for Belfast, South, as I expected, made a connection between the subject which he raised—the talks—and the tradition of parades and marches, which is part of the summer scene in Northern Ireland. At its best, that tradition is cheerful and festive, and both communities organise such events. Last year 2,200 parades took place in Northern Ireland, of which the police knew, and no doubt there were many of which they did not know. I happened to ask how many there were three days ago, and the answer was 41 on one day alone.

Of course, the parades in themselves are a display of solidarity, but it is a display that can be made without any



10 DOWNING STREET

From the Private Secretary

SIR ROBERT ARMSTRONG

ANGLO-IRISH RELATIONS: NORTHERN IRELAND

The Prime Minister has considered your minute of 5 July about the line which you should take at your meeting with Mr Nally on 9 July.

To take the points in that minute in order:

- (i) The Prime Minister agrees that Cabinet should be informed of the course of the negotiations with the Irish Government and would like this to be done on 25 July.
- (ii) The Prime Minister agrees that you may use the draft passage for a communique attached to your minute as a basis for discussion with Irish officials, although she would prefer the phrase "the role and management of the security forces will be reviewed" to be omitted. If you thought some reference to the activities of the Security Forces was essential, it should be directed towards the way in which they carry out their responsibilities rather than at the responsibilities themselves.
- (iii) The Prime Minister agrees that you could put forward the various measures listed in paragraph three of your minute as an illustration of the sort of steps which could be announced immediately after the initial meeting of the Standing Committee. However, since speaking to her, I have seen the Northern Ireland Secretary's minute proposing the omission from the list of repeal of the Flags and Emblems Act. I feel sure that the Prime Minister would agree with the Northern Ireland Secretary on this.
- (iv) As regards possible dates for the conclusion of an agreement, the Prime Minister would wish you to say that she cannot reach any firm conclusion on this for the time being but the most likely options appear to be mid-September or mid-October, (though the Prime Minister foresees that there will be a demand for the recall of Parliament if it is mid-September). We might keep both in mind for planning purposes.

- (v) The Prime Minister is not keen on any of the places suggested in paragraph 8 of your minute for signature of the agreement and does not wish to be rushed into a decision on this. Your discussion with Mr Nally should therefore be without commitment and it will be interesting to see what suggestions you are able to elicit from him. If you are able to obtain an indication that the Taoiseach would be ready for the meeting to take place on the mainland, that would be a step forward.
- (vi) The Prime Minister is content for you to tell Mr Nally that there is no need for the agreement to provide for ratification by the two Parliaments if this is indeed the legal advice. But she agrees with the Northern Ireland Secretary that there would have to be an early opportunity for parliamentary debate of an agreement.

I am sending a copy of this minute to Len Appleyard (Foreign and Commonwealth Office) and Jim Daniell (Northern Ireland Office).

C.D.P.

C D POWELL

8 July 1985



NBI 7

CD

8/7.

PM/85/67

PRIME MINISTER

Anglo-Irish Talks

1. I have seen Sir Robert Armstrong's minute to you of 5 July suggesting the line that he should take in the next round of talks with Mr Nally on 9 July. I am content with what is proposed.

CR Budd (Private Secretary)

pp

(GEOFFREY HOWE)

Foreign and Commonwealth Office

8 July 1985

[Approved by the
Secretary of State and
signed in his absence]

Ireland : Relations A79



PRIME MINISTER

ANGLO-IRISH RELATIONS: NORTHERN IRELAND

The points for decision in Sir Robert Armstrong's minute attached are:-

i. agree to brief Cabinet on progress of discussions on 18 or 25 July? *Yes*

ii. agree, as a basis for discussion with Irish officials, the draft communique, annexed to Sir Robert's minute announcing the holding of the first meeting of the Standing Committee? This would be the substitute for 'associated measures'? *As amended*

iii. agree the list of issues which might be discussed at the first meeting of the Standing Committee, set out in paragraph 3 of Sir Robert's minute? It is quite ambitious. *Yes*

I fear there will be a need to return to the final judgement until much nearer the time?
iv. agree that Sir Robert should tell Mr. Nally that mid-September would be a possibility for concluding the agreement, but that we shall not be able to reach any final judgement until much nearer the time?

Not happy with these venues.
v. agree that Sir Robert can trawl Chevening, Leeds Castle or Cardiff as possible places for signing an agreement? *AM*

vi. agree that we should tell the Irish that there is no need for the agreement to provide for ratification by the two Parliaments? (though there will of course have to be debate).

