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PREM 19/2271

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meetings with the Taoiseach.

Anglo - Irish Summit.

Anglo - Irish Relations.

IRELAND

Part 1: May 1979

Part 16: May 1986

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
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PART 16 ends:-

meeting with the Trustees of the Friends of
the Union" - brief uld.

PART 17 begins:-

NID to ODP 4.2.87



*Uncleared version
as discussed
Final version to
follow.*

WITH

THE COMPLIMENTS OF THE
PRIVATE SECRETARY

NORTHERN IRELAND OFFICE
WHITEHALL

LONDON SW1A 2AZ

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Overtaken
oh.

THE PRIME MINISTER'S MEETING WITH THE TRUSTEES OF THE
"FRIENDS OF THE UNION": 5 FEBRUARY 1987

Introduction

1. The Prime Minister has agreed to meet this Group at the request of Mr Ian Gow MP, one of its founders. They will no doubt wish to explain why they believe that the Anglo-Irish Agreement will not alleviate Northern Ireland's problems: and that a better way forward would be for it to be governed in ways more closely resembling those by which the rest of the United Kingdom is governed.

Background

2. The "Friends of the Union", launched in Belfast and London on 4 June 1986, was formed "to increase knowledge and understanding within and without the United Kingdom of the need to maintain the union of Great Britain and Northern Ireland". Membership is open to people of all parties and to those without political affiliation. The patrons listed in the leaflet enclosed with Mr Gow's letter of 26 November to the Prime Minister are opposed to the Anglo-Irish Agreement. There have been indications that leading members such as Mr Gow have been encouraging unionists in Northern Ireland to believe that the Government is less than firm in its commitment to the Agreement. But the Group has tried to be a moderating influence on the unionist parties' protests, warning against unlawful and unconstitutional action and encouraging them to resume normal political dialogue. The Group's public activities have been few. The most important, a rally on 10 September in the Ulster Hall in Belfast, attracted, on their estimate, 800. They have made little public impact in Northern Ireland or Great Britain.

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Objectives

3. There seem to be three main objectives.

(a) To confirm that the Government is determined to implement the Anglo-Irish Agreement as an essential element in its policy on Northern Ireland.

(b) To counter the Group's contention that to govern Northern Ireland in a similar way to the rest of the UK would offer a better chance of peace and political stability.

(c) To encourage the Group to influence the unionist parties to use political rather than unconstitutional, and constructive rather than negative, means to pursue their political arguments.

Points to make

4. (a) The Anglo-Irish Agreement

(i) Polarisation between the communities and political deadlock pre-date the Agreement; it is not the cause of these problems; it seeks to address long-standing divisions between the two communities and allow both Governments to work together to remove them; no one pretended that change would be swift; we will continue to work steadily through the Agreement to achieve it.

(ii) The Union is more secure than ever. The Agreement gives renewed assurance to unionists that they cannot be pushed out of the United Kingdom into a united Ireland; it also demonstrates to nationalists that within Northern Ireland their feelings and views will be heard and carefully considered; and it offers to both the best means of improving security cooperation.

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(iii) Good relations with the Irish Government, whoever is in power, are essential in two respects: in achieving improved security coordination across the border; and in bringing the minority to accept the institutions of Northern Ireland without which there can be no political stability.

(iv) There is no unwarranted intrusion. Ministers responsible to Parliament continue to take decisions. The Irish Government may put forward views and proposals through the Intergovernmental Conference; but the Conference does not take decisions. We take careful account of the Irish Government's views: but we do not accept all of them.

(v) People of Northern Ireland are equal citizens of the United Kingdom. Their rights and privileges are not diminished because Northern Ireland is administered differently from Britain; it has been for over sixty years. Membership of the United Kingdom carries with it a duty to abide by the will of Parliament.

(b) Integration and Devolution

(i) Your proposals for changing and strengthening Northern Ireland's local government structures and for dealing with all its legislation by Bill, in order to bring Northern Ireland more into line with Great Britain, focus on the concerns of only one part of the unionist community. They are not unanimously supported by unionist politicians. They are strongly opposed by the Alliance Party and the SDLP because they ignore the views of nationalists. The Government have to seek the progress by taking into account the wishes of both communities.

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(ii) Unionist political leaders know the Secretary of State and I remain ready to discuss their concerns, including better ways of handling Northern Ireland business in Parliament. In the longer term, a devolved government in which unionist and nationalist politicians worked together would enable them to develop and protect the interests of their supporters; that remains our objective.

(c) Influence with Unionists

(i) Much of the uncertainty affecting both economic and political stability in Northern Ireland has been caused by unionists' unconstitutional action and threatened (and actual) violence; we are grateful for the efforts of Friends of the Union to curb these excesses and hope that they will continue.

(ii) The campaign of the unionists to have no dealings with Government is futile; it leaves the floor to non-unionists; it further damages the image of unionists in Britain; and government continues regardless; the Friends of the Union can help to restore constructive political dialogue by making clear to unionists in Northern Ireland that there is no prospect whatsoever of their campaign getting the Agreement or Conference suspended or abandoned.

(iii) Some unionists seem to believe that they may be better off after a British election; they should be told that, in the unlikely event of a hung Parliament or a change of Government, they could well find themselves worse off.

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To increase knowledge and understanding within and without
the United Kingdom of the need to maintain the Union of Great
Britain and Northern Ireland.

Trustees: The Rt Hon Lord Moyola, Sir Patrick Macrory,
Sir Philip Goodhart MP, Sir John Biggs-Davison MP, Ian Gow MP



The purpose of the Friends of the Union is to increase knowledge and understanding within and without the United Kingdom of the need to maintain the Union of Great Britain and Northern Ireland.

Membership is open to members of all political parties and of none. Friends of the Union represent a broad spectrum of opinion from the world of business, academic life, the media and politics. Friends of the Union will seek membership from those who have a commitment to the integrity of the United Kingdom of Great Britain and Northern Ireland and who seek to establish full and equal standards of citizenship for the people of Northern Ireland within the United Kingdom. The Friends of the Union will:

- Establish an office in London with research capabilities.
- Develop an information programme internally to the Friends, and to a wider audience.
- Seek to create greater understanding and support for the Union on constitutional, political, economic, social and cultural grounds.
- Strive to present the case for the Union more professionally than in the past and make an impact on the conduct of public affairs.

Eligibility for membership of the Friends of the Union is at the discretion of the Trustees.

Please note: members' names and addresses will be kept on a computer listing, provided no objection is registered.



Patrons

The Marquess of Salisbury DL
Jonathan Aitken MP
Professor Antony Alcock
Andrew Alexander
The Rt Hon Julian Amery MP
Bruce Anderson
The Rt Hon Roy Bradford
The Rt Hon Viscount Brookeborough DL
Nicholas Budgen MP
David Burnside
Sam Butler
The Earl of Caledon
Alderman John Carson CBE
Sir Robin Chichester-Clark
Winston S Churchill MP
Sir George Clark BT DL
Viscount Cranborne MP
The Rt Hon William Deedes MC DL
The Lord Ellenborough
Sir John Farr MP
George Gardiner MP
Sir Eldon Griffiths MP
Michael Grylls MP
Captain Bill Henderson
Michael McNair-Wilson MP
The Lord Monson
Charles Moore
The Lord Moran KCMG
Michael Morris MP
Sir Michael Mulholland BT
Terry Neill
Sir Trevor Skeet MP
Ivor Stanbrook MP
T E Utley CBE

WHERE NEXT IN ULSTER?

by

IAN GOV

A YEAR AGO, THE ANGLO-IRISH AGREEMENT WAS SIGNED AT HILLSBOROUGH. ITS PURPOSE WAS TO BRING "PEACE, STABILITY AND RECONCILIATION". THAT IS A PURPOSE WHICH WE ALL SHARE.

BUT THE RECORD OF THE PAST TWELVE MONTHS SHOWS THAT INSTEAD OF PEACE THERE IS ADDED STRIFE: INSTEAD OF STABILITY, THERE IS GROWING TURMOIL: INSTEAD OF RECONCILIATION, THERE IS INCREASED SECTARIAN SUSPICION AND INTIMIDATION.

THE PEOPLE OF ONE PART OF THE KINGDOM ARE BEING GOVERNED DIFFERENTLY FROM THE REST OF THE KINGDOM, AND WITHOUT THE CONSENT OF THOSE BEING GOVERNED DIFFERENTLY.

ULSTER UNIONISTS HAVE DONE NOTHING TO WIN MORE FRIENDS AT WESTMINSTER OR IN WHITEHALL. BECAUSE OF THE SELF-DEFEATING BOYCOTT OF THE HOUSE OF COMMONS, THE UNIONIST CASE, STRONG THOUGH IT IS, HAS GONE LARGELY BY DEFAULT.

UNIONIST M.P.s SHOULD MARK THE ANNIVERSARY BY RETURNING TO WESTMINSTER. THE HOUSE OF COMMONS SHOULD BE THEIR BATTLE GROUND, RATHER THAN THE STREETS OF BELFAST. THEY SHOULD BECOME THE MOST ACTIVE OF THE PARLIAMENTARY ACTIVISTS, TABLING QUESTIONS TO MINISTERS, SEEKING ADJOURNMENT DEBATES, TALKING TO MEMBERS OF BOTH HOUSES, UNDERLINING THE REALITY OF THEIR PROVINCE AS PART OF ONE KINGDOM, WHILE TAKING EVERY OPPORTUNITY, DAY AFTER DAY, TO SHOW THAT THE QUEEN'S SUBJECTS IN NORTHERN IRELAND DO NOT HAVE EQUAL RIGHTS WITH THE QUEEN'S SUBJECTS IN GREAT BRITAIN.

UNIONISTS SHOULD ARGUE FOR THE SAME PARLIAMENTARY PROCEDUR

FOR ULSTER, AS APPLY TO ENGLAND, SCOTLAND AND WALES. THERE IS AN OVERWHELMING CASE FOR AN END TO ORDERS IN COUNCIL, DEBATED BRIEFLY, AND USUALLY LATE AT NIGHT. IT IS ABSURD THAT AN ULSTER M.P. CAN MOVE AMENDMENTS TO PROPOSED LEGISLATION FOR ENGLAND, BUT SHOULD BE UNABLE TO AMEND AN ORDER IN COUNCIL WHICH CONSTITUTES LEGISLATION FOR NORTHERN IRELAND.

UNIONISTS SHOULD CALL FOR THE IMPLEMENTATION OF THE POLICY SET OUT IN THE 1979 CONSERVATIVE MANIFESTO:-

"IN THE ABSENCE OF DEVOLVED GOVERNMENT WE WILL SEEK TO ESTABLISH ONE OR MORE ELECTED REGIONAL COUNCILS WITH A WIDE RANGE OF POWERS OVER LOCAL SERVICES".

ENGLAND AND WALES HAVE COUNTY COUNCILS; SCOTLAND HAS REGIONAL COUNCILS; ULSTER ALONE IS DENIED THE RIGHT TO ELECT COUNCILLORS TO CARRY OUT FUNCTIONS NOW PERFORMED BY MINISTERS AND NON-ELECTED BOARDS. STORMONT SHOULD BECOME THE HOME FOR ULSTER'S REGIONAL (OR PROVINCIAL) COUNCIL.

MODEST ADDITIONAL POWERS SHOULD BE GIVEN TO THE TWENTY-SIX DISTRICT COUNCILS IN NORTHERN IRELAND, BRINGING THEM CLOSER TO THE STATUS OF DISTRICT COUNCILS IN GREAT BRITAIN.

WE SHOULD CONTINUE TO HAVE A SECRETARY OF STATE FOR NORTHERN IRELAND AS WE HAVE SECRETARIES OF STATE FOR SCOTLAND AND FOR WALES.

WITHIN SUCH A NEW FRAMEWORK FOR THE GOVERNMENT OF THE PROVINCE, CONSTITUTIONAL NATIONALISTS WOULD BE ACKNOWLEDGED AND RESPECTED, AS THEY ARE ACKNOWLEDGED AND RESPECTED IN SCOTLAND AND IN WALES, UNDER A JUST LAW, ADMINISTERED IMPARTIALLY.

THE ANGLO-IRISH AGREEMENT MAY HAVE BROUGHT A TEMPORARY

IMPROVEMENT IN RELATIONS BETWEEN LONDON AND DUBLIN. THAT
IMPROVEMENT WILL BE SHORT-LIVED. THE BRITISH GOVERNMENT HAS
REJECTED THE REQUEST MADE BY DUBLIN FOR THREE JUDGES IN THE
DIPLOCK COURTS. THE IRISH GOVERNMENT ^{15 NOVEMBER} ~~WILL RESPOND BY REFUSING~~
TO ACCEDE TO THE EUROPEAN CONVENTION ON THE SUPPRESSION OF
TERRORISM, DESPITE DR. FITZGERALD'S COMMITMENT - IN THE JOINT
COMMUNIQUE ISSUED ON 15TH NOVEMBER 1985 "TO ACCEDE AS SOON AS
POSSIBLE".

WHENEVER THE BRITISH GOVERNMENT AGREES TO MAKE CHANGES
IN THE ADMINISTRATION OF THE PROVINCE, THE IRISH GOVERNMENT WILL
HAVE TO HAIL THAT AS A SUCCESS FOR ITS OWN UNCEASING DIPLOMATIC
EFFORTS. THIS WILL CAUSE DEEP RESENTMENT AMONG UNIONISTS.

WHENEVER, AS IN THE CASE OF THE DIPLOCK COURTS, THE
BRITISH GOVERNMENT REFUSES A REQUEST FROM DUBLIN, RELATIONS
BETWEEN THE TWO CAPITALS WILL BECOME STRAINED.

LAST MONTH, SPEAKING AT BODENSTOWN IN THE IRISH REPUBLIC,
MR. CHARLES HAUGHEY SAID:-

"IN THE TWELVE MONTHS THAT HAVE PASSED SINCE THE
AGREEMENT WAS SIGNED THE POSITION OF NATIONALISTS IN
THE NORTH HAS, IN FACT, SERIOUSLY WORSENEDED".

LATER IN THE SAME SPEECH HE SAID:-

"THERE EMANATED FROM LAST MONDAY'S ANGLO-IRISH CONFERENCE
THE INCREDIBLE PROPOSAL THAT A DECLARATION OF RIGHTS, IN
THE DRAFTING OF WHICH THE BRITISH GOVERNMENT WOULD TAKE
PART, WOULD BE FORMULATED FOR THIS PART OF IRELAND. IT
IS BEYOND COMPREHENSION THAT AN IRISH GOVERNMENT WOULD
COUNTEenance ANY SUCH UNWARRANTED INTRUSION INTO OUR
AFFAIRS".

IN TIME, MINISTERS IN LONDON AND IN DUBLIN WILL REALISE THAT THE ANGLO-IRISH AGREEMENT CONSTITUTES AN "UNWARRANTED INTRUSION INTO OUR AFFAIRS".

WRITING IN THE TIMES THREE MONTHS AGO, THE CHAIRMAN OF THE NORTHERN IRELAND ECONOMIC COUNCIL, SIR CHARLES CARTER SAID:-

"UNHAPPILY, THE GOVERNMENT'S INITIATIVE IN THE ANGLO-IRISH AGREEMENT, WHATEVER ITS POLITICAL OR FOREIGN POLICY VIRTUES, HAS MADE THINGS MUCH WORSE FOR THE ECONOMY BY INTRODUCING THE NOVEL CONCEPT OF GIVING ANOTHER COUNTRY A RIGHT TO BE CONSULTED ON AFFAIRS INTERNAL TO A PART OF THE UNITED KINGDOM, IT HAS CREATED POLITICAL UNCERTAINTY".

THE BALANCE SHEET, SO FAR AS SECURITY, INTIMIDATION, THE ECONOMY, SECTARIAN DIVISION AND ACCEPTABILITY AFTER THE FIRST TWELVE MONTHS OF THE AGREEMENT ARE ALL ON THE DEBIT SIDE.

THE BRITISH GOVERNMENT SHOULD STRIVE FOR FRIENDLY RELATIONS WITH THE IRISH GOVERNMENT. THOSE RELATIONS WILL BE BETTER, AND THE PEOPLE OF NORTHERN IRELAND WILL HAVE A BETTER PROSPECT OF PEACE, STABILITY AND RECONCILIATION ONCE THE AGREEMENT HAS, BY MUTUAL CONSENT, BEEN BROUGHT TO AN END.

Relations : IRELAND Pt 16



IAN GOW, T.D., M.P.

CDP 2/2



HOUSE OF COMMONS
WESTMINSTER SW1A 0AA

30th January, 1987

Dear Mr Powell,

Meeting with the Prime Minister-
5.00 p.m. on Thursday 5th February
1987

Mr. Ian Gow has just left for his Constituency.

Before he did so, he asked me to thank you very much for your letter of 29th January.

He is most grateful to you for having agreed that Mr. Peter Utley may accompany the Trustees (apart from Lord Moyola).

This means that there will be four Trustees and two Patrons who will be present.

Yours sincerely,
Margaret Finley

MISS MARGARET FINLEY
Private Secretary

Charles Powell, Esq.
Private Secretary to the Prime Minister,
10 Downing Street,
Whitehall, London SW1





10 DOWNING STREET
LONDON SW1A 2AA

File to
be P.C.

From the Private Secretary

29 January, 1987.

I enclose a copy of a letter which I have received from Ian Gow about his meeting with the Prime Minister on 5 February, together with the Trustees of the Friends of the Union. He encloses an aide-memoire which is intended to form the basis for discussion at the meeting. I should be grateful if briefing for the Prime Minister for the meeting could take account of it.

(C.D. Powell)

Neil Ward, Esq.,
Northern Ireland Office.



file to

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

29 January, 1987.

Thank you for your letter of 28 January about the meeting with the Prime Minister on 5 February. I am so sorry that we had to postpone this. I am sure that the Prime Minister would be content for you to bring Peter Utley.

Thank you also for the aide-memoire which I shall ensure that the Prime Minister sees before the meeting.

(C.D. Powell)

Ian Gow, Esq., T.D., M.P.

IAN GOW, T.D., M.P.

copy
BJUP



HOUSE OF COMMONS
WESTMINSTER SW1A 0AA

28th January, 1987

Dear Charles,

Anglo-Irish Agreement

Following my telephone conversation with Caroline, I am writing to confirm that our Meeting with the Prime Minister and with the Secretary of State will now take place at 5.00 p.m. on Thursday 5th February.

Unfortunately, Lord Moyola, who is one of our Trustees, has to be abroad on 5th February. Would the Prime Minister allow us, please, to bring in his place Peter Utley, who is one of our Patrons?

In my letter to you of the ~~end~~^{at nap} of last month, I promised to send you an Aide-Memoire, and this I now enclose.

If the Prime Minister thought it appropriate, this Aide-Memoire could form the basis for our discussion.

) all /
- 'An.

Charles Powell, Esq.
Private Secretary to the Prime Minister,
10 Downing Street,
London SW1



TRUSTEES OF THE FRIENDS OF THE UNION -
AIDE-MEMOIRE FOR MEETING WITH THE PRIME
MINISTER AT 3.00 P.M. ON MONDAY 19TH
JANUARY 1987

(NOW FIXED FOR 5.00 P.M. ON THURSDAY 5TH FEBRUARY
1987)

1. THE PURPOSE OF THE ANGLO-IRISH AGREEMENT IS TO ACHIEVE
"PEACE, STABILITY AND RECONCILIATION". THAT PURPOSE IS SHARED BY
THE FRIENDS OF THE UNION.

2. THE BRITISH GOVERNMENT CLAIMED THAT, FOR UNIONISTS,
THERE WERE TWO MAJOR ADVANTAGES:-

(a) THE IRISH GOVERNMENT ACKNOWLEDGED, FOR THE FIRST TIME,
"THAT ANY CHANGE IN THE STATUS OF NORTHERN IRELAND WOULD
ONLY COME ABOUT WITH THE CONSENT OF A MAJORITY OF THE
PEOPLE OF NORTHERN IRELAND":-

(i) HOWEVER, THE "STATUS" OF NORTHERN IRELAND HAS BEEN
CHANGED BY THE AGREEMENT ITSELF, IN THAT, THENCEFORTH,
THE UNITED KINGDOM GOVERNMENT ACCEPTED "THAT THE
IRISH GOVERNMENT WILL PUT FORWARD VIEWS AND PROPOSALS
ON MATTERS RELATING TO NORTHERN IRELAND", AND THAT
"DETERMINED EFFORTS SHALL BE MADE THROUGH THE
CONFERENCE TO RESOLVE ANY DIFFERENCES". IT IS TRUE
THAT EACH GOVERNMENT "RETAINS RESPONSIBILITY FOR THE
DECISIONS AND ADMINISTRATION OF GOVERNMENT WITHIN ITS
OWN JURISDICTION". NO ANALOGY IS PERFECT. HOWEVER,
IF PARLIAMENT HAD DECIDED THAT THE KENT COUNTY COUNCIL
SHOULD PUT FORWARD VIEWS AND PROPOSALS ON MATTERS
WITHIN THE RESPONSIBILITY OF THE SUSSEX COUNTY
COUNCIL, AND THAT, IN THE EVENT OF DISAGREEMENT, THE

SUSSEX COUNTY COUNCIL SHOULD BE UNDER AN OBLIGATION TO MAKE "DETERMINED EFFORTS TO RESOLVE ANY DIFFERENCES", THEN THE PEOPLE OF SUSSEX WOULD SAY THAT THERE HAD BEEN A CHANGE IN THEIR STATUS. THAT VIEW WOULD BE REINFORCED IF THERE WAS NO RECIPROCAL RIGHT FOR SUSSEX TO PUT FORWARD VIEWS AND PROPOSALS ABOUT THE ADMINISTRATION OF KENT, IF THE KENT COUNTY COUNCIL LAID CLAIM TO SUSSEX, AND IF, OVER THE YEARS, MURDEROUS ASSAULTS HAD BEEN MADE BY SOME OF THE PEOPLE OF KENT AGAINST THE PEOPLE OF SUSSEX.