C.D.P.

5 July, 1985

MR. POWELL 10 D/S 4A

UNCLASSIFIED
DATE 11/11/01 BY 60322 UCBAW

SECRET

GRS
SECRET
FM DUBLIN 051520Z JUL 85
TO IMMEDIATE FCO
TELEGRAM NUMBER 443 OF 5 JULY

FOLLOWING PERSONAL FOR CLARK, RID

ANGLO-IRISH TALKS

1. MR RUAIRI QUINN, THE LABOUR PARTY MINISTER OF LABOUR, TOLD ME AT DINNER ON 4 JULY THAT THE TAOISEACH HAD GIVEN THE CABINET THAT DAY A VERY ENCOURAGING ACCOUNT OF HIS TALK WITH THE PRIME MINISTER IN MILAN. QUINN SPOKE AS IF THE CONCLUSION OF AN AGREEMENT BETWEEN US IN THE AUTUMN WAS PRACTICALLY CERTAIN. HE SPOKE ON FAMILIAR LINES ABOUT THE RUC AND THE UDR BUT HE STRESSED THAT THE MOVES TO REROUTE PARADES IN NORTHERN IRELAND WERE A CONFIDENCE BUILDING MEASURE WHICH WAS HAVING A CONSIDERABLE EFFECT.

2. IT IS USEFUL TO HAVE THIS CONFIRMATION OF LABOUR PARTY SUPPORT FOR AN AGREEMENT.

3. MR QUINN TOOK THE GENERAL VIEW THAT MR HAUGHEY, IF HE TOOK OFFICE, WOULD NOT REPUDIATE AN EXISTING AGREEMENT BUT SEEK TO REMOLD IT TO FIT HIS OWN INTERESTS.

4. HE CONSIDERES THAT THE TAOISEACH WILL APPOINT A SPECIAL CABINET MINISTER EXCLUSIVELY FOR THE IMPLEMENTATION OF THE AGREEMENT SINCE THE NUMBER OF THE CABINET CANNOT BE INCREASED THE PORTFOLIOS WILL HAVE TO BE SOMEWHAT REDISTRIBUTED.

GOODISON
LIMITED
HD. RID
MR GOODALL

COPIES TO:
PS/MR HURD, N10
MR ANDREWS, "
SIR R ARMSTRONG CAB OFF
MR MALLABY " "

SECRET

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Ref. A085/1844

PRIME MINISTER

Anglo-Irish Relations: Northern Ireland

My next meeting with Mr Nally is planned for Tuesday 9 July in Dublin. The purpose of this minute is to seek Ministers' agreement to the line I should take. Given the possibility that the Anglo-Irish agreement might be concluded in the Recess, we have made provisional arrangements for a meeting of OD(I) on 15 July, to take stock of the position reached and consider the outstanding points on the draft of which Dr FitzGerald gave you notice in Milan on 29 June. You told the last meeting of OD(I) on 23 May that you would arrange for the Cabinet to be given an opportunity to be informed about the negotiations and offer comments; this would be possible on 18 or 25 July.

Our Means of Resisting "Associated Measures"

2. My main purpose, when I see Mr Nally on 9 July, will be to follow through the case you made to the Taoiseach in Milan that "associated measures" taking effect at the same time as the agreement would antagonise the unionists are unacceptable, and that the right alternative is for the agreement to be implemented rapidly and visibly. I have discussed with the Northern Ireland Office and the Foreign and Commonwealth Office what we might offer to the Irish which would go some way to meet their concerns without imperilling the hope of unionist acquiescence in an agreement. We seek authority to propose that, when an agreement is signed, and subject, of course, to circumstances in Northern Ireland at the time, a communiqué announcing the agreement should also say that a first meeting of the new Standing Intergovernmental Committee would take place in

a matter of days; and that, on that occasion, the two sides would be giving positive consideration to a stated agenda of topics which would include a number of those on which the Irish side wished to see changes. It would be important, so that the "balance" of the agreement was seen to be maintained, and so as to blunt unionist criticism, that such a publicly announced agenda should include discussion of improved cross-border security. I attach as Annex A a first draft of the sort of passage a communiqué might include. I would propose, if you agree, to discuss this with Mr Nally on 9 July.

3. An essential approach would be that we should aim, before such an initial meeting, to have reached broad agreement with the Irish side on a number of measures that could be announced immediately after it. More work is needed on these, but they could include, for example, the suggested code of conduct for the security forces; improved training for the part-time UDR; filling the four outstanding vacancies on the Police Authority for Northern Ireland; and (subject to the state of tension in Northern Ireland at the time) repeal of the Flags and Emblems Act. We could also announce the establishment of machinery to consider harmonisation of areas of the criminal law and improve judicial co-operation. On the Irish side we would expect them to announce the return of their task force to the border and their intention to accede to the European Convention on the Suppression of Terrorism.

4. We believe that, if it is possible in this way both to demonstrate that the agreement is being positively and rapidly implemented by holding an early meeting of the Standing Intergovernmental Committee and to reassure the Irish that the agenda for that meeting will include the sort of items listed above and that we are prepared for positive conclusions on those items, that may be just enough to satisfy the needs of the Irish Government and the SDLP. In order to establish the credibility of this approach, I shall need to tell Mr Nally on 9 July, at

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expected

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that stage without commitment, that we are considering the subjects indicated in paragraph 3 above as possible items for inclusion in the agenda for the first meeting of the Committee.

5. There are, I believe, positive advantages for us in this approach. It would transform the concept of "associated measures", to take effect at the time of an agreement's signature, into an agenda of measures which we were willing to consider favourably once the agreement had come into force but without being committed in advance on their precise form or timing. This approach would also ensure that the new machinery was operational before opponents of an agreement had had much time to orchestrate a campaign against it. And it would enable us to press the Irish side from the start for delivery of their side of the bargain in the security field. But - on the supposition that an agreement may be concluded within a matter of weeks - it would mean reaching early agreement with the Irish on the machinery and the procedures of the new body, including the arrangements for a Secretariat. Officials are working on this with a view to producing proposals that we could put to the Irish side. I shall take soundings at my next meeting with Mr Nally, to see whether the Irish side have had any thoughts on these matters.

The Time, Place and Manner of the Conclusion of the Agreement

6. Following your exchange on this aspect with the Taoiseach on 29 June, I shall need to discuss it further with Mr Nally. The assumption that the agreement would be signed at a bilateral Summit exists on both sides, and I suggest that I should not question it. As to timing, the Taoiseach in Milan spoke of late August and you spoke of mid-October. When you discussed this with the Secretary of State for Northern Ireland on 3 July, it was felt that early to mid-September might prove the most



favourable time, but that the date could not be fixed until quite shortly beforehand. I shall be guided by this when I see Mr Nally.

7. As to the place of the Summit, the Taoiseach has expressed a preference for signing the agreement "on his side of the Irish Sea": ie either in the Irish Republic or in Northern Ireland. It is true that the last two Anglo-Irish Summits have taken place in this country, and it is arguably the Taoiseach's turn to host a Summit. But we think that for you to go to Dublin, or anywhere else in the Republic, to sign the agreement which the unionists will in any case regard with deep suspicion would be unnecessarily provocative. I think that we should seek to persuade the Irish accordingly. The Taoiseach has said that he would be prepared to go to Northern Ireland for this purpose. It would be possible for you and the Taoiseach to sign the agreement at Hillsborough. The Northern Ireland Office are prepared to accept this, if it is essential to do so; but they consider that the security implications of having you and the Taoiseach together at Hillsborough for this purpose would be very severe.

8. If the Taoiseach could be persuaded to come over to this country, the choice would appear to lie between London (Downing Street, Lancaster House, or the Banqueting House in Whitehall), Chequers, Chevening, Leeds Castle (if it is available) and Cardiff. Presumably the Taoiseach would feel the same sort of difficulty about coming to London to sign the agreement that you might feel about going to Dublin for the purpose. The overtones of Chequers may not perhaps be ideal, given what followed the last Chequers Summit. I think Chevening or Leeds Castle would be suitable in practical terms: both are reasonably close to Gatwick, and could be protected. So far as I know neither Chevening or Leeds Castle has any Irish overtones. If it was felt that Chevening or Leeds Castle were too close to London, and that you and the Taoiseach should "meet in the middle", then

the Temple of Peace at Cardiff would be a possible venue. The Provisional IRA have no known presence in Cardiff and the police force concerned is a good one. But that would of course be rather more of an expedition for you than going to Chevening or Leeds Castle.