- (ii) IT IS NOT TRUE TO SAY THAT THIS IS THE FIRST OCCASION ON WHICH THE IRISH GOVERNMENT HAS ACKNOWLEDGED 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. QUITE APART FROM THE TRIPARTITE AGREEMENT OF 1925 (WHICH WAS DEPOSITED WITH THE LEAGUE OF NATIONS) ARTICLES 5 AND 6 OF THE SUNNINGDALE COMMUNIQUE (9TH DECEMBER 1973) PROVIDE:-
- "5. THE IRISH GOVERNMENT FULLY ACCEPTED AND SOLEMNLY DECLARED THAT THERE COULD BE NO CHANGE IN THE STATUS OF NORTHERN IRELAND UNTIL A MAJORITY OF THE PEOPLE OF NORTHERN IRELAND DESIRED A CHANGE IN THAT STATUS".
- "6. THE CONFERENCE AGREED THAT A FORMAL AGREEMENT INCORPORATING THE DECLARATIONS OF THE BRITISH AND IRISH GOVERNMENTS WOULD BE SIGNED AT THE FORMAL STAGE OF THE CONFERENCE AND REGISTERED AT THE UNITED NATIONS".

(b) THERE WOULD BE AN INCREASE IN CROSS-BORDER SECURITY
CO-OPERATION.

- (i) THE IRISH GOVERNMENT HAS NOT TAKEN ANY ACTION SINCE THE AGREEMENT WAS SIGNED THAT IT COULD NOT HAVE TAKEN BEFORE 15TH NOVEMBER 1985.
- (ii) THE DIFFICULTIES OF THE R.U.C. IN COMBATING REPUBLICAN TERRORISM HAVE, REGRETABLY BUT PREDICTABLY, INCREASED BECAUSE OF THE NEED TO POLICE UNIONIST DEMONSTRATIONS AGAINST THE AGREEMENT AND BECAUSE OF THE REGRETABLE BUT PREDICTABLE INCREASE IN PARA-MILITARY ACTIVITY ON THE PART OF THE ULSTER CLUBS ETC.

3. SO FAR AS RECONCILIATION IS CONCERNED, THE AGREEMENT HAS HAD THE OPPOSITE EFFECT TO THAT WHICH WAS INTENDED. TENSION BETWEEN UNIONISTS AND NATIONALISTS IS NOW GREATER THAN BEFORE THE AGREEMENT WAS SIGNED. TENSION DOES NOT EXIST, PRIMARILY, AS A RESULT OF DIFFERENCES IN RELIGIOUS BELIEFS. IT ARISES, PRINCIPALLY, AS A RESULT OF DIFFERENCES IN NATIONAL ALLEGIANCE, WITH ALMOST ALL PROTESTANTS, AND A SIGNIFICANT MINORITY OF ROMAN CATHOLICS, WISHING TO REMAIN IN THE UNITED KINGDOM AND A MAJORITY OF ROMAN CATHOLICS WISHING TO BE PART OF A UNITED IRELAND. THE PERCEPTION (INTENTION?) OF THE AGREEMENT IS THAT, THENCEFORTH, THE IRISH GOVERNMENT WILL REPRESENT NORTHERN IRELAND NATIONALISTS. THE IRISH REPUBLIC, ARTICLES 2 AND 3 OF WHOSE CONSTITUTION LAYS CLAIM TO THE TERRITORY OF NORTHERN IRELAND, IS PERCEIVED AS REPRESENTING THE INTERESTS OF SOME OF HER MAJESTY'S SUBJECTS. THIS HAS NOT DIMINISHED DIVISION BETWEEN NATIONALISTS AND UNIONISTS. IT HAS ACCENTUATED DIVISION.

4. THE BRITISH GOVERNMENT WOULD NOT HAVE ENTERED INTO THE AGREEMENT, UNLESS IT HAD PERCEIVED THAT THE AGREEMENT WOULD BE BROADLY ACCEPTABLE TO NATIONALISTS. THE BRITISH GOVERNMENT DID NOT REALISE HOW PROFOUNDLY UNACCEPTABLE THE AGREEMENT WOULD BE TO UNIONISTS. IF THE BRITISH GOVERNMENT HAD REALISED HOW DEEPLY AND CONTINUINGLY UNACCEPTABLE THE AGREEMENT WOULD HAVE BEEN TO THE MAJORITY, WOULD IT HAVE ENTERED INTO THE AGREEMENT?

5. PART OF THE PURPOSE OF THE AGREEMENT WAS TO DIMINISH THE "ALIENATION" OF NATIONALISTS AND TO LOWER THE LEVEL OF THE FILTHY POND IN WHICH THE I.R.A. AND THE INLA TERRORISTS SWIM. THERE IS LITTLE SIGN THAT THAT HAS HAPPENED. BUT IF A CONSEQUENCE OF THE AGREEMENT IS TO CREATE ANOTHER FILTHY POND IN WHICH SO-CALLED LOYALIST TERRORISTS SWIM, WHAT ADVANTAGE IS THERE FOR THE PROVINCE?

6. THE CREDIBILITY OF UNIONIST POLITICAL LEADERS HAS BEEN UNDERMINED, IN THAT THEIR ADVICE BEFORE THE SIGNING OF THE AGREEMENT WAS DISREGARDED AND THEY HAVE MADE NO IMPRESSION ON THE GOVERNMENT SINCE 15TH NOVEMBER 1985. THE FRIENDS OF THE UNION HAVE URGED, AND CONTINUE TO URGE THAT UNIONIST M.P.s SHOULD PLAY THEIR FULL PART AT WESTMINSTER.

7. WE FEAR THAT THE BRITISH GOVERNMENT CONTINUES TO UNDER-ESTIMATE THE EXTENT TO WHICH DECENT, MODERATE, NON-POLITICAL UNIONISTS WILL CONTINUE TO WITHHOLD THEIR CONSENT FROM BEING GOVERNED UNDER THE PROVISION OF THE AGREEMENT. IN THE LONG RUN, IT IS NOT POSSIBLE TO GOVERN ONE PART OF THE KINGDOM DIFFERENTLY FROM THE REST OF THE KINGDOM, AND DIFFERENTLY FROM THE WAY IN WHICH IT HAS BEEN GOVERNED BEFORE, SAVE WITH THE CONSENT OF A MAJORITY

OF THE PEOPLE WHO ARE TO BE GOVERNED DIFFERENTLY. BECAUSE OF THE GOVERNMENT'S WISH TO DIMINISH THE "ALIENATION" OF NATIONALISTS, WE THINK THAT A WITHDRAWAL OF CONSENT BY NATIONALISTS WOULD HAVE HAD A GREATER EFFECT ON HER MAJESTY'S GOVERNMENT THAN A CONTINUING WITHDRAWAL OF CONSENT BY UNIONISTS.

8. MANY UNIONISTS SEE THE AGREEMENT AS ANOTHER STEP IN WHAT A DISTINGUISHED HISTORIAN, (CYRIL FALLS) WRITING A GENERATION AGO OF THE DEALINGS OF BRITISH STATESMEN WITH IRELAND, DESCRIBED AS "THE DETESTABLE AND USELESS PRACTICE OF BUYING OFF ENEMIES AT THE EXPENSE OF FRIENDS." THEY THUS EARNED ONLY THE CONTEMPT OF THEIR ENEMIES AND THE DISGUST OF THEIR FRIENDS, WHILE, AS TIME WENT ON, THE LATTER BECAME HARDER AND HARDER TO FIND".

9. DOES THE GOVERNMENT HAVE IN MIND THE POSSIBILITY, AT SOME FUTURE DATE, OF A TEST OF ACCEPTABILITY BY THE PEOPLE OF NORTHERN IRELAND? MIGHT AN EMINENT PERSONS GROUP (ALL CITIZENS OF THE UNITED KINGDOM) VISIT THE PROVINCE, ASSESS THE SITUATION, AND MAKE RECOMMENDATIONS TO THE GOVERNMENT?

10. THERE IS NO PROSPECT WHATEVER FOR ACHIEVING A DEVOLVED ADMINISTRATION, WHICH, IN THE WORDS OF ARTICLE 4, "WOULD SECURE WIDESPREAD ACCEPTANCE THROUGHOUT THE COMMUNITY". THAT IS THE DECLARED POLICY OF BOTH GOVERNMENTS. BUT IF IT CANNOT BE ATTAINED, THEN THE SEARCH FOR A NEW POLICY, WITH BETTER PROSPECTS OF SUCCESS, MUST BEGIN. THE CASE FOR THAT SEARCH IS NOT DIMINISHED BY THE PRESENT ELECTORAL POSITION IN THE REPUBLIC.

11. THE FRIENDS OF THE UNION ACKNOWLEDGE THAT THERE IS NO SUCH THING AS A "SOLUTION" TO THE PROBLEMS OF NORTHERN IRELAND. IT IS THE TASK OF STATESMEN TO FOLLOW THAT POLICY WHICH IS THE LEAST DANGEROUS AND THE MOST HOPEFUL. WE BELIEVE THAT THE ESSENTIAL INGREDIENTS OF SUCH A POLICY ARE:-

- (a) THE SAME LEGISLATIVE PROCEDURES WHICH APPLY AT WESTMINSTER FOR ENGLAND, SCOTLAND AND WALES SHOULD APPLY, BROADLY, FOR NORTHERN IRELAND. LEGISLATION FOR NORTHERN IRELAND SHOULD NO LONGER BE, VIRTUALLY EXCLUSIVELY, BY ORDER IN COUNCIL. ORDERS IN COUNCIL DO, OF COURSE, APPLY TO ENGLAND, SCOTLAND AND WALES. NEVERTHELESS, IT IS ABSURD THAT A MEMBER OF PARLIAMENT FOR A NORTHERN IRELAND CONSTITUENCY (SHOULD HE BE PRESENT AT WESTMINSTER) SHOULD BE FREE TO MOVE AMENDMENTS TO PROPOSED LEGISLATION FOR ENGLAND, BUT SHOULD BE UNABLE TO AMEND AN ORDER IN COUNCIL FOR NORTHERN IRELAND.
- (b) WE SHOULD SET UP A REGIONAL COUNCIL FOR NORTHERN IRELAND (AS ENVISAGED IN THE 1979 MANIFESTO), WITHOUT POWER-SHARING, AND WITH RESPONSIBILITIES BROADLY SIMILAR TO THOSE ENJOYED BY REGIONAL COUNCILS IN SCOTLAND AND BY COUNTY COUNCILS IN ENGLAND AND WALES. THIS IS, IN EFFECT, ADMINISTRATIVE DEVOLUTION.
- (c) MODEST ADDITIONAL POWERS SHOULD BE GIVEN TO THE TWENTY-SIX DISTRICT COUNCILS IN NORTHERN IRELAND.
- (d) THE SECRETARY OF STATE FOR NORTHERN IRELAND WOULD REMAIN, AND WOULD BE THE POLICE AUTHORITY FOR THE PROVINCE.
- (e) WITHIN THIS SYSTEM OF GOVERNMENT, THERE MUST BE NO DISCRIMINATION BY UNIONIST AGAINST NATIONALIST, NOR BY PROTESTANT AGAINST ROMAN CATHOLIC. CONSTITUTIONAL NATIONALISTS MUST BE ACKNOWLEDGED AND RESPECTED IN NORTHERN IRELAND, AS THEY ARE IN SCOTLAND AND IN WALES.
- (f) EQUAL CITIZENSHIP, WITHIN THE UNITED KINGDOM, AND AN ACKNOWLEDGEMENT OF THE PLACE OF THE NATIONALIST IN ULSTER, PROTECTED UNDER A JUST LAW, WOULD OFFER TO THE NATIONALIST

GREATER PROTECTION AND SECURITY THAN WAS AFFORDED BY
STORMONT.

14th January, 1987

FROM: THE PRIVATE SECRETARY

cf pp



NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

Charles Powell Esq
10 Downing Street
LONDON
SW1

*Meeting now
not held.*

BF // *Please bring forward on 2 February*
13th January 1987
now 15/2/87
CD

Dear Charles,

MEETING WITH "FRIENDS OF THE UNION".

... I attach as requested briefing for the Prime Minister's forthcoming meeting with the Trustees of the "Friends of the Union".

Yours Sincerely
N D Ward

N D WARD



To increase knowledge and understanding within and without
the United Kingdom of the need to maintain the Union of Great
Britain and Northern Ireland.

Trustees: The Rt Hon Lord Moyola, Sir Patrick Macrory,
Sir Philip Goodhart MP, Sir John Biggs-Davison MP, Ian Gow MP



The purpose of the Friends of the Union is to increase knowledge and understanding within and without the United Kingdom of the need to maintain the Union of Great Britain and Northern Ireland.

Membership is open to members of all political parties and of none. Friends of the Union represent a broad spectrum of opinion from the world of business, academic life, the media and politics. Friends of the Union will seek membership from those who have a commitment to the integrity of the United Kingdom of Great Britain and Northern Ireland and who seek to establish full and equal standards of citizenship for the people of Northern Ireland within the United Kingdom. The Friends of the Union will:

- Establish an office in London with research capabilities.
- Develop an information programme internally to the Friends, and to a wider audience.
- Seek to create greater understanding and support for the Union on constitutional, political, economic, social and cultural grounds.
- Strive to present the case for the Union more professionally than in the past and make an impact on the conduct of public affairs.

Eligibility for membership of the Friends of the Union is at the discretion of the Trustees.



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10 DOWNING STREET

*Part -
same
on*

Cardine

*OP
promised
for 1700 on
Feb 5:
mbos ce
131.*

Tom King

written the meeting

with Ian Howe

The Friends of the

Union could be

postponed till a

Wednesday or Thursday.

Ed. you tell me

Ian can manage this.

CDP.

CAS 550
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TO PRIORITY FCO

TELNO 678

OF 191400Z DECEMBER 86

INFO PRIORITY NIO(B)

me

CALL ON IRISH FOREIGN MINISTER

SUMMARY

1. MR BARRY ACCEPTS THAT UNIONIST ALIENATION IS A CONSTRAINT ON HMG, BUT ARGUES THAT MUCH REMAINS TO BE DONE OVER NORTHERN IRELAND.

DETAIL

2. I PAID MY FIRST CALL ON THE IRISH FOREIGN MINISTER ON 18 DECEMBER.

INTERNAL POLITICS

3. MR BARRY WAS BULLISH ABOUT THE COALITION'S CHANCES OF SURVIVAL. HE EXPECTED FINE GAEL AND LABOUR MINISTERS TO AGREE ON THE BOOK OF ESTIMATES BEFORE CHRISTMAS AND THOUGHT THERE WAS A CHANCE OF GETTING THE BUDGET THROUGH THE DAIL AT THE END OF JANUARY. BUT HE ACKNOWLEDGED THAT THE PRESENT PARLIAMENTARY ARITHMETIC WAS INEXORABLE: THEY WOULD BE BROUGHT DOWN BY ONE ISSUE OR ANOTHER BEFORE THE MIDDLE OF THE YEAR. HE DECLINED TO PROPHESEY THE OUTCOME OF THE ELECTION.

ANGLO-IRISH RELATIONS

4. THE ANGLO-IRISH AGREEMENT HAD GREATLY IMPROVED THE BILATERAL RELATIONSHIP BUT IT WAS NOT AN END IN ITSELF. THERE WAS A LONG WAY TO GO. I SHOULD NOT UNDER-ESTIMATE THE DEPTH OF ANTI-BRITISH RESENTMENT BASED ON LONG HISTORICAL MEMORIES, WHICH UNDERLAY THE AFFECTION WHICH MANY IRISHMEN FEEL FOR US. SOME IRISH PEOPLE WHO SHOULD KNOW BETTER WERE NOT ABOVE EXPLOITING THESE UNDERLYING INSTINCTS. PERSONALLY MR BARRY DID NOT REPEAT NOT SHARE THESE INSTINCTS. ANYONE IN BRITAIN WHO THOUGHT SO WAS MAKING A MISTAKE. HE WAS A PATRIOT AND WOULD BE TOUGH WITH ME WHEN IRISH NATIONAL INTERESTS REQUIRED IT. BUT HE HAD A DEEP RESPECT FOR BRITAIN AND BRITISH INSTITUTIONS AND VALUED HIS DEVELOPING RELATIONSHIP WITH MR KING.

5. HE ILLUSTRATED HIS THEME BY REFERENCE TO THE BIRMINGHAM SIX/ GUILDFORD FOUR/MAGUIRE CASES WHICH AROUSED DEEP SUSPICIONS IN IRELAND. I SAID THAT THERE WERE MISGIVINGS ON BOTH SIDES OF THE IRISH SEA. NEW EVIDENCE HAD COME TO LIGHT YEARS AFTER THE ORIGINAL JUDGEMENTS. THE IMPORTANT THING WAS THAT THE BRITISH SYSTEM WAS ADDRESSING THIS NEW EVIDENCE AND IT SURELY WAS NOT AN IRISH INTEREST THAT THE BRITISH JUDICIAL PROCESS SHOULD BE SEEN TO BE SUBJECT TO POLITICAL PRESSURES. THE HOME SECRETARY MUST BE GIVEN TIME. MR BARRY SAID THAT NOT ONLY HE BUT THE WHOLE OF HIS GOVERNMENT CONCURRED. HE HAS PERSUADED THE INTER PARTY PARLIAMENTARY COMMITTEE TO ACCEPT THAT HE WOULD KEEP IN CLOSE

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/TOUCH

TOUCH WITH MR HURD BUT THAT PUBLIC PRESSURE WOULD BE COUNTER-PRODUCTIVE. THE BRITISH WERE RIGHTLY PROUD OF THEIR JUSTICE: IT MUST BE PAINFUL FOR ME TO SEE IT SO WIDELY DISTRUSTED IN IRELAND.

NORTHERN IRELAND

6. HE ACCEPTED THAT NORTHERN IRELAND UNIONISTS HAD BEEN DEEPLY OFFENDED BY THE ANGLO-IRISH AGREEMENT, AND THAT LITTLE POLITICAL PROGRESS IN THE PROVINCE COULD BE EXPECTED UNTIL THE GENERAL ELECTIONS HAD TAKEN PLACE IN THE UK AND IN THE REPUBLIC. THE UNIONISTS, IN HIS VIEW, WERE WAITING FOR FOUR THINGS:

A. A BRITISH GOVERNMENT U-TURN OF THE KIND THEY HAD ACHIEVED SO OFTEN IN THE PAST. THEY MUST NOW BEGIN TO PERCEIVE THAT THIS WOULD NOT HAPPEN:

B. THEY HOPED TO EXPLOIT A HUNG PARLIAMENT AFTER THE BRITISH ELECTIONS:

C. THEY EVEN HOPED FOR A BETTER DEAL FROM A BRITISH LABOUR GOVERNMENT:

D. THEY HOPED THAT THE AGREEMENT WOULD BE DESTROYED BY THE INTRANSIGENCE OF A FIANNA FAIL GOVERNMENT IN THE REPUBLIC.

7. MEANWHILE HE ACKNOWLEDGED THAT UNIONIST ALIENATION WAS A REAL CONSTRAINT ON H.M.G. BUT HE URGED THAT THE GREATER DANGER WAS TO DO NOTHING SINCE THIS WOULD CONFIRM UNIONIST EXTRIMISTS IN THEIR BOAST THAT THEY COULD DEFEAT THE AGREEMENT BY INTRANSIGENCE. HE ASSERTED THAT THE PRESENT RATE OF PROGRESS WAS BARELY ADEQUATE TO AVOID THIS DANGER. RETURNING TO HIS ORIGINAL THEME, MR BARRY SAID THAT MUCH REMAINS TO BE DONE.

B. FCO PLEASE ADVANCE BELL NIO(L).

FENN

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TO IMMEDIATE FCO

TELNO 669

OF 161300Z DECEMBER 86

INFO IMMEDIATE NIO (BELFAST)

ms

FIRST CALL ON THE TAOISEACH

1. I PAID MY FIRST CALL ON DR FITZGERALD ON 15 DECEMBER. IT IS PERHAPS A MEASURE OF THE IMPORTANCE HE ATTACHES TO ANGLO-IRISH RELATIONS THAT A BELEAGUED PRIME MINISTER WAS WILLING TO GIVE ME A RELAXED ONE AND A HALF HOURS ON A BUSY AFTERNOON.

FUTURE OF THE COALITION

2. THE TAOISEACH EXPECTS TO SURVIVE THE POLITICAL EXCITEMENT OF THIS WEEK ON THE EXTRADITION BILL AND THE ADJOURNMENT. HE TOLD THE PRESS ON 14 DECEMBER THAT HE WAS " CONTEMPLATING A RESTFUL CHRISTMAS". HE IS DETERMINED TO GET THE BOOK OF ESTIMATES APPROVED BY THE CABINET AND HAS SCHEDULED AN ALL-DAY MEETING ON SATURDAY. HE IS CONFIDENT THAT LABOUR MINISTERS WILL IN THE END ENDORSE A BUDGET IN SPITE OF RUTHLESS CUTS IN GOVERNMENT EXPENDITURE WHICH THE ECONOMIC SITUATION REQUIRED. (EQUIVALENT TO A BRITISH GOVERNMENT AGREEING ON CUTS BETWEEN £7 AND A HALF BILLION - £8 AND A HALF BILLION). WHETHER LABOUR BACKBENCHERS WOULD SWALLOW THE PILL WAS OF COURSE ANOTHER QUESTION.

3. HIS STRATEGY THEREAFTER REMAINS MUCH AS EXPLAINED TO SIR ALAN GOODISON A MONTH AGO (HIS TELNO 599 OF 14 NOVEMBER). THE BOOK OF ESTIMATES WILL BE PUBLISHED IN JANUARY. PARTIES AND GOVERNMENT BACKBENCHERS WILL THEN HAVE TO DECIDE WHETHER THEY WOULD PREFER TO BE SEEN BY THE ELECTORATE AS PATRIOTIC OR AS SPENDTHRIFT. PROBABLY IT WOULD EMERGE WITHIN A FEW DAYS THAT A MAJORITY WAS NOT AVAILABLE FOR THE BUDGET IN WHICH CASE HE WOULD NOT RIDE FOR A PARLIAMENTARY FALL BUT WOULD GO TO THE COUNTRY AT ONCE. FIANNA FAIL WOULD HAVE TO STATE IN THE CAMPAIGN WHETHER THEY WOULD SUPPORT THE CUTS OR WOULD MAKE DIFFERENT CUTS OR WOULD INCREASE BORROWING. EITHER THE GOVERNMENT CUTS WOULD BE SUSTAINED OR FIANNA FAIL WOULD BE AS UNPOPULAR AS HE WAS.

4. HE ENVISAGES A GENERAL ELECTION IN FEBRUARY. THE OUTCOME WOULD PROBABLY BE EITHER:

- A. A FINE GAEL/PROGRESSIVE DEMOCRAT COALITION SUPPORTED BY THE LABOUR PARTY FROM OUTSIDE, OR
- B. A FIANNA FAIL GOVERNMENT IN MINORITY OR WITH A BARE WORKING MAJORITY.

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/Anglo

ANGLO-IRISH RELATIONS HAD NOTHING TO FEAR FROM A NEW FINE GAEL COALITION. IF THERE HAD TO BE A FIANNA FAIL GOVERNMENT HE WOULD DO HIS BEST TO SMOOTH THE TRANSACTION.

ANGLO-IRISH AGREEMENT

5. UNIONIST ALIENATION WAS LESS SEVERE AND MORE PROLONGED THAN HE HAD EXPECTED. WITH HINDSIGHT IT WAS A MISTAKE NOT TO HAVE FOUND SOME WAY OF CONSULTING THEM BEFORE THE AGREEMENT WAS SIGNED. THE HURT WAS DEEP AND GENUINE. HE HAD NO DOUBT THAT UNIONISTS WOULD COME ROUND IN THE END PROVIDED THE TWO GOVERNMENTS STOOD FIRM: THEY WERE STILL HOPING FOR A REPEAT OF 1914 AND 1974. MODERATE UNIONISTS WOULD NOT SUPPORT THE MEN OF VIOLENCE AND THIS WOULD BE A CONTINUING CONSTRAINT ON DR PAISLEY AND MR ROBINSON.

6. IN THE SHORT TERM, UNIONISTS WERE HOPING FOR TACTICAL ADVANTAGE FROM GENERAL ELECTIONS IN THE UK AND IN THE REPUBLIC. NO MAJOR CHANGES COULD BE CONTEMPLATED UNTIL THESE UNREALISTIC HOPES HAD BEEN LAID TO REST BY HISTORY. THERE WAS A DIFFICULT BALANCE TO BE STRUCK MEANWHILE: WE MUST BE SEEN TO BE MAKING ENOUGH PROGRESS UNDER THE AGREEMENT TO SUSTAIN NATIONALIST MORALE AND TO CONVINCCE UNIONIST OPINION WITHOUT RUBBING UNIONIST NOSES IN THEIR DEFEAT OR ENCOURAGING TRIUMPHALISM.

THERE COULD BE HONEST DIFFERENCES BETWEEN THE TWO GOVERNMENTS ON THE STRIKING OF THIS BALANCE. HE WAS DISAPPOINTED ABOUT THREE JUDGE COURTS, ABOUT A CODE OF CONDUCT FOR THE RUC AND ABOUT POLICE ESCORTS FOR UDR PATROLS. THERE WERE CURRENT PROBLEMS OVER THE IRISH EXTRADITION BILL (MY TEL NO 668) AND OVER BIRMINGHAM/GUILDSFORD/MAGUIRE. BUT HE WELCOMED THE PUBLIC ORDER ORDER OF 1 DECEMBER. HE PAID WARM TRIBUTES TO THE PRIME MINISTER, TO YOURSELF TO THE NORTHERN IRELAND SECRETARY AND TO THE SECRETARIAT.

BILATERAL QUESTIONS

7. HERE WERE ALSO A FEW QUESTIONS OUTSTANDING WHICH DID NOT CONCERN THE NORTH. IRISH DISQUIET OVER SELLAFIELD WOULD CONTINUE. HE WANTED TO LOOK AGAIN AT THE PROSPECTS FOR ELECTRICITY LINKS WITH NORTHERN IRELAND AND WITH WALES. IN THE EUROPEAN COMMUNITY WE HAD DIVERGENT INTERESTS BUT HAD LEARNED TO PURSUE THEM WITH MODERATION.

-2-
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18.

8. DR FITZGERALD KNOWS THAT HIS GOVERNMENT IS PRECARIOUS,
BUT HE WILL NOT GO QUIETLY AND HE TALKS AS IF HE HAD REAL
PROSPECTS OF RETURNING TO POWER IN FEBRUARY. FEW OTHER
PEOPLE SEEM TO THINK SO.

9. FCO PLEASE ADVANCE BELL NIO(L).

FENN

YYYY

DLLNAN 1818

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(ADVANCED AS REQUESTED)

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BY



10 DOWNING STREET
LONDON SW1A 2AA

file

CC N10

THE PRIME MINISTER

15 December 1986

Dear Mr. Ainsworth.

Thank you for your letter of 26 November and for letting me have a copy of your statement. I attach importance to the continuing support of the Alliance Party for the Anglo-Irish Agreement, and I hope we can continue to count on it. I understand you have just had a good discussion with Tom King and Nick Scott about the present position.

I remain convinced that the Agreement represents our best hope, both of obtaining the sort of cross-border security co-operation we need to defeat terrorism, and also of persuading the minority more readily to accept the institutions of Northern Ireland. But we have always recognised that the Agreement of itself would not solve all of Northern Ireland's problems and that progress would, inevitably, be slow. Nevertheless, we have already made some progress on cross-border security co-operation and extradition, although much remains to be done. Like you, I welcomed the introduction of the Extradition Bill into the Dail and Mr. Barry's recent statement that nationalists in Northern Ireland should join the RUC.

It is of course disappointing that Mr. Barry's statement has not been supported by leading members of the SDLP, particularly since the RUC have shown in recent years that they are an impartial and professional police force, deserving of the respect and wholehearted support of the whole community.

Dts

In respect of a new devolved government, this is obviously not going to be easy to achieve. We for our part remain committed to finding a form of local administration that would be widely acceptable throughout the community. We have repeatedly made clear our willingness to enter into serious discussion to this end with constitutional parties. I regret that none of those parties, with the exception of yours, seem prepared to start even informal preliminary talks. Of course timing is important. But, like you, I hope that the parties will come to realise that the best way forward is for them to address the issues involved in establishing a new devolved government. Tom King is continuing to work on this.

With best wishes,

Yours sincerely
Raymond Dabbs

John Cushnahan, Esq.

From: THE PRIVATE SECRETARY



NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

C D Powell Esq
10 Downing Street
LONDON
SW1A 2AA

11. December 1986

Dear Charles,

at 1104

Mr Cushnahan's letter to the Prime Minister is essentially a complaint about the attitude of the SDLP following the signing of the Anglo-Irish Agreement. Annex A contains the material to which he refers. Mr Cushnahan rightly points out that the SDLP have not given wholehearted support to the RUC, at least to the extent of recommending Nationalists to join; that Seamus Mallon in particular has attacked the Bill enabling the Irish to ratify the European Convention on the Suppression of Terrorism; and that the SDLP have appeared unforthcoming on devolution.

The Secretary of State has made clear in the House that we think it is absolutely urgent for the SDLP to be more forthcoming in supporting the RUC and government security policy. We would also like the SDLP to take a more positive line on devolution, although there is certainly a problem over the present disarray of the Officials Unionists.

The draft reply accepts Mr Cushnahan's complaints and thanks Mr Cushnahan for his support for the Agreement. Such a letter from the Prime Minister should do some good since Mr Cushnahan is undoubtedly under pressure from some of his members.

yours sincerely,

David Watkins.

D J WATKINS

JLD

Mr Barry (13 November):

"I would be happy to see any young man who wanted to make a career in the security forces join the RUC".

Mr Currie (19 November):

"The policy of the SDLP is absolutely clear in relation to the RUC - that we will support them in impartially carrying out their duties in upholding the law - that is our position, that will remain our position. As I said before a solution to this problem (ie minority support for the RUC) will be found when it is possible for my children to join the police service and be considered to be no less of Irish men for so doing".

Mr Mallon at the SDLP conference (22 November) called for the resignation of Sir John Hermon over the Stalker affair. He said that his resignation was essential if the minority were to support the RUC.

Mr Mallon (25 November) is reported as saying that he believed the use of extradition bestowed legitimacy on the process of law in the North. He said that process was fundamentally unjust.

DRAFT LETTER FOR SIGNATURE BY THE PRIME MINISTER

57728AV

To issue

John Cushnahan Esq
Alliance Party of Northern Ireland
88 University Street
BELFAST
BT7 1HE

December 1986

Thank you ~~very much~~ for your letter of 26 November and ^{Jan} letting me have a copy of your statement. ~~Both Tom King and I~~ attach importance to the continuing support of the Alliance Party for the Anglo-Irish Agreement, and I hope we can continue to count on it. I understand you have just had a good discussion with Tom King and Nick Scott about the present position.

I remain convinced that the Agreement represents our best hope both of obtaining the sort of cross-border security co-operation we need to defeat terrorism and also of persuading the minority more readily to accept the institutions of Northern Ireland. But we have always recognised that the Agreement of itself would not solve all of Northern Ireland's problems and that progress would, inevitably, be slow. Nevertheless we have already made some progress on cross-border security co-operation and extradition, although much remains to be done. Like you I welcomed the introduction of the Extradition Bill into the Dail and Mr Barry's recent statement that nationalists in Northern Ireland should join the RUC.

It is of course disappointing that Mr Barry's statement has not been supported by leading members of the SDLP, particularly since the RUC have shown in recent years that they are an impartial and professional police force, deserving of the respect and wholehearted support of the whole community.

/...

In respect of a new devolved government this is obviously not going to be easy to achieve. ~~The Government~~^{we} for our part remain~~s~~ committed to finding a form of local administration that would be widely acceptable throughout the community. We have repeatedly made clear our willingness to enter into serious discussion to this end with constitutional parties. I regret that none of those parties with the exception of yours seem prepared to start even informal preliminary talks. Of course timing is important. But, like you, I hope that the parties will come to realise that the best way forward is for them to address the issues involved in establishing a new devolved government, and Tom King is continuing to work on this.

With best wishes

IRELAND Relations PT16



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From: THE PRIVATE SECRETARY

ccpg
②



NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

Rine Minister

CDP
10/12.

C D Powell Esq
10 Downing Street
LONDON
SW1

9 December 1986

Dear Charles,

The Anglo-Irish Intergovernmental Conference met in Belfast on Monday 8 December. This was the first meeting to have been held in Belfast since June, and may prove to be the last under the FitzGerald administration in the South. I enclose a copy of the joint statement which was issued after the meeting.

The meeting began with a relatively brief exchange about the Draft Public Order Order which we have recently published. The Irish have a particular interest in the proposal to repeal the Flags and Emblems Act, and Mr King explained that the explanatory document which accompanied the Draft Order invited views while making it clear that the Government's clear preference was for repeal of the Act. We aimed to have the Order on the Statute Book by Easter 1987.

The Irish then raised a number of familiar points under the general heading of Relations between the Security Forces and the Minority Community. They asked again about the publication of the RUC Code of Conduct; we explained that we too were keen that this document should see the light of day very soon, but it was for the Chief Constable, who now had the Draft Code before him as it had passed through the stage of consultation of the RUC Constituent Associations, to determine when he should pass it to the Police Authority. The Irish then expressed disappointment that the proportion of Army patrols accompanied by the RUC had not been increasing more rapidly. They had been receiving complaints from a

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number of areas about Army patrols, and in particular UDR patrols, which were still unaccompanied. We said that the Irish should be in no doubt about the commitment of the RUC to increasing the proportion of patrols which were accompanied. However the RUC had had to face considerable public order problems over the summer, arising out of the Agreement itself, which distracted them from their other tasks. We suggested a dual approach: we should work on producing up-to-date figures for accompaniment; the Irish meanwhile should put together a comprehensive list of the complaints which they had received, so that we could together through the Secretariat aim to build up a pattern of areas where the minority community perceived that patrols were still unaccompanied.

The Irish mentioned the allegations against the RUC covered by the Stalker/Sampson Report, which continued to give them concern. We explained the probable timetable for submission of the later parts of the Report, making it clear that it would be impossible to make any statement in public on the public interest issues affecting the organisation and management of the RUC until the Director of Public Prosecutions had taken decisions on whether any prosecutions should be mounted against RUC officers as a result of the first parts of the Report. This might be some months ahead.

On cross-border security co-operation, the discussion centered on the events of the previous weekend, when British soldiers had crossed the border into the Republic on two separate occasions, on the first of which a Lance-Corporal had been taken into custody by the Gardai and released some hours later. We were agreed that there was a positive side to these incidents, in that they demonstrated the closeness of co-operation between the RUC and the Garda. Garda officers had been on the scene on the first occasion, arising out of a terrorist attack on an Army unit in the north, within a very few minutes to play their part in seeking to apprehend the terrorists responsible as soon as they had crossed the border. However the Irish were more concerned about the political effect within their jurisdictions of these incursions at such a sensitive time. We agreed that the two sides should through the Secretariat seek to establish an agreed understanding of the events of the weekend, and also make proposals for limiting the number of incursions. (We took the opportunity to point out that there were in fact some occasions when Garda officers trespassed into the north, no doubt inadvertently.)

As expected, the Irish represented strongly to us the importance of avoiding giving any impression that we had closed the door finally on the introduction of 3-judge courts in Northern Ireland. They said that any such statement, for example during the second reading stage of the Emergency Provisions Bill, could be disastrous for the prospects of getting their legislation on ratification of the ECST through the Dail. We said that we would aim to handle this as

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sensitively as possible, and would seek to concentrate during the Ministerial speeches at Second Reading on what was in the Bill and not on what was not there. However there would probably have to be some reference to 3-judge courts, as this was a matter of public interest which MPs were likely to raise. We also had a brief exchange on the question of extradition, in particular the Irish request on certification mentioned to the Prime Minister by the Taoiseach when they met on 6 December. The Irish agreed that they would give us a note of their detailed requirements as soon as possible; officials in the offices of the two Attorneys-General will be in touch about this.

During a final brief exchange on social and economic issues, we touched on the International Fund, and spoke also of the general desirability of bringing rather more specific economic issues within the ambit of the Conference, although they would not all have to be discussed at full Conference sessions but could be left to Ministers of the two jurisdictions to handle directly with each other.

The meeting was in general very amicable. We had relatively little difficulty in agreeing on the Joint Statement, and the Irish, despite their domestic political pre-occupations, seemed in a particularly relaxed mood. Moreover, partly no doubt because of foul weather, the loyalist protest outside was minimal and the general unionist reaction was relatively neutral.

I am sending copies of this letter to Tony Galsworthy in the FCO and Trevor Woolley in the Cabinet Office.

Yours sincerely
Neil Wood

for D J Watkins

JLD

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NORTHERN IRELAND Information Service

8 December 1986

ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE

JOINT STATEMENT

The Anglo-Irish Intergovernmental Conference met in Belfast on 8 December 1986. The British Joint Chairman, Mr Tom King MP (Secretary of State for Northern Ireland), was accompanied by Mr Nicholas Scott MP (Minister of State for Northern Ireland). The Irish Joint Chairman, Mr Peter Barry TD (Minister for Foreign Affairs), was accompanied by Mr Alan Dukes TD (Minister for Justice). Officials were also present.

The British side described the measures contained in the draft Public Order (Northern Ireland) Order 1986 in relation to processions and meetings, incitement to hatred and the Flags and Emblems (Display) Act (Northern Ireland) 1954. The Irish side noted these proposals and put forward views on some aspects of the draft Order.

During a discussion of legal matters, the British side referred to the Northern Ireland (Emergency Provisions) Bill 1986, published on 3 December, which contained a number of measures to amend the Emergency Provisions Act in areas which concern judicial procedures in cases involving suspected terrorists. They outlined a number of measures aimed at reducing the period between remand and trial. During a discussion about the concern caused by so-called "supergrass" trials, the British side referred to the statement made by the UK Attorney General on 19 March 1986 and the Conference noted recent judgments by the Northern Ireland Court of Appeal. There was further discussion of the need to seek constantly to develop and improve the arrangements made for the administration of justice.

The Conference continued its discussion of proposals aimed at enhancing relations between the security forces and the minority community in the context of Article 7(c) of the Agreement. The Conference considered the progress which is being made in applying the principle that the armed forces (including the UDR) 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. The Secretary of State indicated that the Order in Council setting out a new independent police complaints procedure would be published shortly.

The Conference welcomed progress in security co-operation in combating terrorism throughout the island of Ireland. Both sides discussed further measures now under consideration in this area and reviewed the work set in hand by the Special Meeting on security co-operation held within the framework of the Conference on 31 October. Recent incidents on the border were also discussed.

The Conference welcomed the coming into force of the Agreement to establish the International Fund for Ireland on 1 December 1986 by exchange of notifications of acceptance between the Irish and British Governments on that date.

The two sides agreed that at their next regular meeting they would discuss measures to recognise the rights and identities of the two traditions in Northern Ireland, legal matters and cross-border security co-operation.



IAN GOW, T.D., M.P.

gpc



HOUSE OF COMMONS
WESTMINSTER SW1A 0AA

3rd December, 1986

Jean Forbes

*CR
to note
ck*

Anglo-Irish Agreement

Thank you for your letter of 2nd December.

Would you please thank the Prime Minister very much for having agreed to see us on Monday 19th January?

We will arrive a little before 3.00 p.m. on that day.

I will send to you, on the 12th of next month, an up-dated Aide-Memoire, which could form the basis for our meeting.

7 evr (Am.)

Charles Powell, Esq.
Private Secretary to the Prime Minister,
10 Downing Street,
London SW1





MSC CPA
CMA

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

2 December 1986

ANGLO-IRISH AGREEMENT

You asked in your letter of 26 November whether the Prime Minister could see you and the Trustees of the "Friends of the Union" together with Mr Burnside. The Prime Minister could manage a meeting from 1500-1600 on Monday 19 January. I hope that this will be convenient.

Charles Powell

Ian Gow, Esq., T.D., M.P.

MS2CPB



10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

2 December 1986

FRIENDS OF THE UNION

I have now offered Ian Gow a meeting with the Prime Minister on 19 January from 1500-1600, to explain the purposes of the Friends of the Union. I am sure that the Prime Minister would be content for the Northern Ireland Secretary to be present. It would be helpful to have briefing by Wednesday 17 January please.

2 - Friday 16/1/87.

Charles Powell

Neil Ward Esq
Northern Ireland Office.

✓

Speech by the Rt Hon. J. Enoch Powell, MBE, MP, to the
Strangford and Ardglass Branches of the South Down
Unionist Association at Ballyculter, Downpatrick, at
8 p.m., Friday, 28th November, 1986.

copy
for information
- PM has a
copy
Bawa
28/11

It is now evident in retrospect that in the later 1950's there took place in Whitehall a radical re-assessment of Britain's future place in the world. The Suez fiasco, though not the sole occasion of that re-assessment, can conveniently be taken as its starting-point. It has conditioned the major decisions made by British governments during the intervening thirty years and it provides the explanation for much that otherwise would remain unintelligible. In particular, we here in Northern Ireland, if we do not take account of it, shall fail to understand or evaluate the tragic events which have overtaken our province in the last twenty years.

The re-assessment was based on two perceptions. First, Britain as such would have no worldwide role: the wind of change would blow away her remaining colonies, dependencies and positions, and she would be effectively reduced to the British Isles. Secondly, Britain would be dependent for her defence upon the shield, including the nuclear shield, of the United States. From these two perceptions were drawn certain axioms, the most important of which was that henceforward British policy must be subservient to that of the United States and Britain's remaining power and influence would be whatever impression it could exert upon the United States. Harold Macmillan, the high-priest of the new religion, loved to give a classical garb to this axiom by identifying America with imperial Rome and Britain with the powerless and decadent but still subtle Greeks of the Hellenistic Age.

It was in 1957 that British defence went nuclear. Abolition of conscription and drastic reduction of expenditure on defence were based upon the cornerstone of the American nuclear deterrent, all the more indispensable now that the Russians too had broken into space and into nuclear technology. With acceptance of physical reliance upon America went another surrender. Britain, thitherto supreme in the field

intelligence gathering, threw its resources into the pool of the United States and accepted virtual dependence upon America. Thus Britain became, conceptually and morally, a satellite of the United States. The first humiliating fruits of that status were reaped in 1962 when two things happened. The cancellation of American Skybolt as a replacement^{-ment} for British Blue Streak revealed our dependence and vulnerability in all their nakedness. Almost simultaneously de Gaulle made a monkey of Macmillan by repelling him from the doorstep of the European Community, to which we were asking to be admitted.

The United States has never been satisfied with the untidy independence of its ragbag of military allies in Europe and postulates political unity as the precondition of strategic reliability. Its British satellite had therefore no business to stand aside from absorption into a European political union, to which the twin conceptions of a Britain which had lost an empire and was looking for a role and a Britain dependent henceforward upon American approval would fit snugly. European union and strategic subservience to the United States are the postulates which for the last thirty years Whitehall has imposed with more or less brutality upon successive governments. From that time to this no Foreign Secretary, no Prime Minister even, has dared to deviate, whatever their private predispositions or their party political commitments. The British score is written out for the second fiddle, and anyone looking over the shoulder of the violinist can observe how obediently the score has been played.

Ireland, for example. From 1919 onwards Whitehall had always been set upon bringing an all-Ireland state into existence; but until the 1950's the motivation was British. Britain after the First World War needed, or thought that she needed, a commonwealth of nations. Ireland, Britain's oldest dominion, would not be fitted into that structure except upon condition of ^{a state} embracing the whole island. Nevertheless, though Churchill would have sold Ulster to de Valera in 1939 for common defence against Germany, the reality of Ulster's separateness was always too plain to be ignored or over-

borne. With the great re-assessment of the late 1950's came a fundamental change.

America's purpose was an Ireland in the American alliance: NATO needed Ireland not only to close what strategists called "the yawning gap" but to afford surveillance and defensive facilities vital to command of the Atlantic. Britain was given its orders: get Ulster out of the UK into an all-Ireland state. Britain believed it had no choice but to comply, and Whitehall set to work to find the line of least resistance by organising a gradual and colourably consensual handover. Brookeborough's successor, Terence O'Neill, received his initiation: "Look here, this is what the USA and the UK are going to bring about, whether you like it or not. Are you statesman enough to come quietly?" Even so, O'Neill's gambit with Sean Lemass was suspicious enough to cause his downfall. The next intended statesman, Brian Faulkner by name, was more roughly handled - by then HMG had the Army in Ulster - but he proved compliant enough for the patented model to be erected on the cleared site of the old Stormont parliament and government: a manageable assembly, an executive with republican members as of right, and a Council of Ireland ready to embrace its new partner.