9. Subject to any preference you may indicate, I will discuss the question of location with Mr Nally on these lines.

10. I propose, if you agree, to tell the Irish side that we see no need for the agreement to provide for ratification by the two Parliaments. Given that we are proposing to move fast to a meeting of the Standing Intergovernmental Committee we do not want to have to wait for the process of ratification. If the agreement is signed in the Recess, there would inevitably be some weeks' delay until Parliament met again and there would be a risk of creating demands for the recall of Parliament. Any delay would give hard-line unionists more time to whip up opposition. In any case it has never been the practice to submit Anglo-Irish agreements for ratification. If Mr Nally demurred on this, I should undertake to consult Ministers again.

? Examples
please

11. I shall also begin to discuss with Mr Nally the preparations for the presentation of an agreement, on the lines which you indicated in your talk with the Secretary of State for Northern Ireland on 3 July (the fourth paragraph of Mr Powell's letter of 3 July refers).

12. I am sending copies of this minute to the Secretary of State for Foreign and Commonwealth Affairs and the Secretary of State for Northern Ireland.

RTA

ROBERT ARMSTRONG

5 July 1985

Anglo-Irish Agreement: Draft Passage for a Communique

The first meeting of the Committee will take place on [] October 1985. The British side will be led by the Secretary of State for Northern Ireland and the Irish side by . The two Governments do not envisage that, in the normal course, the meetings and agenda of the Committee will be publicly announced but they wish it to be known that on this occasion priority will be given to the questions of criminal justice and security that fall within the Committee's remit. The improvement of security co-operation between the two countries will be discussed, as will relations between the security forces in Northern Ireland and the minority community there. The role and management of the security forces will be reviewed, and preliminary consideration will be given to the programme of action set out in paragraph [15] of the agreement. The meeting will also discuss how best to pursue matters of common interest in the administration of justice as set out in paragraph [17] of the agreement.



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10 DOWNING STREET

u MASTER SET

From the Private Secretary

3 July, 1985.

Dear Jim,

ANGLO-IRISH RELATIONS: NORTHERN IRELAND

The Prime Minister had a talk with the Northern Ireland Secretary this afternoon about her meeting with the Taoiseach in the margins of the European Council in Milan.

The Northern Ireland Secretary reported that the situation in Northern Ireland had taken a turn for the worse since their last meeting. The Official Unionists had chosen to devote their Opposition day to a debate on the negotiations with the Republic. Dr. Paisley was stoking discontent. For the first time mention was being made of strike action. Mr. Galvin of NORAID was said to be planning a visit to Northern Ireland. Minor disturbances were becoming a regular feature in the Shankhill Road. This was the background against which the discussions with the Republic were moving into a crucial phase.

The Prime Minister said that she had made plain to the Taoiseach that the United Kingdom could not agree to the associated confidence-building measures which he wished to accompany an agreement. But she had promised to consider how the agreement could be implemented promptly, so that the minority could see that it brought visible changes. The Northern Ireland Secretary thought that the aim should be to hold the first meeting of the Standing Inter-Governmental Committee very soon after the agreement was concluded, with an agenda which could lead to early results. A careful scenario for this would have to be worked out with the Republic in advance. He was not keen to see an office for the Committee established early on. It would only become a focus for demonstrations. It would also have to be made clear to the Irish Government in advance that we reserved the right to slow down the pace of implementation, for instance if there were serious disorders.

The Prime Minister said that it would also be important to work out well in advance a detailed programme for the public presentation of an agreement. This would need to include, for instance, a timetable for informing the US Administration and Congress as well as Unionist leaders. It would probably be right to send a personal emissary to the U.S. This should be discussed and agreed with the Irish Government, and work on it should start now. Presentation

would be as important, if not more so, than the agreement itself.

The Prime Minister and the Northern Ireland Secretary had some discussion of the timing of an Anglo/Irish Summit. In view of the situation in the North it was felt that early to mid-September might prove to be the most favourable time. But it would probably be impracticable to make a firm date until quite shortly beforehand. The matter should be looked at after the marching season was over.

The Northern Ireland Secretary reported that he had given instructions for the preparation of a White Paper, against the contingency of a breakdown of the negotiations, which would set out the Government's subsequent policy. It would be important not to give the impression that breakdown left the Government's policy in disarray.