That too was seen through. That too collapsed. The operators decided not to push things so fast again the next time round. In the confused politics of the province the search was now on for somebody who could deliver where O'Neill and Faulkner had failed: Puzzle Find the Traitor was the name of the game. The Northern Ireland Office has groomed a whole line-up of candidates, none of them any good so far. By 1979, when Britain's pro-American party, the Conservatives, returned to power, the United States was becoming impatient. Mrs Thatcher was tipped the black spot; and a timetabled programme was set up entitled "A United Ireland in Ten years". Nineteen-eighty-two saw the assembly in place again, and a taker for the bribe to lead Ulster into a confederal Ireland ^{being} was/desperately but unsuccessfully sought. The bait was tempting but too dangerous as long as the

Ulster Unionist leadership kept incorruptible watch and ward.

The Americans were not amused, especially as the government of the Irish Republic was threatening to disclose and thus undermine the facilities which NATO intelligence and surveillance enjoys in its territory. Things had to be brought to a head; and brought to a head they were in 1985, with an international agreement by which the UK acting under American pressure formally granted the Republic rights within Northern Ireland as an instalment of what one Northern Ireland Office Minister once too candidly described to me as "the re-unification exercise".

So far, so good - there was rubbing of hands and shelling out of dollars after Hillsborough - but still not good enough. The contraption of a devolved set-up in Ulster had been built into the Agreement like the second stage of a rocket; and the hunt for the traitor who would undertake to deliver goes feverishly on. The timetable is slipping again. By spring 1987 there should be a new assembly in existence. By now therefore there ought already to be talks about "political progress", which is the codename of the operation. A note of hysteria is beginning to be heard. John Hume wants talks; the Belfast Telegraph wants talks; bishops and moderators and what not want talks; HM Ambassador in Dublin wants talks.

What a bad moment for the ^{Irish} engine to stall, just when the scales are starting to drop from the eyes of the British public after thirty years and cracks are appearing in the axioms that have held sway so long. American goings-on in Central America were not too savoury perhaps; but after all that is America's backyard, is it not? What sort of show is it however when President Reagan is caught double-crossing his closest allies? What are the stakes for which officials and ministers on this side of the Atlantic as well as the other practise "economy of truth" to their own people? When a Prime Minister frames a member of her own Cabinet and then employs the Cabinet Secretary to wangle her into the clear, what kind of games

are being played in secret under cover of confidentiality and the national interest? The sleeping dog of British opinion has got one eye open and one ear cocked. Presently it will get up, yawn, stretch and set about wondering whether after all, and why, it is so essential for the United Kingdom to comply with every fantasy of the United States that it must perjure itself and betray its own people in the process.

The Anglo-Irish Agreement has taken a knock these last few days. It did not take the knock in Belfast, it did not take the knock in Dublin, it did not take the knock in London. It took the knock in Washington, which is where the Anglo-Irish Agreement was made.



10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

Ack

27 November 1986

I attach a copy of a letter to the Prime Minister from Mr John Cushnahan, Leader of the Alliance Party of Northern Ireland.

6/ | I should be grateful if you could provide a draft reply to Mr. Cushnahan for the Prime Minister's signature, to reach me by Thursday 11 December please.

(Charles Powell)

David Watkins, Esq.,
Northern Ireland Office.

DS



(Booklet sent to Nio -
to be returned)

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

27 November 1986

I enclose a copy of a letter to the Prime Minister from Ian Gow MP about the fanatics of a new Trust, "Friends of the Union". Mr. Gow asks whether the Trustees might call on the Prime Minister.

x I am sure that the Prime Minister will be disposed to see them, although it may not be possible until early January. I should be grateful if you could confirm urgently whether the Northern Ireland Secretary would be content for her to do so.

I am copying this letter and enclosure to the Private Secretaries to the Foreign and Commonwealth Secretary and the Chief Whip.

Charles Powell

Neil Ward, Esq.,
Northern Ireland Office.

Sfd

IAN GOW, T.D., M.P.



R27/11

cc: MA
slip
HOUSE OF COMMONS
WESTMINSTER SW1A 0AA

26th November, 1986

Dear Prime Minister,

Anglo-Irish Agreement

On 4th June, a new Trust, "Friends of the Union", was formed.

The purpose of the Trust is "to increase knowledge and understanding within and without the United Kingdom of the need to maintain the Union of Great Britain and Northern Ireland".

The Trustees are James Moyola, Patrick Macrory (who was Chairman of the Review Body on Local Government in Northern Ireland), Philip Goodhart, John Biggs-Davison and myself.

The Trustees share the Government's purpose of seeking to achieve peace, stability and reconciliation in Northern Ireland.

None of us believes that there is a "solution" to the problems of Northern Ireland; we understand and respect the reasons which led to the signing of the Agreement; however, we believe that the Agreement will prolong and will not diminish Ulster's agony; and that a less dangerous and more hopeful way forward would be to govern Northern Ireland more closely to the way in which the remainder of the Kingdom is governed.

We are dismayed by the refusal of Ulster Unionist M.P.s to play their full part at Westminster; we are concerned, particularly, by the dangers for the Province in these coming months.

I write, on behalf of the Trustees, to ask if you would kindly agree to see us, and to ask if we might bring with us one of our Patrons, David Burnside, who is an Ulsterman, much younger than we are, and who is Director of Public Affairs at British Airways.

In case they are of any help, I am enclosing a Leaflet which describes the work of our Trust, and of an article which I wrote in order to mark the first anniversary of the Agreement.

7 enc. 1/11

The Right Honourable Mrs. Margaret Thatcher, F.R.S., M.P.
Prime Minister,
10 Downing Street,
London SW1

WHERE NEXT IN ULSTER?

by
IAN GOW

A YEAR AGO, THE ANGLO-IRISH AGREEMENT WAS SIGNED AT HILLSBOROUGH. ITS PURPOSE WAS TO BRING "PEACE, STABILITY AND RECONCILIATION". THAT IS A PURPOSE WHICH WE ALL SHARE.

BUT THE RECORD OF THE PAST TWELVE MONTHS SHOWS THAT INSTEAD OF PEACE THERE IS ADDED STRIFE: INSTEAD OF STABILITY, THERE IS GROWING TURMOIL: INSTEAD OF RECONCILIATION, THERE IS INCREASED SECTARIAN SUSPICION AND INTIMIDATION.

THE PEOPLE OF ONE PART OF THE KINGDOM ARE BEING GOVERNED DIFFERENTLY FROM THE REST OF THE KINGDOM, AND WITHOUT THE CONSENT OF THOSE BEING GOVERNED DIFFERENTLY.

ULSTER UNIONISTS HAVE DONE NOTHING TO WIN MORE FRIENDS AT WESTMINSTER OR IN WHITEHALL. BECAUSE OF THE SELF-DEFEATING BOYCOTT OF THE HOUSE OF COMMONS, THE UNIONIST CASE, STRONG THOUGH IT IS, HAS GONE LARGELY BY DEFAULT.

UNIONIST M.P.s SHOULD MARK THE ANNIVERSARY BY RETURNING TO WESTMINSTER. THE HOUSE OF COMMONS SHOULD BE THEIR BATTLE GROUND, RATHER THAN THE STREETS OF BELFAST. THEY SHOULD BECOME THE MOST ACTIVE OF THE PARLIAMENTARY ACTIVISTS, TABELING QUESTIONS TO MINISTERS, SEEKING ADJOURNMENT DEBATES, TALKING TO MEMBERS OF BOTH HOUSES, UNDERLINING THE REALITY OF THEIR PROVINCE AS PART OF ONE KINGDOM, WHILE TAKING EVERY OPPORTUNITY, DAY AFTER DAY, TO SHOW THAT THE QUEEN'S SUBJECTS IN NORTHERN IRELAND DO NOT HAVE EQUAL RIGHTS WITH THE QUEEN'S SUBJECTS IN GREAT BRITAIN.

UNIONISTS SHOULD ARGUE FOR THE SAME PARLIAMENTARY PROCEDURES

FOR ULSTER, AS APPLY TO ENGLAND, SCOTLAND AND WALES. THERE IS AN OVERWHELMING CASE FOR AN END TO ORDERS IN COUNCIL, DEBATED BRIEFLY, AND USUALLY LATE AT NIGHT. IT IS ABSURD THAT AN ULSTER M.P. CAN MOVE AMENDMENTS TO PROPOSED LEGISLATION FOR ENGLAND, BUT SHOULD BE UNABLE TO AMEND AN ORDER IN COUNCIL WHICH CONSTITUTES LEGISLATION FOR NORTHERN IRELAND.

UNIONISTS SHOULD CALL FOR THE IMPLEMENTATION OF THE POLICY SET OUT IN THE 1979 CONSERVATIVE MANIFESTO:-

"IN THE ABSENCE OF DEVOLVED GOVERNMENT WE WILL SEEK TO ESTABLISH ONE OR MORE ELECTED REGIONAL COUNCILS WITH A WIDE RANGE OF POWERS OVER LOCAL SERVICES".

ENGLAND AND WALES HAVE COUNTY COUNCILS; SCOTLAND HAS REGIONAL COUNCILS; ULSTER ALONE IS DENIED THE RIGHT TO ELECT COUNCILLORS TO CARRY OUT FUNCTIONS NOW PERFORMED BY MINISTERS AND NON-ELECTED BOARDS. STORMONT SHOULD BECOME THE HOME FOR ULSTER'S REGIONAL (OR PROVINCIAL) COUNCIL.

MODEST ADDITIONAL POWERS SHOULD BE GIVEN TO THE TWENTY-SIX DISTRICT COUNCILS IN NORTHERN IRELAND, BRINGING THEM CLOSER TO THE STATUS OF DISTRICT COUNCILS IN GREAT BRITAIN.

WE SHOULD CONTINUE TO HAVE A SECRETARY OF STATE FOR NORTHERN IRELAND AS WE HAVE SECRETARIES OF STATE FOR SCOTLAND AND FOR WALES.

WITHIN SUCH A NEW FRAMEWORK FOR THE GOVERNMENT OF THE PROVINCE, CONSTITUTIONAL NATIONALISTS WOULD BE ACKNOWLEDGED AND RESPECTED, AS THEY ARE ACKNOWLEDGED AND RESPECTED IN SCOTLAND AND IN WALES, UNDER A JUST LAW, ADMINISTERED IMPARTIALLY.

THE ANGLO-IRISH AGREEMENT MAY HAVE BROUGHT A TEMPORARY

IMPROVEMENT IN RELATIONS BETWEEN LONDON AND DUBLIN. THAT
IMPROVEMENT WILL BE SHORT-LIVED. THE BRITISH GOVERNMENT HAS
REJECTED THE REQUEST MADE BY DUBLIN FOR THREE JUDGES IN THE
DIPLOCK COURTS. THE IRISH GOVERNMENT ^{15 JANUARY} ~~WILL RESPOND BY REFUSING~~
TO ACCEDE TO THE EUROPEAN CONVENTION ON THE SUPPRESSION OF
TERRORISM, DESPITE DR. FITZGERALD'S COMMITMENT - IN THE JOINT
COMMUNIQUE ISSUED ON 15TH NOVEMBER 1985 "TO ACCEDE AS SOON AS
POSSIBLE".

WHENEVER THE BRITISH GOVERNMENT AGREES TO MAKE CHANGES
IN THE ADMINISTRATION OF THE PROVINCE, THE IRISH GOVERNMENT WILL
HAVE TO HAIL THAT AS A SUCCESS FOR ITS OWN UNCEASING DIPLOMATIC
EFFORTS. THIS WILL CAUSE DEEP RESENTMENT AMONG UNIONISTS.

WHENEVER, AS IN THE CASE OF THE DIPLOCK COURTS, THE
BRITISH GOVERNMENT REFUSES A REQUEST FROM DUBLIN, RELATIONS
BETWEEN THE TWO CAPITALS WILL BECOME STRAINED.

LAST MONTH, SPEAKING AT BODENSTOWN IN THE IRISH REPUBLIC,
MR. CHARLES HAUGHEY SAID:-

"IN THE TWELVE MONTHS THAT HAVE PASSED SINCE THE
AGREEMENT WAS SIGNED THE POSITION OF NATIONALISTS IN
THE NORTH HAS, IN FACT, SERIOUSLY WORSENEED".

LATER IN THE SAME SPEECH HE SAID:-

"THERE EMANATED FROM LAST MONDAY'S ANGLO-IRISH CONFERENCE
THE INCREDIBLE PROPOSAL THAT A DECLARATION OF RIGHTS, IN
THE DRAFTING OF WHICH THE BRITISH GOVERNMENT WOULD TAKE
PART, WOULD BE FORMULATED FOR THIS PART OF IRELAND. IT
IS BEYOND COMPREHENSION THAT AN IRISH GOVERNMENT WOULD
COUNTEenance ANY SUCH UNWARRANTED INTRUSION INTO OUR
AFFAIRS".

IN TIME, MINISTERS IN LONDON AND IN DUBLIN WILL REALISE THAT THE ANGLO-IRISH AGREEMENT CONSTITUTES AN "UNWARRANTED INTRUSION INTO OUR AFFAIRS".

WRITING IN THE TIMES THREE MONTHS AGO, THE CHAIRMAN OF THE NORTHERN IRELAND ECONOMIC COUNCIL, SIR CHARLES CARTER SAID:-

"UNHAPPILY, THE GOVERNMENT'S INITIATIVE IN THE ANGLO-IRISH AGREEMENT, WHATEVER ITS POLITICAL OR FOREIGN POLICY VIRTUES, HAS MADE THINGS MUCH WORSE FOR THE ECONOMY BY INTRODUCING THE NOVEL CONCEPT OF GIVING ANOTHER COUNTRY A RIGHT TO BE CONSULTED ON AFFAIRS INTERNAL TO A PART OF THE UNITED KINGDOM, IT HAS CREATED POLITICAL UNCERTAINTY".

THE BALANCE SHEET, SO FAR AS SECURITY, INTIMIDATION, THE ECONOMY, SECTARIAN DIVISION AND ACCEPTABILITY AFTER THE FIRST TWELVE MONTHS OF THE AGREEMENT ARE ALL ON THE DEBIT SIDE.

THE BRITISH GOVERNMENT SHOULD STRIVE FOR FRIENDLY RELATIONS WITH THE IRISH GOVERNMENT. THOSE RELATIONS WILL BE BETTER, AND THE PEOPLE OF NORTHERN IRELAND WILL HAVE A BETTER PROSPECT OF PEACE, STABILITY AND RECONCILIATION ONCE THE AGREEMENT HAS, BY MUTUAL CONSENT, BEEN BROUGHT TO AN END.



**THE ALLIANCE PARTY
OF
NORTHERN IRELAND**

N10 for report

reply please

Headquarters:

88 UNIVERSITY STREET

BELFAST BT7 1HE

Telephone:

Belfast 324274/5

JC/ER/P.L.

26th November 1986

Rt. Hon. Margaret Thatcher P.M.
10 Downing Street,
LONDON.

Dear Prime Minister,

When I wrote to you in December 1985 ^{part 13} informing you of the Alliance Party's attitude to the Anglo Irish Agreement I did state that our support for the Accord was dependant on a number of provisos, especially -

"reciprocal gestures from the SDLP in order to assist political progress in Northern Ireland".

To date no such gestures have been forthcoming. Despite the fact that the Foreign Affairs Minister of the Republic, Mr. Peter Barry, has called upon Catholics to join the R.U.C. his views were rejected by S.D.L.P. Spokesman Austin Currie. The Deputy Leader of the S.D.L.P. at their Annual Conference this weekend was even more hardline as he called for the resignation of the Chief Constable of the R.U.C.

Today Mr. Mallon continued with his negative approach when he attacked the Dublin Government because they have published a Bill to amend the Extradition Laws in the Republic.

As a result of these comments I have issued a public statement warning that my Party might be forced to reassess its attitude to the Agreement. I have enclosed a full copy of the statement for your perusal.

Yours faithfully,

John Cushnahan
John Cushnahan
PARTY LEADER

c.c. Secretary of State for Northern Ireland

86-11-26 14:20

24270

24270 PALDNC G*

74589 ALLPTY G*

24270 PALDNC G

74589 ALLPTY G

TLX NO:-0771 86-11-26 14:21

EMBARGO 8.00 PM - WEDNESDAY 26TH NOVEMBER 1986

SPEAKING AT A PUBLIC MEETING ORGANISED BY THE DOWN ASSOCIATION OF THE ALLIANCE PARTY TONIGHT (WEDNESDAY 26TH NOVEMBER) ALLIANCE PARTY LEADER JOHN CUSHNAHAN WARNED THAT THE CONTINUATION OF HIS PARTY'S APPROACH TO THE ANGLO IRISH AGREEMENT WAS DEPENDANT UPON THE DUBLIN GOVERNMENT PRESSING AHEAD WITH ITS BILL ON EXTRADITION AND A CHANGE IN THE SDLP'S ATTITUDE TO THE POLICE.

THE DUBLIN GOVERNMENT IS TO BE COMMENDED FOR ITS DECISION TO INTRODUCE A BILL TO AMEND ITS EXTRADITION LAWS AND THE STATEMENT FROM FOREIGN AFFAIRS MINISTER, PETER BARRY, THAT CATHOLICS SHOULD JOIN THE POLICE.

THE POSITIVE APPROACH FROM DUBLIN IS IN MARKED CONTRAST TO THE NEGATIVE AND INTRANSIGENT APPROACH FROM THE SDLP. SEAMUS MALLON HAS ATTACKED THE COALITION GOVERNMENT'S PLANS ON EXTRADITION AND AUSTIN CURRIE HAS SAID THAT THE TIME IS NOT RIGHT FOR CATHOLICS TO JOIN THE POLICE.

WHEN THE ALLIANCE PARTY FORMULATED ITS POLICY ON THE ANGLO IRISH AGREEMENT ONE OF THE CONDITIONS WE ATTACHED TO OUR SUPPORT FOR GIVING THE AGREEMENT A CHANCE TO SEE IF IT WORK WAS THE PROVISIO THAT THERE EQUALLY MUST BE RECIPROCAL GESTURES FROM THE SDLP IN ORDER TO ASSIST POLITICAL PROGRESS IN NORTHERN IRELAND.

ONE YEAR ON AFTER THE AGREEMENT THERE IS LITTLE EVIDENCE THAT THE SDLP HAS DEMONSTRATED ANY GENEROSITY OF SPIRIT WHATSOEVER. ON THE DEVOLUTION FRONT, DESPITE BEING PROMISED, THERE HAS BEEN NO MEETING BETWEEN MYSELF AND JOHN HUME. AND IN A YEAR WHEN THE POLICE HAVE BEEN VILLIFIED AND ATTACKED BY LOYALIST AND REPUBLICAN THUGS FOR IMPARTIALLY ENFORCING THE RULE OF LAW THE SDLP POSITION REMAINS UNCHANGED.

MR CURRIE SAYS THE TIME IS 'NOT RIGHT'. MR MALLON EARLIER SAID THAT HE COULD NOT SEE ANY CHANGE IN THEIR ATTITUDE BEFORE THE END OF THE CENTURY. WHEN IS THE TIME EVER GOING TO BE RIGHT FOR THE SDLP TO CHANGE ITS ATTITUDE. AND TODAY WE HAVE THE DEPUTY LEADER OF THE SDLP ATTACKING THE DUBLIN GOVERNMENT OVER THE PROPOSED 'EXTRADITION BILL'.

THE ALLIANCE PARTY WILL CONTINUE TO SUPPORT THE VIEW THAT THE ANGLO IRISH AGREEMENT SHOULD BE GIVEN TIME AND SUPPORT IN ORDER TO ACHIEVE ITS OBJECTIVES BUT I MUST WARN THAT IF THE DUBLIN GOVERNMENT WERE NOT TO PRESS AHEAD WITH THIS EXTRADITION BILL BECAUSE OF THE SDLP CRITICISM AND IF THE SDLP ARE STILL UNWILLING TO DEMONSTRATE A MORE POSITIVE ATTITUDE TO THE POLICE THEN WE COULD BE FORCED TO REASSESS OUR ATTITUDE TO THE AGREEMENT.

ENDS

74589 ALLPTY G*

24270 PALDNC G

74589 ALLPTY G



PM/86/072

THE PRIME MINISTERNorthern Ireland

1. The Northern Ireland Secretary's minute to you of 19 November gives a very useful assessment of the current situation in Northern Ireland and of the prospects for the coming months.
2. I agree with the general thrust of his minute. Although, as he says, the prospects for political progress in the short term are not encouraging, the Agreement has brought us important benefits in terms of closer cooperation with the Irish Government and a marked reduction in support for Sinn Fein. There would clearly be no mileage in trying to tempt the unionists into talks either with us or the nationalists by suspending the operation of the Agreement. This would, I am sure, simply encourage them in their obduracy. We must stand firm. If you meet the Taoiseach, either during his private visit to London next weekend or in the margins of the European Council, this might provide an opportunity for a reaffirmation of continuing commitment to the Agreement by both Governments.

/3.

Prime Minister
 He just says that the
 Foreign Secretary thinks
 the Anglo-Irish Agreement
 is a Good thing.

CDP
 24/xi

mb



3. I share the hope that, now that the anniversary is passed and everybody can see how little the unionist leadership are achieving by their inflexible opposition to the Agreement, an atmosphere of greater realism may emerge in which a new political initiative might have some prospect of success. But we clearly have not yet reached that point yet.

4. It may be that, as Tom King says, speculation about forthcoming elections will hold the unionists back from entering into any kind of dialogue for the time being. But if they are counting on Mr Haughey to demolish the Agreement, I think they are mistaken. Even if Mr Haughey is returned to power after the next general election in the Republic - and the latest reporting from Dublin (Dublin telegram number 611) suggests that this is by no means a foregone conclusion - I doubt if he would see it as being in his best interests either to tear the Agreement up or to seek its renegotiation. The Agreement is still widely approved of in the South and is popular with most members of the nationalist community in the North. It would therefore be politically risky for any southern politician to take steps to undermine it.

5. I agree that from now on we should seek to play down expectations about specific "results" flowing from the Agreement. The scope for the introduction of major new measures is clearly limited. At the same time it will be important to maintain a sufficient rate of progress to ensure that we do not lose the (admittedly qualified) support of the minority community for our present policies, and to prevent the impression gaining ground in unionist circles that they have succeeded in obstructing the implementation of the Agreement.

CONFIDENTIAL



6. I am copying this minute to other members of OD(I) and Sir Robert Armstrong.

A handwritten signature in dark ink, consisting of a stylized 'G' followed by a series of loops and a final flourish.

(GEOFFREY HOWE)

Foreign and Commonwealth Office

21 November 1986

CONFIDENTIAL

GRS 320

CONFIDENTIAL

CONFIDENTIAL
FM DUBLIN
TO DESKBY 201700Z FCO
TELNO 611
OF 201600Z NOVEMBER 86
INFO IMMEDIATE UKREP BRUSSELS
INFO SAVING EC POSTS (FCO PLEASE PASS)

FAC 24-25 NOVEMBER; REPUBLIC OF IRELAND INTERNAL SCENE

SUMMARY

1. ELECTION FEVER MUCH REDUCED BUT COALITION'S POSITION REMAINS PRECARIOUS. CABINET IMMERSSED IN PREPARATIONS FOR A DIFFICULT JANUARY BUDGET.

DETAIL

2. THE EXPECTATION OF AN IMMINENT ELECTION WHICH MARKED THE EARLY AUTUMN DIED AWAY IN OCTOBER, FOLLOWING A VOTE OF CONFIDENCE WHICH THE GOVERNMENT SURVIVED WITH A MAJORITY OF TWO. ALL THE COALITION'S POTENTIAL REBELS CAME TO HEEL FOR THE OCCASION. CONTINUING THREATS FROM DISCONTENTED COALITION BACKBENCHERS TO WITHHOLD THEIR SUPPORT ARE NOT AT PRESENT A MATTER OF SERIOUS CONCERN TO THE GOVERNMENT, BUT COULD WELL BECOME SO OVER THE BUDGET.

3. THE CABINET IS CURRENTLY DEEPLY ENGAGED IN PREPARATIONS FOR THE BUDGET, DUE TO BE PRESENTED IN JANUARY. MINISTERS ARE TO HOLD A SPECIAL TWO DAY MEETING THIS WEEKEND (22-24 NOVEMBER) TO REVIEW BUDGETARY STRATEGY. THE TAOISEACH BELIEVES LABOUR MINISTERS WILL SUPPORT DRASTIC RETRENCHMENT IN EXPENDITURE SUFFICIENT TO OVERCOME IMMEDIATE IRISH ECONOMIC DIFFICULTIES (OUR TELNO 599). THE LABOUR PARTY LEADER IS HEDGING HIS BETS (OUR TELNO 576). EVEN IF LABOUR MINISTERS DO F

ALL INTO LINE, IT WILL TAKE CLEVER MANAGEMENT TO GET AN UNPOPULAR BUDGET THROUGH THE DAIL IN ELECTION YEAR. FINE GAEL BACKBENCHERS SPECULATE THAT THE GOVERNMENT MIGHT PREFER TO CALL AN ELECTION AFTER THE BUDGET ESTIMATES ARE PUBLISHED (DURING THE CHRISTMAS RECESS). THE IDEA WOULD BE TO ATTEMPT TO FORCE THE OTHER POLITICAL PARTIES TO DECLARE THEIR OWN BUDGET INTENTIONS, RATHER THAN RISK AGAIN FACING THE ELECTORATE AFTER A DEFEAT ON A BUDGET VOTE. ON THE OTHER HAND, IF THE COALITION MANAGE TO GET THE BUDGET THROUGH, THEN THE GOVERNMENT COULD SURVIVE INTO THE SUMMER OF 1987.

CONFIDENTIAL

CONFIDENTIAL

4. MEANWHILE THE LATEST OPINION POLL SHOWS FIANNA FAIL'S LEAD NARROWING; A NEW FINE GAEI-PROGRESSIVE DEMOCRAT COALITION NOW APPEARS A POSSIBILITY, ALTHOUGH NOT A STRONG ONE . THIS CHANCE OF RENEWED OFFICE MAY SERVE TO STIFFEN DR FITZGERALD AND HIS CABINET IN DEFENCE OF IRISH INTERESTS BOTH IN THE EC AND IN ANGLO-IRISH DEALINGS. THEY WILL BE HOPING FOR SOME SUCCESSES BEFORE AN ELECTION CAMPAIGN.

STIMSON

YYYY

DLLNAN 1687

NORTHERN IRELAND

LIMITED

RID
NAD
INFO D
NEWS D
PUSD
R D
PLANNING STAFF

NTD
LEGAL ADVISERS

PS
PS/LADY YOUNG
PS/MR EGGAR
PS/PUS
MR GOODALL
MR BARRINGTON
MR HOUSTON
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IRELAND Relations: Pt 16



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cc/ps
②



Prime Minister

PRIME MINISTER

ms

Mr. King's assessment of the prospects after one year of the Anglo-Irish Agreement. We have got through in better shape than seemed likely.

NORTHERN IRELAND

With the first Anniversary of the Anglo-Irish Agreement now behind us, I am sending you my assessment of the present situation in Northern Ireland and of the way things may develop in the coming months.

CCP
19/11

2. The Anniversary weekend itself passed with less trouble than I had feared, due in large measure to the skilful work of the police, supported by the Army. On Friday evening a series of protest demonstrations were held across the Province, with the main ones at Hillsborough and Londonderry. These were in the main orderly events. On Saturday there was a rally in the centre of Belfast which attracted a very large crowd - probably larger than last year. The fine weather and intimidation against alternative sporting attractions (ie rugger and football matches cancelled) undoubtedly helped increase the crowd. Molyneux and Paisley addressed the rally, denouncing the Agreement and proposing intensified opposition, although nothing really new.

3. The main part of the crowd was orderly, but violence occurred on

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the fringes when a small hooligan element started looting shops and attacking the police, who were forced to use baton rounds. There were isolated incidents on Saturday night, but the arrival of the rain at 6.00 pm undoubtedly helped keep things quiet. There is no evidence that violence over the weekend was being organised by the loyalist paramilitaries; and although there was a small protest march by industrial workers at lunchtime on Friday, the expected action in the power stations did not occur.

4. Looking ahead, we must expect a continuation of the unionist campaign against the Agreement, probably with further attempts to make the government of the Province more difficult by disrupting the work of District Councils and Health and Education Boards and by withholding taxes. More demonstrations are planned during the coming week, with the inevitable accompanying risk of violence. The new Ulster Resistance Movement, which Paisley and Robinson have had a leading hand in forming, is as yet something of an unknown quantity. It has obviously raised expectations of some more vigorous action in the more extreme loyalist circles. At the same time it may take away some role from the Ulster Clubs and possibly the UDA. Previous formations of this kind have tended to fade away without great violence, but there is clearly the risk that this could become more serious and the RUC are watching closely. In any case, on a less organised basis there are likely to be continuing sporadic attacks by loyalists against Catholics, with the risk of retaliation.

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5. On the security front the main threat continues to be posed by PIRA (and to a lesser extent INLA). The high level of terrorist activity of the past year seems likely to continue. Although the statistics in terms of death from terrorist attacks remain far lower than in the 1970s, the downward trend of the early 1980s has flattened out. 1986 will be slightly worse than 1985; and we have been saved from much more serious results by the skilful efforts of the security forces. PIRA is a determined, experienced and effective organisation. The recent campaign of mortar attacks against RUC stations, linked to intimidation against those who might repair them and indeed all who support "the British war machine", has posed new and difficult problems to which we are developing some rather unorthodox responses. This particular PIRA campaign has been an effective one, but elsewhere their operations in Belfast have been in some disarray, and our new border posts in South Armagh, together with the recent successes by the Garda in capturing mortars, have posed further problems for them. I wonder myself whether there cannot be some frustration amongst the IRA leadership that after all these years they have made so little progress, in terms of undermining the morale of the police or the Army, or the civilian population, or the British Government: now moreover they see the international scene turning much more against them with the increased focus on terrorism as an international evil and with the

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Irish Government becoming increasingly hostile as well. This growing international support for our efforts is indicated both by the arms smuggling arrests in Boston, Amsterdam and Le Havre as well as Sligo and Roscommon and the successful extraditions from USA and Holland as well as the Republic of Ireland.

6. I think that the recent and most significant decision to change the long standing policy of Sinn Fein and to take their seats, if they are elected, in the Dail, marks a real recognition that they need "a second front". Adams in his Sinn Fein conference speech stated that it was not the forthcoming election but the one after that in which they would hope to have some success. However there is good reason to believe that this was intended to reduce expectations, and that in fact they are gearing up for a major effort in a number of constituencies. I expect them to fight those constituencies not on traditional Republican issues, but much more on Marxist lines, with social issues like unemployment/Right to Work, better housing, higher social benefits, elimination of poverty, on all of which the present state of the Irish economy offers some fertile ground.

7. The Agreement has provided a framework for improved security co-operation with the Republic; we are gradually getting a better understanding of what is really needed to get the results we want, but there is undoubtedly still some hesitation by the Commissioner

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of the Garda, and even if the necessary resources are forthcoming it will take some time to train Garda personnel in sophisticated techniques of intelligence gathering and surveillance. Meanwhile, the opposition of the unionist majority has created substantial new public order problems in the past year to add to the terrorist campaign. As a result, the security forces are tightly stretched.

8. On the political front, opposition to the Agreement among the majority community - to whom any involvement by Dublin in the affairs of Northern Ireland is anathema - remains deep and widespread and shows no sign of diminishing. The UUP and DUP are tending to move apart in tactics and are united only in opposition to the Agreement and in refusing to deal constructively with government, whether at Westminster, in the District Councils, or in private talks. Molyneaux (whose UUP remains deeply divided over whether to support integration or devolution) is strongly opposed to violence but seems to have little to offer beyond waiting for a General Election at Westminster in the hope of a hung Parliament which may give him some political leverage. The intentions of Paisley's DUP, which maintains links with loyalist extremism, as represented by the paramilitary organisations, the Ulster Clubs and now the Ulster Resistance, are unclear, except for a determination to bring down the Agreement.

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9. On the other side of the sectarian divide, the Agreement has given confidence to many in the SDLP in facing up to Sinn Fein, though others are disappointed that there have not been more changes, as in the administration of justice. Hume, while supporting the Agreement, is unlikely to make serious overtures to the unionists until he is confident that there is a prospect of a positive response. I find his attitude disappointing - in particular his failure to express unqualified support for the RUC, who since the Agreement have demonstrated to the nationalist community their readiness to act in an even-handed way (and have suffered for it at the hands of loyalist extremists). As for the moderate Alliance party, it has once again been severely squeezed as politics have become more polarised.

10. In this situation, the opportunities for political progress are not encouraging; but one thing is clear. We must stand firm in our support for the Agreement and not contemplate suspending it in order to tempt the unionists into re-opening dialogue with us or with the nationalists. Any weakening on this would encourage intransigence among those who believe that "one more heave" will destroy the Agreement. I am seeking to shift the focus away from specific "results" flowing from the Agreement, and present it more as one of the influences on decision making in Northern Ireland, enabling us to take account of minority views alongside those of the majority.

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But we are also continuing to emphasise the benefits that flow from a more reassured minority community, less ready to tolerate the IRA; to hammer away at the message that unionist interests are not endangered; and to stress the contribution that the Agreement can make in the gradual process of improving cross-border security co-operation. In so doing we are trying to persuade the people of Northern Ireland to be less preoccupied with the past and to look more to the future.

11. So far, the unionist attempts to undermine the Agreement have met with little success; and are attracting growing criticism among the more sensible elements. Religious and business leaders are starting to discuss how the present 'dead-end' policies can change and how a proper dialogue with HMG can start again. This is not going to be easy to achieve, but I am anxious to promote it, and there is undoubtedly a much more friendly atmosphere in many non-political circles than there was some months ago. There is however, not yet any real evidence that the unionists are interested in making the compromises over minority participation that will be essential if we are to find a way of establishing devolved government on a basis acceptable to both communities.

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12. I shall continue to probe unionist attitudes and I shall also keep up the pressure on the SDLP for a more positive response to the Agreement. A genuine, formal offer to talk constructively with the unionists about political development could be an important contribution. But there is little point in such an offer when it is certain to be rejected; timing will be of the essence.

13. Now that the anniversary is past and everybody can see how futile and how dangerous the tactics of opposition have become, there could be a chance for a new initiative for talks. But I judge this will not be for a few months and the speculation about elections in the Republic and at Westminster is a further disincentive to talks. We shall, of course, need to review the situation in the light of an early election in the Republic, especially if it brings Haughey to power. Even if he did not seek to renegotiate the Agreement, as he has threatened, he would at least want to implement it in a different way.

14. The Agreement has delivered a profound shock to the political system in Northern Ireland. It undoubtedly had a favourable impact on nationalist opinion but to many Unionists it has brought to the surface the basic tension within Unionism between an Ulster and a British identity, and it is this tension that is making difficult the prospect of constructive discussion between the parties. It has improved our relations with the Republic of Ireland and brought us

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benefits internationally, especially in the USA. In this initial period there has undoubtedly been an increase in tension between the communities but I believe that any new initiative is likely to have a rough start.

15. The Anglo-Irish Agreement which we entered into in the interests of both communities remains central to our policy. We must demonstrate that we will not be deterred by unionist threats from implementing it firmly and yet sensitively. The lack of political progress coupled with the continuing terrorist campaign obviously does not help the economic situation, with the continuing deterioration in unemployment. In the absence of progress towards devolution, we shall carry on with our own measures such as the Public Order Order and Emergency Provisions Bill, continuing to consult as widely as we can and demonstrating our concern to provide fair and firm Government under direct rule. We shall at the same time keep emphasising our willingness to sit down and talk with any of the parties about the possible ways to resolve the present difficulties.

16. I am copying this minute to other members of OD(I) and to Sir Robert Armstrong.

TK

19 November 1986

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CSFC



NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

S W Boys Smith Esq
Private Secretary to the
Secretary of State for the
Home Department
Queen Anne's Gate
LONDON
SW1

14th November 1986

Dear Stephen,

ANGLO-IRISH AGREEMENT - 1ST ANNIVERSARY

Saturday marks the first anniversary of the signing of the Anglo-Irish Agreement. Demonstrations of various sorts are planned in Northern Ireland; there will probably also be much interest, for a day or two, in the media. Ministers may find they have to speak or, conceivably, write about the subject. I am attaching three briefs against these possibilities:

- a) a short summary of lines to take;
- b) a wider ranging compendium for speaking use; and
- c) a "quarry" for written use.

Further background briefing is available should anyone wish.

I am copying this to Private Secretaries, to members of the Cabinet and other Ministers in charge of Departments, and to Sir Robert Armstrong.

Yours ever,
Nerd Ward

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THE ANGLO-IRISH AGREEMENT

LINES TO TAKE: "BULLETS"

Ulster can not say no to everything

Agreement approved by an overwhelming majority in Parliament. The majority in Northern Ireland have their guarantee, reaffirmed in the Agreement, that Northern Ireland remains part of the UK while most there so wish. Opponents of Agreement must show how they would better eradicate terrorism, end estrangement of minority, build a just, stable, prosperous Northern Ireland.

Agreement offers a fair balance

For Unionists, the first affirmation by an Irish Government binding in international law that Northern Ireland's constitutional status will not change unless a majority so wish. For Nationalists, reassurance that their rights will be protected, interests taken into account; should their viewpoint become the majority one in the future of Northern Ireland, it would be respected. For all, a new degree of cooperation against terrorism. Year since Agreement has seen many measures - British Government ones, the Conference makes no decisions - of particular benefit to Nationalists - proposals on employment equality, voting rights, administration of justice, etc.

Agreement rejected before it was seen

Many opponents of the Agreement came to it with a closed mind, and cries of "betrayal", "Dublin rule", etc ready prepared. They misrepresent the Agreement entirely. Urge everyone to look at its terms: affirmation of NI's status, decision - making solely for HMG, enhanced security cooperation; as well as reassurance to Nationalists that views represented, measures to develop confidence in administration of justice and the police.

Unionist fears have not materialised

Whatever extremists say, ordinary people in Northern Ireland realise the Agreement is not precipitating them into a United Ireland; disagreements with Irish show there is no joint rule. RUC, manifestly, remains even-handed, professional, answerable to law.

Recourse to violence must be resisted

We have not been and shall not be deflected by violence from either side. Nothing more damaging to support in GB for Union than violence by so-called Loyalists. Hampers RUC. Besmirches Northern Ireland's reputation, and economic prospects, abroad.

E.R.

Must be talks

Prime Minister offered round table talks with parties in Northern Ireland in February on possibility of devolved government. That offer stands. We should operate the Agreement sensitively in that context; talks could take place in intervals between conference meetings. No question of suspending a binding international Agreement. Absurd for Unionists to claim lack of consultation and local democracy when boycotting Parliament.

ANGLO-IRISH AGREEMENT - LINES TO TAKE FOR SPEAKING USE1. General

Agreement offers the opportunity for a new relationship between the UK and the ROI in which we can cooperate together as friendly neighbours (eg on security) and recognise the obvious interest that the Irish Government has in Northern Ireland, in the interests of the nationalist community. It offers a framework for what in the past has been a range of informal representations but now can be put on a more systematic basis, which does not undermine the right of the majority in their membership of the United Kingdom.

2. Why the Agreement?

Previous attempts to secure devolution, and to find ways of reflecting peacefully the aspirations of both the majority and the minority have failed. The Agreement represents an alternative approach to securing these objectives, and making further inroads into terrorism. The Agreement cannot solve all Northern Ireland's problems. But it offers a way of tackling difficulties which many have previously thought intractable.

3. Effects of Agreement

The Agreement seeks to offer reassurance to both communities in Northern Ireland:

- (a) it provides a clear, and legally binding commitment on both present and future UK and Irish Governments that the status of Northern Ireland will continue to be subject to majority decision in Northern Ireland.

It also recognises that a majority at present do not want a united Ireland. The constitutional future of Northern Ireland is based firmly on consent. This ought to reassure unionists;

- (b) it reassures nationalists that their rights will be protected; their interests will be taken fully into account when we take decisions; and, should their viewpoint become a majority in Northern Ireland their democratically expressed wish would also be respected.

NB. A less estranged minority is not only good in itself, but also a plus for unionists - for example, it will make the defeat of terrorism that much easier. In any case 40% of the population cannot be ignored!

4. Successes of Agreement

Although the Agreement may have made little difference to the lives of ordinary people, the Conference provides machinery within which we can continue to make progress towards resolving Northern Ireland's problems. Progress so far includes:

- (a) Security. Garda/RUC relationships cordial and cooperative at all levels. Progress in implementing Garda/RUC reports on exchange of information and liaison structures (further reports are in hand - such steady improvement in coordination, which takes time, is the only realistic way of defeating cross border terrorism); the Irish have signed the European Convention on the Suppression of Terrorism (ending the political exception for some terrorist crimes); we hope they will ratify soon.

NB. Wrong to expect too much, too soon. Terrorism long standing problem. It took years to bring RUC up to its

present size and professionalism. Must also not overlook Garda successes in the Republic (eg machine gun components found in the post in Dublin in August; three finds of rifles and mortar components in border counties in early September):

(b) Measures of Special Interest to Nationalists.

The very existence of the Agreement recognises and respects their different identity and aspirations. They now have greater confidence that their views will be respected, and they have also benefitted by growing confidence in the impartiality of the RUC, particularly during the later marching season.

NB. We are draining the sea from the terrorist fish.

5. Other Successes

The Conference does not take decisions; there is no series of decisions stemming from its discussions. But nationalists in particular also stand to benefit from various developments this year:

- (a) Employment Equality Consultation Paper. Published in September. Widely welcomed as an important step forward. We shall want to move rapidly when we have public views;
- (b) International Fund. Ought to be welcome to all; a magnificent token of international goodwill for the Agreement (USA, Canada, New Zealand contributors);
- (c) Irish Language. Considering the way forward on dual language street names, financing Irish language cultural activities; finding out number of Irish speakers;

E.R.

- (d) Voting rights. Order made giving votes at any future Assembly elections to 'I' voters (certain Irish citizens who are not also British citizens, who can already vote for Parliament). Parallel changes in local government franchise await a Bill.
- (e) Human Rights. Exploring with the Irish further initiatives to underline our commitments.
- (f) Divis Flats, Belfast/Rossville Flats, Londonderry. Agreed the Housing Executive plans for gradual demolition. (These are large complexes, unpopular with many of their (nationalist) residents).
- (g) Administration of Justice. Some improvements already made (eg Attorney General has a wider discretion to direct trials to be held before a jury rather than a "Diplock" court; measures introduced to reduce interval between committal and trial; the Northern Ireland (Emergency Provisions) Act (Amendment) Bill this Session will include a number of further improvements. [Only if pressed on 3 judge courts (which press stories have alleged the Irish proposed, and HMG refused). Cannot comment on press speculation; attach great importance to strengthening confidence in administration of justice; but explained to Irish procedural and administrative difficulties inherent in 3 judge courts of first instance.]
- (h) Public Order. (Only if pressed) Considering a review of public order law in Northern Ireland, in this context, whether the Flags and Emblems Act should be repealed. (The Act, which has no parallel in GB, is disliked by nationalists, some of whom believe, wrongly, that it makes flying the Irish tricolour illegal).

In addition proposals have been published - not consequential on the Agreement since work was in hand before signing - to strengthen arrangements for dealing with complaints against the police, to include a new independent complaints body. Legislation is to be introduced shortly, and has received widespread support.

E.R.

6. The Unionist Reaction

Much of unionist reaction exaggerated and based on misconceptions eg the Agreement is not joint authority - HMG continues to take the decisions in Northern Ireland; no loss of sovereignty; no damage whatsoever to unionist interests. Must get away from attitude that what benefits one community necessarily harms the other.

Violent so-called Loyalist opposition deplorable; hampers RUC in fighting terrorism; damages the Union; besmirches Northern Ireland's reputation - and economic prospects - abroad.

Those opposing the Agreement must demonstrate how they would better eradicate terrorism, end 'alienation' of minority, and build a just, stable, democratic and prosperous Northern Ireland.

Unionists cannot go on saying "no"; we continue to hope that we can get talks started once again. (Absurd to complain of lack of consultation and local democracy when boycotting Parliament!).

7. Re - Negotiation

We have no proposals to review or re-negotiate the Agreement. Article 1 (which ensures Northern Ireland will remain part of the UK so long as the majority wish) is not open for review in any case.

Lines to Take on the Agreement - For correspondenceWhy the Agreement?