I am copying this letter to Len Appleyard (Foreign and Commonwealth Office), and to Sir Robert Armstrong.

yours sincerely
C.D. Powell

(C.D. Powell)

Jim Daniell, Esq.,
Northern Ireland Office.



Foreign and Commonwealth Office

London SW1A 2AH

2 July 1985

Prime Minister
Signs of US readiness
no be generous 2
to Northern Ireland
after an agreement.
CDP 2/7

Dear Charles,

Anglo-Irish Relations: Briefing the US Administration

The Prime Minister may like to know that the briefing of the US Administration foreshadowed in my letter of 20 June was carried out by David Goodall during his visit to Washington last week. Goodall spoke first to Admiral Poindexter at the National Security Council, and subsequently, with Poindexter's agreement, to Wenick (Director, Office of Northern European Affairs) at the State Department. Both conversations were tête-à-tête.

With both interlocutors, Goodall stuck closely to the language of the third and fourth paragraphs of my letter of 20 June. He emphasised the confidential nature of the information and the fact that he was acting in accordance with the Prime Minister's wish that the President should be made aware of the position reached in the Anglo-Irish talks. In both cases he was careful to stress that an Anglo-Irish agreement was by no means a foregone conclusion, but that, if an agreement was not achieved, it would not be because of any lack of seriousness on the British Government's part.

Admiral Poindexter listened carefully to Goodall's account, which he said he would convey to the President personally. His only comments were that he thought the President would be much reassured by it; and that the US Administration should have no difficulty in giving strong public support to an agreement on the lines described. Wenick was equally appreciative. He said that it would be useful if, in due course, Sir Oliver Wright could be instructed to follow the matter up with Secretary Shultz and discuss the US Administration's reaction to an Anglo-Irish agreement in greater detail.

Wenick said that he would like to ask three questions: did we expect a hostile reaction from unionist opinion; did we envisage an Irish Government representative residing in Belfast; and had Sinn Fein's success in the local elections changed the political climate in Northern Ireland and closed the window of opportunity which had existed earlier in the year? On the first question, David Goodall said that unionist opposition to the proposed agreement was inevitable, but we hoped and believed that it would be containable. The difficulties of presenting the agreement in acceptable terms to both the unionist and nationalist traditions in Ireland were self-evident; and the support of the

/ United States



United States Government would be very important in this connection. It was not envisaged that there would be an Irish Government representative in Belfast as such, but there would almost certainly need to be a Secretariat provided by both Governments jointly and it looked as if this would probably come to be located in Belfast. The main objection was the target it would present for terrorist attack. As to Sinn Fein's gains in the local elections, Goodall said he thought that these had been somewhat exaggerated: but the fact that they were causing the unionists concern was not necessarily unhelpful.

Wenick then went on, unprompted, to say that the US Government would now want to consider what they could offer by way of economic assistance in support of an Anglo-Irish agreement. This issue had already been raised informally by the Irish Government, but the State Department had not wanted to address it seriously until they had received some indication from the British Government of what was in prospect. Despite current US budgetary difficulties, he believed that the US Government would want to make a substantial financial contribution to economic reconstruction in both parts of Ireland following an Anglo-Irish agreement on the lines described. The figure of \$0.25 billion had been canvassed by Senator Kennedy among others and Speaker O'Neill (whose views on this topic were likely to be very influential) had spoken of \$0.5 billion. Wenick said that it was too early to say where the Administration would come down; but he gave the impression that the larger figure was more likely.

Goodall said that British Ministers were of course very appreciative of US willingness to consider demonstrating support for the agreement by means of financial assistance for economic development. But there were evident political sensitivities, and the matter would need careful handling. It would be both damaging and untrue if any impression were created that the prospect of American money had influenced either the British or the Irish Governments in their search for agreement. There was also the question of encouraging US investment in Northern Ireland: anything the Administration could do to this end would be at least as valuable as direct financial support. Wenick agreed that this possibility would be worth looking at. It would also be essential to demonstrate that the US financial contribution would produce a corresponding net increase in overall finance for development in Northern Ireland: any suggestion that it would result in lower UK funding would kill the idea before it got off the ground. Goodall agreed.