- a) The Agreement is specifically tailored to the complex set of factors that make up the Northern Ireland problem. It is directed to the divisions in the community; it aims to give reassurance to both sides in respect of their fundamental and historic hopes and fears. It recognises the unique relationship between the United Kingdom and the Republic of Ireland. It is set against the background of repeated attempts in Northern Ireland over the last thirteen years to bring about a devolved government acceptable throughout the community; that objective remains, and the scope of the Agreement would contract so far as devolved government were established.
- b) It was right to sign the Agreement because it is the most practicable way of making progress towards the objective of greater peace and stability; because so far its results have been encouraging; and because its approach to the problems of Northern Ireland is based on that respect for the identity of each citizen which is at the heart of democracy.
- c) The Agreement cannot of course be judged in isolation from the situation in Northern. Since middle '70's considerable progress has been made in security. Security forces have become much more professional. As a result Belfast is a much more normal city. Deaths from terrorism have substantially reduced. But we have not yet won. The IRA in particular remains a terrorist group capable of inflicting damage on our society. It continues to be powerful not least because there are considerable numbers in the nationalist community who are estranged from Northern Ireland's institutions. They do not accept and do not co-operate with the security forces, they remain suspicious of the courts and they consider violence legitimate. We of course deplore this but it is true. Unless their attitudes can be changed the IRA are likely to continue to find fertile recruiting grounds.

- d) The IRA also use the Border. Security co-operation with the Republic has been good, particularly after incidents. No one can doubt the bravery and dedication of the Garda. But we need further to improve co-ordination to prevent terrorist operations and to stop the use of the Republic as a logistical base. The arms finds in Sligo, Roscommon and Cavan earlier this year and more recently in Dublin show how important this is.

- e) There is also a pressing need to bring together the two communities at all levels. This process, which we hope will lead to a local administration acceptable to both parts of community, will only be fully realized if both communities feel they have a stake in Northern Ireland and that their interests and their security are safeguarded.

How the Agreement tackles the problems

- a) The Agreement provides a framework for developing closer security co-ordination through the Intergovernmental Conference.

- b) It contains a commitment on the part of the Government that it will recognise and respect the identity of the minority community. This has in fact been the policy of successive governments. But there is now a formal mechanism for listening to the views of the nationalist community put by the Irish Government.

- c) Greater recognition of the Nationalist identity will make it easier for the two communities to accept one another. As long as Northern Ireland is seen to have a wholly British ethos many nationalists find it difficult to accept its existence.

But if Nationalists can have greater confidence in their identity and accept the institutions of Northern Ireland, and if Unionists accept their identity, reconciliation should be easier.

- d) The Agreement also gives greater security to the Unionist tradition. It contains a commitment in international law, which means it binds future governments of both states, that there could only be a united Ireland if a majority voted for it. This formal acceptance by the Republic of this principle ought to serve to reassure Unionists that no party will force them into a united Ireland against their will. As Garret Fitzgerald recently pointed out, it is paradoxical that Unionists should fear they are being forced into a united Ireland when Northern Ireland's position in the United Kingdom is being strengthened.
- e) The Agreement therefore is aimed precisely at the needs of Northern Ireland situation. It also has the support of the people of Great Britain and the Republic of Ireland and our friends around the world. It stems from the policies of successive Governments. It is the right way to tackle the problems of Northern Ireland.

What the Agreement is not

- a) The Agreement has none of the malign purposes attributed to it by some in the Province. It provides for the Government to listen to views and proposals from the Irish Government; but the Intergovernmental Conference, which is the mechanism for doing this, is not and cannot be a decision-making body. It has in no way changed the system of government in Northern Ireland. Decisions which govern life in Northern Ireland will continue to be taken by the United Kingdom Government and by

it alone. Ministers, moreover, remain fully accountable to Parliament, which includes democratically elected representatives of Northern Ireland.

- b) Central Government, whether in London, or the other capitals within the United Kingdom, Edinburgh, Cardiff or Belfast, continually receives representations from other Governments on matters of mutual interest. What differs about the machinery of the Conference is that it represents a more structured system which is designed to reassure members of the minority community that their views and interests are being effectively represented so that they may be encouraged to identify more closely with the institutions of Northern Ireland, and also to help prevent the kind of misunderstandings between ourselves and the Republic that have from time to time impaired our relationship in the past.

Has the Agreement failed?

- a) It is argued that the Agreement has failed to achieve some of its declared objectives and that it is creating a feeling of insecurity which prevents the normalisation of community relations throughout the Province. It would be fair to point out that, prior to the signing of the Agreement, community relations were never good. However the Government has never pretended that the Anglo-Irish Agreement would bring instant results; self confidence and mutual trust simply cannot be built like that. But the strategy behind the Agreement remains sound.

E.R.

- b) Unless, we can achieve, as we are beginning to, better co-ordination of cross-border security with the Irish authorities, there is no prospect of solving security problems.
- c) Unless a greater part the Nationalist community comes to feel at home with Northern Ireland's institutions, the task of eradicating terrorism will be all the more difficult. To achieve this, it is necessary that that community should confidently believe that its legitimate views are being expressed to Government and that Government is giving them due consideration before making decisions which affect everyone in the Province. The Nationalist community believed that prior to the setting up of the Conference its views were not being expressed with sufficient clarity and coherence. By trying to change this, the Agreement paves the way to greater acceptance of Northern Ireland's institutions by everyone in the Province. Moreover, and it cannot be said often enough, there is nothing in the Agreement that legitimately can cause alarm to members of either of the two traditions who comprise our Province.

Developments since the Agreement.

- a) No one expected that long-standing problems in Northern Ireland would be solved overnight by signing an Agreement. Its provisions have to be made to work; and they must have time to work. But I am encouraged by our progress so far.

- b) The Intergovernmental Conference is already beginning to prove its worth as a stimulus to progress:
 - i) joint report on liaison arrangements agreed between the Chief Constable and the Garda Commissioner and being implemented

 - ii) the signing by the Irish of the European Convention on the Suppression of Terrorism, which we hope will be ratified shortly

- c) There is a long way to go. Effectiveness cannot be achieved instantly. But there is no other way of denying the Border to terrorists. If we fail the only beneficiaries will be the terrorists, and other enemies of toleration.

- d) As for the minority, over the last year, in the face of tremendous opposition, we have persisted in doing things we believed to be right, and the balance sheet of measures of particular interest to the minority is very positive. Examples include: ending the 'I' voters anomaly; Employment equality proposals; developments on the Irish language; proposals to reform police complaints procedures; and perhaps as important as anything the general reassurance of their equality of status that the signature and implementation of the Agreement have brought.

- e) We have also capitalised on international support for our policies - and the Agreement - to achieve:
- a) the International Fund - a symbolic but also tangible benefit for everyone in Northern Ireland;
 - b) the UK/US Supplementary Extradition Treaty. Not only valuable if fight against terrorism, but also demonstrates the indissoluble links between our security and wider social policies: each underpin the other.

Reaction of the Unionists

- a) It may be argued that Unionist reaction to the Agreement has been so extreme that, whatever the aims and merits of the Agreement, it should be abandoned or soft-pedalled in some way.
- b) Obviously the Unionist rejection has been strong. It has been accompanied by renewed sectarian tension and violence which is to be deplored. There are in fact two powerful currents in Unionism. The first is the wholly reputable desire to remain in the United Kingdom. To those of this tradition we must say your rejection of the Agreement is fundamentally misconceived because:
- i) the Agreement confirms Northern Ireland's position within the UK;
 - ii) it does not diminish UK sovereignty over Northern Ireland; and
 - iii) it offers Unionists opportunities for improved security and the opportunity to restore devolved government in Northern Ireland

F.R.

- iv) it offers the advantage of a co-operative minority community ready to work with them for the greater good of Northern Ireland.

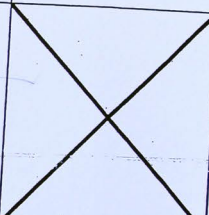
- v) but Unionists must recognise that peace and stability ultimately depend on there being some recognition of the Irish dimension which Nationalists seek.

- c) But there is another darker current in Unionism. The belief that the other part of the community should not make any progress because a gain for one must be a loss to the other; a belief which some extremists think legitimises random violence.

- d) We cannot accept that advances in (for example) greater employment equality can do other than benefit Northern Ireland. Nor could we accept that it would ever be right for any Government to abandon such measures. To do so would be to say that some people must be second class citizens, with all the consequent evils.



A The National Archives

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Instructions for completion of Dummy Card

Use black or blue pen to complete form.

Use the card for one piece or for each extract removed from a different place within a piece.

Enter the department and series,
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~~Mr. Addison~~ to
see
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13/11

PRIME MINISTER

NORTHERN IRELAND

The first anniversary of the signing of the Anglo-Irish Agreement will take place while you are in the USA. Although Mr Molyneux and Dr Paisley have called for the loyalist demonstration at Hillsborough on the evening of 14 November and the protest rally in Belfast on 15 November to be peaceful, there is an obvious risk of violence, which could be exacerbated by terrorist or paramilitary attacks.

2. I understand that after your meeting with President Reagan on Saturday you are to give a short press conference at 3.15 pm Washington time (or 8.15 pm GMT). Because of the timing of this conference you may well get questions about the Agreement, especially if there has been trouble on 14/15 November, and what you say will of course be quickly noted in Northern Ireland. Briefing material for your meeting with President Reagan has already been provided, but for the press conference it may be helpful to have in mind the points in the attached note. Arrangements are being made to send you a report on developments on 14/15 November before you see the press.

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~~Mr. Addison~~ to
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NORTHERN IRELAND

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3. I will let you have next week a full report on the weekend's events and an assessment of the situation in Northern Ireland.

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

A handwritten signature in blue ink, appearing to be "D. King".

TK

13 November 1986

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JLD

R.

PRESS LINE ON ANGLO-IRISH AGREEMENT

- We remain firmly committed to the Agreement. It offers a fair balance.
- We will resist the use of violence from whatever quarter it comes.
- Various measures have been announced this year (eg consultative document on employment equality, reform of police complaints, extension of franchise in local elections) which should benefit nationalists in particular. They have also seen that the police force will impartially protect both communities.
- Grateful to the US for resources for the International Fund, which is being set up. Cannot yet say how money will be spent - that is for the independent Board. This is a much more constructive use of US money than donations to NORAID, which only serve to increase suffering in Northern Ireland.
- Grateful for US support in our common fight against terrorism which has born fruit in the US/UK Supplementary Extradition Treaty (to be ratified shortly).
- Unionists fear the Agreement means that their rights will be disregarded. This is quite wrong. UK and Government of Republic jointly affirm principles of consent and the rights of the majority. Anxious to discuss with Unionists their concerns and see ways in which the future administration of the Province can operate on a basis fair to both communities.

PRESS LINE ON ANGLA-IRISH AGREEMENT



- He remain firmly committed to the agreement. It is his policy to ensure that the agreement is fully implemented.
- We will resist the use of violence from whatever source.
- Various proposals have been announced this year for a comprehensive document on employment equality, reform of police constabulary, extension of franchise in local elections which would benefit nationalists in particular. They have also seen that the police forces will impartially protect both communities.
- Grateful to the US for resources for the International Fund, which is being set up. Cannot yet say how much will be spent there for the independent board. This is a much more constructive use of US money than donations to NGOs, which only serve to finance violence in Northern Ireland.
- Grateful for US support in our common fight against terrorism which has been vital in the B&IUN Supplementary Provision Treaty for an earlier shortly.
- Ministers take the agreement as a sign that their fight will be successful. It is their hope that the agreement will be a landmark in the history of relations between the two states. Ministers will continue their concerns and the ways in which the future administration of the Province can operate on a basis fair to both communities.

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 FM DUBLIN
 TO IMMEDIATE FCO
 TELNO 577
 OF 071200Z NOVEMBER 86
 INFO IMMEDIATE NIO(B)

*File
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ANGLO-IRISH AGREEMENT

SUMMARY

1. O'TUAITHAIL WENT OVER THE WHOLE GROUND WITH ME ON 6 NOVEMBER. THE IRISH AUTHORITIES CLEARLY FEEL DEPRESSED AT WHAT THEY SEE AS A LACK OF MOVEMENT FROM THE BRITISH SIDE.

DETAIL

2. O'TUAITHAIL TOLD ME THAT THE VERY FULL ACCOUNTS IN THE IRISH TIMES THIS WEEK OF EXCHANGES BETWEEN THE TWO GOVERNMENTS OVER THE ADMINISTRATION OF JUSTICE IN NORTHERN IRELAND HAD CAUSED PARTICULAR DIFFICULTY HERE (THE PRESS OF 7 NOVEMBER REPORTS THAT MR HAUGHEY IS TO QUESTION THE TAOISEACH ABOUT HIS CORRESPONDENCE WITH THE PRIME MINISTER IN THE DAIL NEXT WEEK). O'TUAITHAIL SAID THAT THE IRISH GOVERNMENT HAD MADE NO STATEMENT AS YET AND WOULD NOT DO SO UNLESS THEY WERE OBLIGED TO ANSWER PARLIAMENTARY QUESTIONS. HE TOLD ME THAT LILLIS WAS ACTIVE IN LONDON PRESSING BRITISH MINISTERS FOR MATERIAL WHICH WOULD ASSIST THE GOVERNMENT IN ITS AIM OF PROMOTING THE RATIFICATION OF THE EUROPEAN CONVENTION ON THE SUPPRESSION OF TERRORISM. HE BELIEVED THAT THE GENERAL FEELING IN THE IRISH CABINET WAS VERY MUCH IN FAVOUR OF PURSUING THIS BUT NO DECISION HAD BEEN TAKEN. I TOLD HIM THAT MR SPRING HAD BEEN QUITE FIRM ON THIS TOPIC (MY TELNO 576). O'TUAITHAIL SAID HE DID NOT WANT TO BE PESSIMISTIC ABOUT THE POSSIBILITY THAT BRITISH MINISTERS WOULD PROVIDE THE IRISH GOVERNMENT WITH THE AMMUNITION THEY NEEDED TO USE IN A DAIL DEBATE.

3. MORE GENERALLY HE SAID THEY WERE ANXIOUS TO GET MOMENTUM INTO THE IMPLEMENTATION OF THE AGREEMENT. THEY WERE UNDER ATTACK FROM MR HAUGHEY ON THE GROUNDS THAT THE IMPLEMENTATION OF THE AGREEMENT WAS UNBALANCED AND THAT THERE WAS EMPHASIS ON SECURITY COOPERATION BUT ON NOTHING ELSE. IN FACT HE FELT THAT THE MEETING ON 30 OCTOBER HAD GONE WELL. BUT IT WAS TRUE THAT VARIOUS MEASURES WHICH THE IRISH HAD EXPECTED TO BE IMPLEMENTED THIS AUTUMN HAD NOT BEEN FORTHCOMING FROM THE BRITISH SIDE. THE MOVE ON 'I' VOTERS WAS OF LIMITED SIGNIFICANCE. THEY WOULD ALSO LIKE TO SEE PROGRESS ON FLAGS AND EMBLEMS, STREET NAMES AND THE ABOLITION OF THE EXCLUSIVE USE OF ENGLISH IN THE LOCAL GOVERNMENT ACT. ABOVE ALL THEY WERE LOOKING FOR THE INTRODUCTION OF AN RUC CODE OF CONDUCT WHICH HAD BEEN OFFERED DURING THE NEGOTIATIONS AS SOMETHING WHICH WOULD HAPPEN AS EARLY AS POSSIBLE IN 1986. IT NOW DID NOT LOOK AS IF IT WERE GOING TO BE ISSUED THIS YEAR AT ALL. DURING THE NEGOTIATIONS, WE HAD ALSO GIVEN CONSIDERATION TO A STATEMENT

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ON SENTENCE REVIEW. I POINTED OUT THAT THAT HAD BEEN CONDITIONAL ON A REDUCTION IN VIOLENCE WHICH HAD NOT TAKEN PLACE. O'TUAITHAIL SAID HE WAS WELL AWARE THAT SENTENCE REVIEW WAS NEVERTHELESS CONTINUING. IT WOULD BE VERY HELPFUL HOWEVER IF WE WERE WILLING TO MAKE A STATEMENT ABOUT IT. HE POINTED OUT THAT WE HAD DONE NOTHING ABOUT THE PARLIAMENTARY TIER. I SAID THAT MY PERSONAL VIEW WAS THAT, WHEN THE POLITICAL SITUATION IN NORTHERN IRELAND WAS SO DELICATE AND DIFFICULT, BRITISH MINISTERS WOULD BE RELUCTANT TO GIVE GREATER AUTHORITY TO PARLIAMENTARIANS TO INTERVENE.

4. HE CONCLUDED BY SAYING THAT THE IRISH THOUGHT IT ESSENTIAL THAT NO IMPRESSION SHOULD BE GIVEN THAT THE UNIONISTS WERE EXERCISING A VETO ON PROGRESS IN THE CONFERENCE. THEY WERE VERY MUCH CONCERNED ABOUT THE SDLP PARTY CONFERENCE WHICH WOULD TAKE PLACE ON 27 NOVEMBER. HE HOPED THAT WE COULD AGREE TO HOLD A MEETING OF THE ANLGO IRISH INTERGOVERNMENTAL CONFERENCE, AFTER THE ANNIVERSARY ON 15 NOVEMBER AND BEFORE THE SDLP CONFERENCE, AT WHICH SOME OF THE MOVES WHICH HE HAD SUGGESTED COULD BE ANNOUNCED.

5. FCO PLEASE PASS SIL NIO(L).

GOODISON

YYYY

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From: THE PRIVATE SECRETARY



NORTHERN IRELAND OFFICE

WHITEHALL

LONDON SW1A 2AZ

C Powell Esq
Private Secretary
10 Downing Street
LONDON
SW1

Prime Minister

*CDP
SGL*

5 November 1986

Dear Charles,

ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE

A special meeting was held in London on Friday, 31 October to discuss cross-border security co-operation. My Secretary of State was accompanied by Nick Scott and Sir John Hermon, the Chief Constable of the RUC. On the Irish side Mr Dukes, the Minister for Justice, was supported by Mr Wren, the Garda Commissioner, and Mr Dorr, the Irish Ambassador to London. A small group of officials also attended.

At the outset, Mr Dukes made it clear that the Irish Government continued to see linkage between the developments of cross-border security co-operation under Article 9(a) of the Agreement and steps to enhance the confidence of the minority community in the RUC under Article 7(c). The implication of Mr Dukes' remarks was that progress under Article 9(a) would be much faster if more could be done in the field of RUC community relations. Mr King replied that attempts to establish linkage of this kind were unacceptable to the British Government. The development of cross-border security co-operation was crucially important in the fight against terrorism and was an issue to which both Governments had fully committed themselves. Furthermore, it was quite mistaken to suggest that no progress had been made under Article 7(c). On the contrary, the RUC had clearly demonstrated their impartiality throughout the difficult summer of 1986 and deserved the support of all law abiding people in Northern Ireland.

The meeting reviewed the progress made with various joint RUC/Garda reports. Sir John Hermon said that these reports, if properly implemented, provided the basis for establishing meaningful co-operation between the two forces. The level of terrorist violence could only be reduced by bringing to justice the top members of the Provisional IRA who were responsible for planning and organisation. That was why progress in the intelligence field was of vital importance. Using a number of examples, he explained the painstaking work and the degree of commitment and sophistication

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which were necessary to achieve results in this area. The structures and methods of working adopted by the RUC were the result of their experience in dealing with terrorism over the past 15 years or more. He commended them to the Garda Commissioner as the basis for establishing an effective intelligence unit in the South.

Mr Wren replied that, because the environment in which the Garda Siochana operated was different from that experienced by the RUC, the same level of sophistication was unnecessary. He was worried that the structures recommended by the RUC would lead to problems of co-ordination in the Garda Siochana and would run the risk of creating a force within a force. The structures he proposed were perfectly adequate to provide an effective intelligence capability. Sir John Hermon said that there were certainly no problems of command and control within the RUC and that Mr Wren's fears were therefore groundless. The conditions faced by the Garda Siochana might well be different from those in Northern Ireland but the terrorist organisations were not. A high degree of sophistication was required because the Provisional IRA were capable of frustrating all but the most professional and effective surveillance operations.

It was recognised on both sides that the effectiveness of the changes made in the Garda Siochana would have to be judged in the light of results achieved. Mr Dukes emphasised that the Irish response to our paper was not intended as the final word on the subject: co-operation would be developed and reviewed over time. If results were not forthcoming, it would be necessary to reconsider the structures adopted by the Garda Siochana. In the meantime, both forces would press ahead recommendations and would seek to resolve any problems which arose at working level. If difficulties could not be overcome between the two forces, the Conference would be used to take matters forward.

Some progress was made on operating procedures for dealing with explosive devices found on or near the border. The Irish response in this area was quite encouraging and remaining points of difference will be resolved at official level. It is hoped that an agreed procedure, which will offer much better protection for bomb disposal experts, can be drawn up and implemented speedily. On questioning of suspects in Garda custody, the Irish response was extremely disappointing. There seems to be no willingness on the Irish side to allow RUC officers to participate or be present at the interview of persons held in the South. Legal difficulties were advanced by Mr Dukes to account for this lack of co-operation. Mr King said that the Irish attitude was difficult to understand and that further consideration of the matter was essential. It was agreed that officials would get together to examine Irish views in greater detail.

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Over lunch, a discussion was held on the administration of justice. Mr King explained that he intended shortly to make a speech referring to the various safeguards which existed in Northern Ireland and the measures taken to enhance the confidence of the community. He would refer to the difficulties which had arisen with the use of accomplice evidence. He hoped such a speech would be helpful to the Irish Government but added that he would have to choose his words carefully. There could be no question of seeking to imply political interference in decisions which were properly taken by the judiciary and the prosecuting authorities. Equally, any attempt by the Irish Government to claim that changes had been made as a result of representations under the Agreement would be counter-productive. Mr Dukes referred to the political difficulties which the Irish Government foresaw with the introduction of an extradition Bill. A final decision would be needed by 7 November. He could not be certain that the legislation would be introduced but promised that the Irish Government would carefully examine its position in the light of the Secretary of State's speech. Mr King emphasised the importance he attached to the Bill and warned that a decision not to press ahead with its introduction in the Dail would be a serious blow.

Summary

The discussion on cross-border security co-operation went as well as we could have expected. It certainly cleared the air and focussed attention on the crucial points of difference between the two sides. The Irish have agreed to press ahead with implementation as quickly as possible and have made one or two small, but important concessions since the last meeting of the Conference. It remains to be seen whether the structures now proposed for the Garda Siochana detective units will produce the desired results. The RUC remain sceptical but the Irish have, at least, promised to keep matters under review and know that we will press for further changes if results are not forthcoming in the next few months.

Copies of this letter go to Tony Galsworthy (FCO), and Trevor Woolley (Private Secretary to Sir Robert Armstrong).

Yours Sincerely
N D Ward

N D WARD

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VC
cc FCO
NIO

SUBJECT

CC MASTER
OPS

10 DOWNING STREET
LONDON SW1A 2AA

PRIME MINISTER'S

PERSONAL MESSAGE

SERIAL NO. T 197/86

THE PRIME MINISTER

28 October 1986

You cannot

Thank you for the message which your Ambassador delivered on 21 October.

I am grateful for the re-statement of your commitment to the early introduction of legislation to ratify, without reservations, the European Convention on the Suppression of Terrorism. You know the importance we have all along attached to this.

I appreciate your concern to ensure public confidence in the administration of justice in Northern Ireland. It was for this reason that when I had to tell you in my letter of 4 October that we could not agree to the introduction of three-judge courts I set out the other things that we were doing or proposing to do in this field. I accept that individually these are lesser measures, but I believe that cumulatively their impact is significant.

Of course we will listen to any further representations to see whether anything more can be done; but I am bound to say that the ground has already been gone over pretty thoroughly in the Intergovernmental Conference and Ministers here examined the possibilities once again before I sent my message of 4 October. In agreeing to further consultation I would not wish to raise hopes that there are likely to be any major new measures which could be announced.

Dr. Garret FitzGerald, T.D.

*Yours sincerely
Margaret Thatcher*

CT

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TELNO 561

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CALL ON MR HAUGHEY

SUMMARY

1. MR HAUGHEY DOES NOT EXPECT AN EARLY ELECTION. HE IS CRITICAL OF THE RESULTS OF THE ANGLO-IRISH AGREEMENT SO FAR.

DETAIL

2. I PAID MY FAREWELL CALL ON MR HAUGHEY ON 30 OCTOBER. HE WAS EXCEPTIONALLY CORDIAL AND RELAXED.

QADHAFI

3. HE IS HOWEVER CLEARLY UPSET BY THE PUBLICITY OVER QADHAFI'S RECENT REMARKS ABOUT HIM. HE ASKED ME TO ASSURE YOU THAT HE HAD NOT INSPIRED THEM. THE IRA HAD NEVER BEEN MENTIONED DURING THE ONLY CONVERSATION HE HAD EVER HAD WITH QADHAFI, AND IF IT HAD BEEN HE WOULD HAVE SPOKEN FIRMLY AGAINST IT. I SAID IT HAD NOT BEEN MY INTENTION TO RAISE THE MATTER WITH HIM.

THE DOMESTIC SCENE

4. HE SAID THAT THE VOTE BY LABOUR TDS ON 29 OCTOBER IN SUPPORT OF THE GOVERNMENT'S SOCIAL WELFARE BILL (WHICH INVOLVES A REDUCTION IN THE BENEFITS GIVEN TO SOME PERSONS IN NEED) WAS MUCH MORE SIGNIFICANT FOR THE FUTURE OF THE GOVERNMENT THAN THE VOTE OF CONFIDENCE LAST WEEK. IF LABOUR WOULD VOTE FOR THE GOVERNMENT ON AN ISSUE WHICH WAS SO VERY SENSITIVE FOR THEM THEN THE GOVERNMENT WAS IN NO DANGER OF FALLING. THERE WAS NO REASON WHY DR FITZGERALD SHOULD CALL AN ELECTION BEFORE NOVEMBER 1987 IF HE REALLY WANTED TO STAY IN OFFICE THAT LONG. INDEED IT APPEARED THAT HE MIGHT WISH TO DO SO.

5. COMMENT. MR HAUGHEY SAID ALL THIS IN A VERY RELAXED WAY AND I THINK HE WAS CONSCIOUSLY EXAGGERATING THE POSITION. NEVERTHELESS

TAKEN WITH THE POSTPONEMENT OF THE LABOUR PARTY CONFERENCE (MY TEL NO 559) THE VOTE MUST HAVE GIVEN THE Taoiseach GREATER CONFIDENCE, PARTICULARLY IN REGARD TO THE SINGLE EUROPEAN ACT. MR HAUGHEY WAS PRESSED FOR TIME AND I DID NOT RAISE THIS OR THE RATIFICATION OF THE EUROPEAN CONVENTION ON THE SUPPRESSIONS OF TERRORISM.

ANGLO-IRISH AGREEMENT

6. I PRESSED HIM ON WHAT I SHOULD REPORT TO MY GOVERNMENT ABOUT HIS VIEWS ON THE AGREEMENT, AND WHAT HE WOULD DO IF HE WERE Taoiseach. HE SAID THAT I WOULD KNOW THAT HE WAS VERY CONCERNED

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ABOUT THE CONSTITUTIONAL IMPLICATIONS OF THE AGREEMENT. HE WAS NOT CONVINCED THAT IT HAD PRODUCED ANY BENEFICIAL EFFECTS. HMG HAD NO DOUBT SIGNED IT HOPING TO DEFEAT THE IRA AND TO IMPROVE SECURITY. IT HAD NOT DONE SO. IT HAD AROUSED BITTER AND DEEP ANTAGONISM ON THE PART OF THE UNIONISTS, WHO WERE MAKING THE NATIONALISTS, WHOM THEY REGARDED AS RESPONSIBLE FOR THE SIGNATURE OF THE AGREEMENT, SUFFER IN CONSEQUENCE. THIS IS WHAT HE HAD MEANT BY SAYING THAT THE SITUATION OF THE NATIONALISTS HAD GOT WORSE SINCE THE SIGNATURE OF THE AGREEMENT. HIS SOURCES IN NORTHERN IRELAND CONVINCED HIM THAT THIS WAS SO WHATEVER THE SDLP LEADERS MIGHT SAY.

7. I REPLIED THAT, HAVING BEEN INVOLVED IN THE NEGOTIATION OF THE AGREEMENT, I WAS SATISFIED THAT IT WAS NOT CONTRARY TO THE IRISH CONSTITUTION, THOUGH I REALISED IT WAS NOT FOR A FOREIGNER TO PRONOUNCE ON THESE MATTERS. THE AGREEMENT CONSISTED BASICALLY OF A SET OF PRINCIPLES AND A FRAMEWORK FOR COOPERATION. I DID NOT BELIEVE THAT THE PRINCIPLES WERE ONES THAT ANYONE SHOULD WISH TO REPUDIATE. I BELIEVED THAT THE FRAMEWORK REPRESENTED A CONSIDERABLE BENEFIT FOR THE TWO GOVERNMENTS AND FOR THE PEOPLE OF NORTHERN IRELAND WHICH IT WOULD BE A GREAT MISTAKE TO DESTROY. ALTHOUGH I HAD NO AUTHORITY TO SAY SO AND WAS SPEAKING ENTIRELY PERSONALLY, I THOUGHT THAT ANY ATTEMPT BY HIM TO REPUDIATE OR RENEGOTIATE ARTICLE 1 OF THE AGREEMENT WOULD BE LIKELY TO RESULT IN THE ABOGATION OF THE AGREEMENT ALTOGETHER AND THE DESTRUCTION OF WHAT HAD BEEN SET UP.

8. HE SAID SEVERAL TIMES THAT HE ACCEPTED THAT THE AGREEMENT WAS A REMARKABLE ACHIEVEMENT AND THAT HE TOOK MY POINT THAT THERE WAS A DANGER OF THROWING OUT THE BABY WITH THE BATHWATER. HE WANTED ME HOWEVER TO UNDERSTAND THAT ANYTHING WHICH CONSOLIDATED THE PRESENT POSITION OF NORTHERN IRELAND AND MADE PEOPLE CONTENT WITH IT WAS IN CONFLICT WITH HIS LONG TERM POLITICAL PRINCIPLES. I AGREED THAT THIS WAS A BASIC POINT OF DIVERGENCE. HE ENDED BY SAYING THAT I SHOULD TELL THE PRIME MINISTER THAT IF HE CAME TO POWER HE WOULD CONTEMPLATE DISCUSSION OR CONVERSATIONS ABOUT THE AGREEMENT. IT WAS CLEAR TO ME THAT HE WAS TRYING TO MOVE AWAY FROM THE WORD 'RENEGOTIATION' IN VIEW OF WHAT I HAD SAID.

9. FCO PLEASE PASS BELL NIO (L) AND TO SAVING ADDRESSEES.

GOODISON

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020
Ref. A086/3084PRIME MINISTER

Prime Minister
This records the
meeting of the
Armstrong / Nally group.
CDPAnglo-Irish Relations: Northern Ireland

A meeting of the Armstrong/Nally group took place in London this morning, as a preliminary to the meeting which is to take place between the Secretary of State for Northern Ireland and the Irish Minister of Justice on Friday 31 October. I was accompanied by Mr Goodall from the Foreign and Commonwealth Office, Mr Brennan from the Northern Ireland Office and Mr Mallaby; Mr Nally was accompanied by Mr Donlon from the Irish Ministry of Foreign Affairs, Mr Andrew Ward from the Irish Ministry of Justice, and the Irish Ambassador, Mr Noel Dorr.

2. I made it clear at the outset that we were the first part of the response to the Taoiseach's proposal for consultations, and that we had no further proposals to put forward at this stage for new measures relating to the administration of justice in Northern Ireland. We gave no impression that such proposals might be forthcoming in the future. I made it clear that we saw this meeting as a ground clearing preliminary for the meeting between the Secretary of State for Northern Ireland and the Irish Minister for Justice on 31 October.

3. Mr Nally said that the Taoiseach and his colleagues still very much wanted to introduce into the Dail legislation to ratify Irish accession to the European Convention on the Suppression of Terrorism. In the present highly volatile political situation in the Dail, however, they had to calculate as closely as they could the chances of success for such legislation. Their present calculation was that they would not be able to carry the legislation through the Dail and the Seanad without some further evidence as to the benefits of the



Anglo-Irish Agreement for the nationalist community in Northern Ireland and, specifically, some evidence of measures to improve confidence in the administration of justice in Northern Ireland.

4. Mr Nally said that it was not clear that ratification of Irish accession would have much practical effect: the processes of extradition from the Republic of Ireland to Northern Ireland were now in effect working very much as they would if the Irish Republic ratified the Convention. The main purpose of ratification would be political: to fulfil the commitment in paragraph 7 of the Communiqué issued at the time of the signing of the Hillsborough Agreement on 15 November 1985, and to demonstrate the Irish Government's firmness of purpose on this matter to unionists in Northern Ireland.

5. Mr Nally and his colleagues said that the perception of the Anglo-Irish Agreement among nationalists in Northern Ireland and in the Republic of Ireland was that the British Government had failed to deliver on issues which were of importance to them, while the Irish Government had gone a long way to meet British concerns on cross-border security co-operation. One of the problems was of course that for security reasons it was not possible to claim credit in public for improvements in cross-border security co-operation. As matters on which the British Government had failed so far to deliver, Mr Nally and his colleagues instanced:

to an astonishing statement!

- the introduction of a Public Order Order;
- action on Irish language and street names;
- I-voters (voting rights for Irish subjects with a residential qualification in Northern Ireland);
- the issue of codes of conduct for the RUC and other security forces;



- progress with the programme of measures to improve relations between the security forces and the community in Northern Ireland provided for in Article 7(c) of the Anglo-Irish Agreement.

They acknowledged that there had been some progress on arrangements for UDR patrols to be accompanied by members of the RUC, though the progress had not been dramatic and had not made much impact on the public.

6. By contrast they listed matters on which progress had been made in the field of cross-border security co-operation. These matters were set out in a reply to the note which was sent to them by the Secretary of State for Northern Ireland at the beginning of October. A copy of their reply is attached: we were asked to give it a highly restricted circulation.

7. I said that I recognised the reasons why it was important for the Irish Government to be able at this time to record as much progress as possible on aspects of the Anglo-Irish Agreement which were of benefit to the nationalist community. Nonetheless, I hoped that they would not underplay the considerable amount that had been achieved. It had never been supposed that the Anglo-Irish Agreement would be welcome to the unionists, but it had been calculated that, while the unionists would dislike and protest against the Agreement, their reaction would not be such as to make the Province unworkable or ungovernable. That calculation had been justified by events to date. The Intergovernmental Conference was in place and working effectively, with its Secretariat in Belfast (the Irish side incidentally paid tribute to all that had been done to make Irish officials of the Secretariat welcome, comfortable and safe). Co-operation between the two Governments in the Intergovernmental Conference and the Secretariat was established practice. It had never been envisaged that progress in the realisation of the Agreement would be subject to timetable



constraints. The RUC had been seen, especially in the past year, to be entirely even-handed as between the communities in Northern Ireland. Mr Nally's team readily and positively agreed that these were valid and significant facts.

8. We had no discussion of three-judge courts. The Irish Government have clearly accepted that that is not on. We invited them to put forward other ideas for measures to improve confidence in the administration of justice. The main suggestions were:

- there might be scope for the appointment of an additional member of the Judiciary, or for a suitable replacement of a member of the Judiciary about to retire;
- it might be possible to set a limit on the time that should lapse between arrest and trial for a criminal offence, comparable to the 110 day maximum provided for under Scottish law;
- it might be possible to enter into more specific commitments about limited future use of "supergrass" evidence, such as that trials based on such evidence would take place only rarely, that they would deal only with persons suspected of serious offences, that corroborative evidence would normally be required, or that the number of accused in a single trial would be restricted.

9. The Irish side invited us to consider whether it would be possible to make special arrangements for the trial of people who had been extradited from the Republic (and from other countries). The extreme example of this might be to reintroduce jury trials for extradited defendants (with the jury concealed from witnesses behind screens, if necessary). Any measure of this kind could be presented as directly related to the



ratification legislation: it would strengthen the hands of the Irish Government in the Dail, enabling them to hold out the prospect of specific improvements in the administration of justice in relation to people extradited from the Republic to Northern Ireland.

10. We took note of all these points, promising to report them to the Secretary of State for Northern Ireland in time for his meeting with the Irish Minister of Justice on 31 October.

11. The Irish side also reverted to the changes listed in your message of 3 October to the Taoiseach. They felt that the significance and practical effect of these changes, as described there, would be difficult. They asked what was the significance of the Attorney General's statement that, in considering the bringing of proceedings that might involve multiple defendants, he and the Director of Public Prosecutions would of course pay the greatest attention to the observations of the Lord Chief Justice in the recent case of R v Donnelly and others. We said that we thought that the practical effect would be that there would be many fewer multiple trials in future; but that it was not possible to say that there would be no such trials, and that it was difficult to go much further in public than had been said in your letter. We reminded the Irish side that comments made by the Taoiseach himself would make it more difficult than it might otherwise have been for us to be more specific.

12. Finally, it was suggested by the Irish side that it could be very useful for the Secretary of State for Northern Ireland to make a speech at a suitable moment, in which he could describe, in the best possible presentational terms, the measures in the field of the administration of justice listed in your message of 3 October as well as any others we could take (which might include any measures which they themselves had tentatively suggested to us, if there was any possibility of proceeding with any of those). They went on to suggest that



such a speech need not be confined to measures to improve the administration of justice but could also define progress on other matters specified in paragraph 7 of the Hillsborough communiqué (improvements in relations between the security forces and the community, and improvements in cross-border co-operation). The speech would thus be in effect a progress report on the Agreement as a whole. They clearly thought that such a speech, although it would show that the measures were purely British decisions, could be useful in helping the Irish Government to carry the ratification legislation in the Dail.

13. As to timing, the Irish side said that present thinking was that, if it was decided to go ahead with the ratification legislation, it would be published about 7 November, with a view to a second reading about 10 days later and completion of its passage through the Dail before Christmas. We spent some time discussing what might be the best timing for a speech by the Secretary of State for Northern Ireland (or some other British pronouncement) in relation to that timetable. The tentative conclusion reached was that any such pronouncement should come certainly before the second reading of the ratification legislation and preferably before publication, so that it was not seen as directly related to that legislation. One suggestion made was that the pronouncement might emerge from a meeting between you and the Taoiseach, if such a meeting were to take place on 28 or 29 November, when the Taoiseach would be in London. I said that I thought that that was too late for the purpose, and that in terms of unionist opinion it would be counter-productive if any pronouncement that might be made appeared to be arrived at as a result of pressure from the Taoiseach.

14. My impression is that this meeting served a useful purpose. It was an earnest of the British Government's interest in sustaining the Anglo-Irish Agreement and maintaining good relations with the Irish Government. At the same time it served

to disabuse the Irish Government of any unrealistic expectations about what might be available. It enabled the Irish Government to feel that their political needs and concerns were being seriously registered in London. It provided a basis on which the Secretary of State for Northern Ireland and the Irish Minister for Justice could carry forward their discussion, with an understanding on the Irish side of the limits of the possible and on the British side of the political constraints and the tentative suggestions in the minds of the Irish Government.

15. My conclusion is that it might be possible, without major addition to the measures described in your message of 3 October, to construct a presentation which would provide the Irish Government with what they need in order to have a fair chance of persuading the Dail to pass the ratification legislation.

16. On procedure, the Irish side asked us how we saw the next steps. I said that the next step would of course be for the Secretary of State for Northern Ireland to pursue these matters further with the Irish Minister for Justice on 31 October: today's discussion would be a useful ground-clearing operation for that purpose. I suggested that, if the Secretary of State and the Minister for Justice thought that there were matters which ought to be followed up as a result of their own meeting and this meeting, the best forum in which to follow them up would be the Intergovernmental Conference and its Secretariat. The Irish side seemed to be content with that.

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

RA

29 October 1986

ROBERT ARMSTRONG

[This belongs with
RTA's minute of last
week, regarding
the Amstrong / Nally
Group meeting].

Reply to British Side's Note on Cross-border
Security Co-operation

I General Comments

1. The British side's note sets out British aims in relation to cross-border security co-operation and deals in particular with issues relating to intelligence (including the structures relevant to intelligence matters) and joint operational planning. It also offers comments on progress made and identifies outstanding issues. The Secretary of State for Northern Ireland has also raised two additional points: the handling of incidents on the border involving explosives and the questioning of suspects.
2. In this document it is proposed to deal with the general points raised, addressing specific points in two annexes.
3. At the outset, however, it is proposed to summarise the matters on which agreement has already been reached, and then to set out our understanding of the joint Irish/British aims in respect of the security problem posed by the paramilitaries in this island. The substantial programme of work involved in securing the present measure of agreement in relation to cross-border security cooperation was carried out by four different working groups at police level which met on numerous occasions as the need arose. Their work was, in turn, overseen generally and their recommendations considered by senior police officers and by a steering group comprising the two chiefs of police and senior administrative staff from both jurisdictions.

4. Matters already agreed within the framework of Garda/RUC Cooperation

- i. A joint threat assessment covering the paramilitary organisations operating in the both parts of Ireland has been produced. The intention is that this will be regularly up-dated as necessary.
- ii. Substantial strengthening of the Special Detective Units in Border areas.
- iii. Special surveillance units of the Garda Siochana to be increased threefold, approximately. - i.e. future
- iv. Assignment of 143 detectives from Special Detective Unit based in Dublin to deal exclusively with unlawful organisations.
- v. Appointment of four additional Detective Inspectors and three Detective Superintendents to coordinate Special Detective Units in border areas.
- vi. Regular meetings at frequent intervals between Headquarters Command (Assistant Commissioner/Assistant Chief Constable); Garda/RUC Border Divisional Meetings (Chief Superintendent level); Garda/RUC Divisional Border Superintendent meetings at group and individual level.
- vii. Heads of Intelligence to meet monthly.
- viii. Operations will, as appropriate, be planned jointly in advance; both forces will maintain the fullest contact during the course of the operations and the outcome will be subject to detailed review; joint major incident plans and joint contingency plans will be drawn up.

- ix. Stepping-up of operations by either side in cases of temporary depletion of forces on the other.
- x. Installation of compatible secure telephone, radio and 'fax' equipment.
- xi. Compatibility of computer systems to be examined.
- xii. Training for detectives of the Garda Síochána recently allocated to border related intelligence work.
- xiii. Four Garda Officers now undergoing specialised training as instructors on surveillance work (details are known to the British side) for the purpose of providing further training.

Joint Irish/British aims

- 5. Understandably, in view of the specific and limited terms of reference of the British side's note - cross-border security co-operation - the British aims, as set out in this document, cover only one aspect, albeit a most important one, of the fight against terrorism. The Irish side are concerned that this matter be addressed in its fullest dimension, covering the two interacting aspects of the problem which are addressed by the Anglo-Irish Agreement, viz security policy, particularly as it affects relations between the security forces and the community in Northern Ireland on the one hand, and cross-border security co-operation on the other.
- 6. In the previous section we have enumerated some important developments in relation to security co-operation that have already taken place under the terms of the Agreement, and later in this document we shall return to this matter with a view to exploring the possibility of further progress. Cross-border security co-operation is, however, only one of two approaches, identified in the Anglo-Irish Agreement, to

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the establishment of peace and stability in Northern Ireland through the elimination of Republican and Loyalist paramilitary violence.

7. The elimination of paramilitary violence is a complex task, requiring close co-operation, in relation to security and political matters, both between the Irish and British Governments and between the respective security forces. Moreover, there is an important interface between co-operation on political matters and co-operation on matters strictly in the security area. In both jurisdictions - albeit in somewhat different ways - the effectiveness of the security forces in their actions against Republican subversives is capable of being affected by the political climate.
8. In Northern Ireland the effectiveness of the security forces against Republican paramilitaries is affected by the attitude of the nationalist community, and various strands within it, towards the security forces themselves. A major objective of the Agreement has been to alter radically the negative attitudes that have existed amongst even constitutional nationalists towards the security forces. The Agreement provides that this is to be achieved by means of a programme of special measures - specifically detailed in Article 7(c) of the Agreement and in Paragraph 8 of the Hillsborough Communique:

Anglo-Irish Agreement

- [7(c)] "The two Governments agree that there is a need for a programme of special measures in Northern Ireland to improve relations between the security forces and the community, with the object in particular of making the security forces more readily accepted by the nationalist community. Such a programme shall be developed, for the

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Conference's consideration, and 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 Royal Ulster Constabulary. Elements of the programme may be considered by the Irish Government suitable for application within their jurisdiction."

Hillsborough Communiqué

8. "In addressing the improvement of relations between the security forces and the minority community, the Conference at its first 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."