In conclusion, Wenick said that the US Government would now give serious thought to the idea of a Fund and the arrangements involved, including the possibility of an independent board of trustees to administer it on which all three Governments might need to be represented. He thought that it would be helpful if,

/ before



before too long, the British and Irish Governments were to make a joint approach to the US Government on the subject. Some tripartite discussion of the terms in which the United States Government might welcome an Anglo-Irish agreement and commend it to the Irish-American community would also be helpful.

I am sending copies of this letter to Jim Daniel in the Northern Ireland Office and to Richard Hatfield in Sir Robert Armonstrong's office.

Yours ever,

Lev Appleyard

(L V Appleyard)
Private Secretary

C D Powell Esq
10 Downing Street

SECRET

MS2ASC



10 DOWNING STREET

From the Private Secretary

1 July 1985

ANGLO-IRISH TALKS: POLICE AUTHORITY FOR NORTHERN IRELAND

The Prime Minister has considered the Northern Ireland Secretary's minute of 27 June with which she agrees. As you will subsequently have seen, she followed this line very closely in her discussion with the Taoiseach in Milan on 29 June.

The Prime Minister has asked for an early meeting with the Northern Ireland Secretary to discuss follow up to the meeting. I understand this has been fixed for 1700 on 3 July.

Charles Powell

Jim Daniell Esq
Northern Ireland Office

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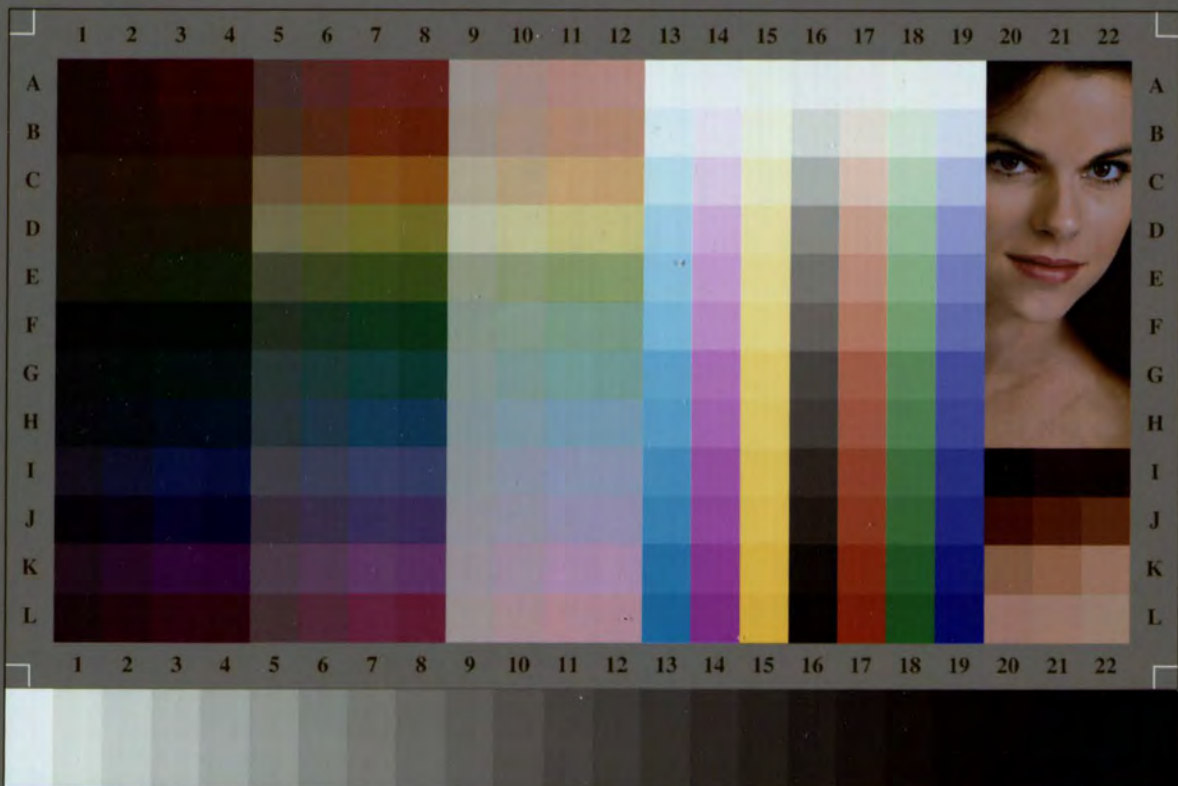
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PART 9 begins:-

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