9. There is a disturbing contrast between the manner in which every element of the programme of work in relation to enhancing cross-border co-operation in security matters set out in Article 9(a) of the Agreement has already been addressed, and the fact that virtually no progress has been made under Article 7(c) of the Agreement and Paragraph 8 of the Communique.
10. It is already clear that there is much to be learned by each police force from the experience of the other. We must find ways of ensuring that the lessons of experience are effectively applied in cooperation between the Garda and the R.U.C.. However, even when these improvements have been brought into effect, there will remain differences between the most appropriate and effective working methods of the two police forces on either side of the Border, at least until a radical transformation has taken place in the attitudes of the nationalist community towards the security forces in Northern Ireland, as a result of the full implementation of the Agreement.
11. In Border areas in particular, and in certain urban areas as well, the RUC have often to operate in an environment which ranges from the unfriendly to the clearly hostile. Their lives are constantly at risk and they cannot adopt what would elsewhere be regarded as ordinary police methods of operation. To a substantial extent, they operate in a particular way because no other way is open to them. Rightly or wrongly, the impression has been given to Garda representatives that some RUC personnel do not fully accept or understand that certain methods of operation that are unavoidable in the North are not only unnecessary but would be counter-productive in the different environment in which the Garda Siochana work. Since its foundation during the Civil War over sixty years ago, the Garda Siochana has been, (unlike the RUC), essentially an unarmed police force as is the case with police forces in Britain,.

12. The Irish side has publicly acknowledged and welcomed the progress made through the impartial performance of its duties by the RUC during the recent difficult months at great cost in terms of both injuries and intimidation. Both sides would agree, however, that the RUC has yet to achieve the degree of acceptability amongst the nationalist population which the Garda Siochana enjoy amongst the population in the South. This fundamental difference is reflected in the command structures of the two forces, and in their operational systems, e.g., in the manner in which intelligence is gathered. The problem to be addressed at this stage is how each police force can operate most effectively with the other under the different conditions prevailing in their jurisdictions.
13. One striking difference between the command structures is that within the RUC the operations of the Special Branch and the uniformed force - while subject to liaison at local level where judged necessary - are not under common command at that level. Indeed it appears from the information available to us from recent contacts that these three branches within the RUC ultimately converge only at the level of senior command at Headquarters. By contrast, in the Garda Siochana, control of all Special Branch, CID and uniformed personnel at local level is under a single command - at chief superintendent level. This has been found over a long period of time to be the most effective method of operation in our circumstances, avoiding possible confusion or conflicts at local level as well as potential damage to relations with the community. It also avoids what the Garda Siochana see as fundamentally unacceptable, namely the exclusion of the divisional officer from responsibility for all policing in his area. The Irish side feel that the exclusion of part of the policing system from divisional control can give rise to very serious problems, some of which have been the subject of widespread

public concern, affecting relations between the police and the community. We feel that this aspect of the structure of policing in Northern Ireland should be reconsidered. Pending such a review, the proposals to improve liaison between the two forces must take account of the present structural differences between the two police forces.

14. The commitment of the Irish Government to the common fight against subversive violence has cost the Irish taxpayer per head much more than the corresponding British Government commitment has cost the British taxpayer. Proportionate cost is not of course everything, but it is not to be disregarded. Since the current campaign of violence began in 1969, the membership of the Garda Siochana in Border Divisions has more than doubled and some 1,500 soldiers are now maintained in military posts along the Border where previously there were none. The increase in numbers is for all practical purposes linked exclusively to Border-related duties but even these figures, by themselves, seriously understate the level of diversion of scarce and expensive resources to this work. Much Garda and Army time outside the Border area is also devoted to duties arising directly or indirectly from para-military violence in Northern Ireland and its "overspill" into this State. The overall impact of violence in Northern Ireland may be judged from the fact that, not alone has the strength of the Garda Siochana been increased by two-thirds (some of which would have been required to meet the rise in non-subversive crime), but the size of the Army has also had to be doubled.
15. The Irish side wish to emphasise that we are in total agreement with the aims set out by the British side on the first page of their document viz.

"(a) to develop conditions and structures which will foster the exchange of pre-emptive intelligence so that both

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sides can freely pass information designed to frustrate any attack upon the territory and population of either Government;

(b) to accustom the RUC and Garda to working together, and to ensure that the structures of the two forces are compatible for co-operation at all levels; and

(c) to make clear to both these forces that both Governments are committed to the principle and practice of cross-border security co-operation".

16. For our part we give the highest priority to the achievement of these objectives which we see as fundamental to the success of our joint efforts to eliminate the PIRA/INLA threat to both parts of this island, and, also that posed by Loyalist paramilitary violence - itself a potential threat to both parts of this island.

Effectiveness of Co-operation

17. The British note refers to the shared police view that "results or the lack of them will be the touchstone", and states that the Garda have not been able since the beginning of the year to supply the RUC with any operational leads to enable them to pre-empt terrorist operations in Northern Ireland. As against that, the British side will be aware that the Garda Siochana have made substantial seizures of explosives and weapons which obviously contributed to saving the lives of many people, particularly in the security forces, in Northern Ireland. It is recognised, of course, that some of the seizures are the product of the successful work by the RUC and the effectiveness of intelligence coming from the RUC to the Garda Siochana. On the other hand, the Garda Siochana have also provided information to the RUC about known paramilitaries.

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18. Finally, before dealing with the specific points raised in the British side's paper, there are two comments which we feel we must make on that document as drafted.
19. In the second paragraph it is stated (correctly) that, before the signing of the Anglo-Irish Agreement, successive British Governments had referred publicly to good co-operation on cross-border security with the Government of the Republic of Ireland, while expressing the view that it was naturally capable of improvement - a proposition with which our Government concurred. Nevertheless, the British side's paper goes on in effect to suggest that all these statements by successive British Governments were false and that in fact co-operation was "fitful, unstructured, and particularly inadequate at the intelligence level, given the level of operations planned and mounted from the Republic". This is unacceptable and all too reminiscent of past experiences involving political remarks attributed to unnamed spokesmen for the authorities in Northern Ireland about the Garda Siochana which, each time they were made, were repudiated at political level, with assurances that the British Government were satisfied with cross-border security co-operation. We find it difficult to understand the rationale of this see-saw attitude on this subject. Furthermore, we have grounds for wondering whether the extent of the provision of information by the Garda Siochana is always fully known at higher levels in the R.U.C.
20. In the penultimate paragraph of the paper, it is stated that "visits by British Ministers to border divisions have underlined that co-operation is uneven". This statement was made at Ministerial level at the special Conference meeting of 29th July and we requested that we would be furnished immediately with details of this situation to enable us to take appropriate action. This was agreed and

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noted as a decision in the joint record of the meeting. Despite this, and despite repeated requests on our side since then, the required information has not been furnished to us. In these circumstances, the repetition of the specific allegation in the British side's note is incomprehensible. We would request that this report be furnished to us now without further delay in accordance with the agreement reached on 29th July.

II. Action on Joint Recommendations

Joint recommendation that Garda Special Detective Units in each Border Division be substantially increased

21. As stated earlier, drawing on the available resources, virtually the full additional manpower agreed has been assigned speedily to these units in accordance with the recommendations.
22. The view of the Garda authorities is that the people selected have the best possible background for the work they are to do, in the environment in which they will be doing it. They have been drawn from Border Divisions where they are already familiar with the environment and where they have already gained suitable experience in dealing with subversive activity. Personnel were chosen by careful selection procedures; their suitability for the intelligence gathering role is being rigorously assessed on a continuing basis and they have been motivated to achieve results.
23. With regard to training, their immediate allocation has, of course, meant that they have hitherto had only initial training, involving a basic detective course and, as to the majority, a basic course in surveillance. But, as has been intended from the outset, further formal courses will,

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of course, be provided when the members have had some "field" experience. These arrangements will necessarily have to take account of the need to maintain the operational strength of the units at a desirable level while training is proceeding.

24. In relation to the training programme for detectives being allocated to intelligence/surveillance work, it has now been arranged that four members of the Garda Siochana are undergoing specialised training - details of which are known to the British side - so that they in turn may provide further training to detectives in surveillance and intelligence-gathering techniques.
25. As regards the suggestion that additional members now assigned to intelligence gathering be "dedicated" to intelligence duties, we wish to make it quite clear that the intention is that they will, except in an emergency, be devoted exclusively to intelligence/surveillance duties. Their work would very rarely require them to give evidence in court but, if a situation should arise in which their evidence was necessary for the success of a prosecution, they would, of course, appear.
26. The question of substituting over time personnel from outside the Border regions will be reviewed, balancing on the one hand the disadvantage of such new personnel being unfamiliar with these regions, against the possible - but in the conditions of a fairly close-knit single community in the South somewhat uncertain - advantage of their being less likely, for a period at least, to be identified.

Joint Recommendation that the supervisory structure of Special Detective Units in Border Divisions should include a Detective Chief Superintendent

27. This recommendation is based on the practice in the RUC whereby Special Branch command structure is separate from the Divisional command of the uniformed force. The experience in the South has been that the most effective results are secured by vesting command of all members of the force in a given region in the hands of a Chief Superintendent responsible for that Division. It is recognised that the differences between these two structures poses some problems for liaison.
28. In recognition of this, liaison structures along the lines recommended have been agreed to and are in place, the only difference being that the grade of the RUC Special Branch officer and the Garda officer who will be liaising with him will be different, viz. a Chief Superintendent in the RUC will liaise with a Superintendent in the Garda. The Garda officers in question - there are three in all - are Border Detective Superintendents who are being relieved of other duties in order to concentrate on the direction and supervision of the Detective Units in the three main Border divisions, in conjunction with the newly appointed Special Detective Unit Inspectors in each of these Divisions.

Joint Recommendation that additional manpower be appointed to Garda HQ Security Intelligence Section

29. The Commissioner is reviewing the position in respect of the manpower requirements of Garda HQ Security Intelligence Section and will make such additional provision as may be necessary for this Section.

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Joint Recommendation that the strength of Special Surveillance Units be substantially increased to provide for operation in three sub-units, each with one Inspector, three Sergeants and approximately seventeen Gardai

30. In the short-term the selection methods and training being provided for these units cannot be as rigorous as those provided by the RUC who have been operating such units over a prolonged period of time. We have accepted the urgency of getting such units established and working on the ground. The first such unit has already quite considerable experience and expertise. "On-the-job" training will be supplemented by other training as soon as possible. In particular, special further training in surveillance techniques will be commenced when the Garda instructors in this subject, already referred to, become available in the coming weeks.

Joint Recommendation that Operational Planning Officers (Inspectors) be appointed in each Garda Division

31. A particular officer with whom contact can be made initially in respect of operational planning matters will be designated as a contact point. He will identify officers to be given operational planning responsibility as required. The rank and personal designation of these officers may vary with the location and level of importance of the incident, and the particular circumstances, including an officer's particular familiarity with the factors involved.

Joint Recommendation on frequency of meetings recommended in the Reports On Intelligence Matters and the Report on Operational Matters

32. The Irish side is prepared to agree that the meetings proposed in these two reports should in all cases, for a period of six months, be held on a regular basis as recommended. We nevertheless have serious reservations about the amount of time and the number of senior personnel

(as well as personnel providing security cover) and also the danger of overlap involved. We have also been concerned about the desirability of holding meetings irrespective of clear need. This proposal is made subject to our understanding that, after six months, a rigorous review will be undertaken by the two Chief Officers of the entire range of meetings in the light of these criteria.

34. We attach to this general note the following Annexes:

Annex I: Questioning of Suspects

Annex II: Procedure for dealing with explosive devices on the border.

Questioning of Suspects

1. The Garda Siochana and the RUC already have a system whereby either side may provide assistance to the other, where a person with links with one jurisdiction is being questioned in the other. The assistance may include the provision of background information or suggestions as to the line that questioning might usefully take.
2. The RUC have suggested that the arrangements should go further than that and that their members should be allowed to engage in direct questioning of suspects in Garda custody or, if that is not acceptable, that they should be allowed to be present in the room while a suspect is being questioned. (They have offered similar facilities on a reciprocal basis to the Garda Siochana.) They suggest that their proposal is in accordance with practice amongst police forces abroad.
3. The policy of the Garda Siochana (in relation not only to the RUC but to all other police forces) has been that members will themselves undertake to put such questions as a representative of the other police force may wish to put - and as they believe can properly be put - but not to authorise direct questioning by that representative. Any change in that policy at this stage would be liable to run into legal problems.
4. The questioning of suspects in custody is already a difficult issue in our Courts. Under the Offences Against the State Act, an arrest by a police officer

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must be based on suspicion and related to a specific offence. Accordingly, detention solely for the purpose of questioning a suspect is unlawful. The British side will probably already be aware, at least in a general way, of the serious difficulty experienced in securing Parliamentary approval in 1984 for what by international standards is a very limited police power to detain and question, viz. to detain for six hours with provision for an extension for a further six. And the Courts, for their part, have set rigid standards in relation to what the Garda Síochána may or may not do in the matter of questioning - confessions have been declared inadmissible on grounds which, to say the least, the Garda Síochána found difficult to appreciate.

5. It is not in doubt that, when the Garda Síochána make an arrest, they are entitled (subject to certain conditions), to put questions to the arrested person. Because of the policy adopted by the Garda Síochána, a legal issue about questioning by members of any other Force has not yet arisen but the attitude of the Courts on other issues affecting detained persons has been such that there must be serious doubt whether they would countenance an arrangement whereby, on foot of an arrest by members of the Garda Síochána, somebody else would be allowed to question an arrested person. The probability seems to be that they would say that, as an arrest by the Garda Síochána may lawfully be made only for "Garda purposes", any right to engage in subsequent questioning is correspondingly restricted and that, in the normal course at least, questioning may be carried out only by members of the Garda Síochána.
6. The same would apply, even if not so acutely, to any arrangement under which a member of the RUC would be present during questioning. It would not only become a matter of public controversy but - much more seriously -

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legal issues would also arise. It would be likely to be alleged that, in relation to a person who had any links with the North, the presence of a member of the RUC not only was, but was intended by the Garda Síochána to be, intimidatory and a question would then arise about the voluntary nature of any statement made. Legal issues would also be likely to be raised about what would be alleged to be an invasion, unauthorised by law, of privacy, arising from the presence of anybody (whether it be a civilian or a member of another police force) whose presence was not necessary for Garda purposes.

SECRET

Procedure for dealing with explosive devices on the border

The current procedure, which involves a high level of co-operation, works well. Moreover, no complaints have been received from the British side on the handling of any incidents since this procedure was put in place at the request of the British side.

Nevertheless, given the danger to life involved and the desire of both sides to improve procedures for co-operation in the context of the Anglo-Irish Agreement, the Irish side has considered very seriously the British proposal of 3 October with a view to responding positively if possible. The Irish side would now propose the following revised procedure:

Proposal

1. When a device is discovered on the Northern side, the RUC would inform the Garda Siochana. (Note: as the British paper makes clear, this is the current procedure).
2. Police officers from each side, at Inspector level, would meet, as necessary, and would remain in contact as long as circumstances required. The Irish side believe that arrangements for communication are perfectly adequate to permit as much contact as is necessary, either in person or by radio or telephone; the establishment of a "Joint Incident Centre" for the duration would, in the view of the Irish side, be unnecessary and would entail additional risk for both Forces.

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3. The senior Garda and RUC officers present would be responsible for securing the relevant area on their respective sides of the border.

- 4(a) The search operations would, as at present, continue to be carried out on each side of the border by the security forces of that jurisdiction.

- (b) The experience on the Irish side of the border is that an Irish Army ATO is always available. Nevertheless, in view of the danger to life and the complexity of many of the devices involved, the Irish side would propose that one or two Army experts would be permitted, if desired, to cross the border in either direction to examine the entire device on both sides of the border. It is also proposed that, in the event that an Army ATO of the relevant jurisdiction is not available within a reasonable time to deal with the command wire on the side of the border within that Army's area of responsibility, an Army ATO from the other side would, subject to the discretion of the police Inspector in charge on the side of the border within which the command wire is discovered, be permitted to cut the wire. In all cases, the "visiting" personnel would be unarmed, may be in uniform, and their protection would be the responsibility of the security forces accompanying the "visiting" personnel on the "visited" side.

5. As regards the authorisation of photographic overflights, in the interest of the Agreement, the Irish side is prepared to introduce procedures on the following lines:
 - the Minister for Foreign Affairs would give conditional permission to the British authorities through diplomatic channels for photographic overflights of the type in question, subject to the following stipulations:

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- (i) the aircraft would not be armed;
 - (ii) the authority would be for an overflight by fixed wing aircraft or helicopter to a maximum depth of 200 metres into the State; permission would not be sought unless absolutely necessary; and the duration of the overflight would be kept to a minimum (conditions proposed in British Paper);
 - (iii) the senior Garda officer at the scene (not below the rank of Inspector) would be consulted by the R.U.C. in advance and agree to each overflight, and to the proposed type of aircraft, height, depth (not more than 200 metres), timing, and time and number of passes over the area in question (guidelines could be set);
 - (iv) formal notification giving the details set out in (iii) of each overflight to be given to the Department of Foreign Affairs by the British Authorities through diplomatic channels as soon as possible in each case;
 - (v) the arrangements to be agreed for a period of six months in the first instance (subject to renewal for further periods of six months) with a review of the procedure at the end of every six month period.
6. This procedure would, of course, be in all respects reciprocal.
7. There have been several instances of failure on the part of the relevant authorities North of the border to provide, when requested, information on the details of the parts discovered in Northern Ireland of explosive devices

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placed on the border and of the methods used to deal with these devices. The Irish authorities have, on the other hand, provided, on request, to the British authorities details of all material found on the Southern side of the border. This failure is entirely contrary to the intention of security co-operation and has been a cause of serious concern to the Irish authorities.

8. As part of the implementation of the new procedures outlined earlier, the Irish side would require the supply by the British authorities to the Irish side of full details, hitherto withheld, of all devices that have been found on the border and an undertaking that such information will be supplied in all future cases.



BM2AWW

bc PC

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

SIR ROBERT ARMSTRONG

ANGLO-IRISH RELATIONS: NORTHERN IRELAND

The Northern Ireland Secretary's minute and your minute of 27 October dealt with the question of the further consultations requested by the Irish Government on measures relating to the administration of justice.

As you know, the Prime Minister has strong reservations about further consultations on this subject. The only condition on which she is prepared to agree to them is that set out in her reply to the Taoiseach's recent message, namely that we are ready to listen to any representations from the Irish Government on this subject. She would not wish us to put forward any further proposals at this stage or to give the impression that such proposals might be forthcoming in future. We should simply listen and undertake to report back. On that basis, the Prime Minister is ready to agree to a preliminary meeting of the Armstrong/Nally group this week as a means of establishing what the Irish Government are likely to propose at the subsequent meeting between Mr. Dukes and the Northern Ireland Secretary.

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

C.D. POWELL
28 October 1986

PRIME MINISTER

ANGLO-IRISH RELATIONS: NORTHERN IRELAND

You approved a reply to the Taoiseach's recent message over the weekend, in slightly amended form. The main purpose was to make clear that it must be for the Irish to let us know if they have fresh proposals: we would listen to their representations.

The Irish can therefore be in no doubt of the basis on which any consultations will take place. They are nonetheless pressing for an early meeting.

There are two possibilities:

- But no proposals from us.*
- (i) Tom King is meeting the Irish Minister of Justice on Friday to discuss cross-border security. He could also listen to what the Irish Minister has to say about improvements in the administration of justice;
 - (ii) At the same time, as Robert Armstrong's minute attached shows, there is something to be said for a prior meeting of the Armstrong-Nally group to establish exactly what the Irish are likely to raise when Ministers meet.

Are you content with a preliminary meeting of officials followed by a discussion at political level between Mr. King and the Irish Minister of Justice?

CDP

Charles Powell
27 October 1986

JA2AFG

*Yes - but only
to listen. Not to
make any proposals - there
are none to make
me*



Ref. A086/3068

MR POWELL

Anglo-Irish Relations: Northern Ireland

Thank you for your minute of 27 October, attaching a revised version of the message to the Taoiseach. We have arranged for the message to be despatched via the British Ambassador in Dublin, with suitable superscription and subscription.

2. I have also seen the letter which the Private Secretary to the Secretary of State for Northern Ireland sent to you on 27 October, recording his Secretary of State's views on the form of consultation.

3. It is very useful that the Secretary of State is due to meet Mr Dukes, the Irish Minister for Justice, in London on Friday, and that meeting will clearly provide an opportunity for these issues to be discussed at the political level. I understand, however, that the Foreign and Commonwealth Secretary would not be entirely happy for the FCO's interests to be entirely excluded from this process of consultation, and it is likely that Mr Barry will feel the same. Indeed, there may well have been some discussion between them at Luxembourg during the course of the day.

4. The Irish Government are clearly very anxious to have consultations, and have been on to us about them already. It would seem sensible to respond to their evident wish by arranging a preliminary meeting of the Armstrong-Nally group (at which the two Foreign Ministries would be represented), and we could find out what if anything is in the minds of the Irish Government as a basis for the subsequent discussion between the Secretary of State and the Minister for Justice. The Northern Ireland Office



would also be represented, of course, at the meeting of the Armstrong-Nally group; and that meeting, which we believe we could arrange for Wednesday 29 October, would be explicitly ad referendum to the subsequent meeting of the Secretary of State and the Minister for Justice.

5. I should be grateful to know whether the Prime Minister would be content that matters should proceed accordingly.

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

27 October 1986

PERSONAL AND CONFIDENTIAL

From: THE PRIVATE SECRETARY



NORTHERN IRELAND OFFICE

WHITEHALL
LONDON SW1A 2AZ

I think this
is adequately
covered in the
advise. NBAM

CDP
27/x.

27 October 1986

C D Powell Esq
10 Downing Street
LONDON SW1

Dear Charles,

ANGLO-IRISH RELATIONS: NORTHERN IRELAND

My Secretary of State has seen Sir Robert Armstrong's minute of 24 October enclosing a draft reply to the message which the Taoiseach sent to the Prime Minister on 21 October. He is generally content with the substance of the proposed reply, although he has suggested that the words "have urgent consultation to" might be omitted from the first line of the final paragraph. As regards the forum in which further consultation might take place, he has commented that he is due to meet Mr Dukes, the Irish Minister for Justice, in London on Friday. The main purpose of the meeting is to discuss cross border security co-operation, but it would provide a convenient opportunity to discuss with the Irish Minister most directly concerned measures relating to the administration of justice. In view of the highly political nature of this subject Mr King thinks it should be discussed between Ministers rather than in the Armstrong-Nally group. (The Taoiseach's message referred to 'Ministers and officials' being available for consultation).

I am copying this letter to the Private Secretaries to the Foreign and Commonwealth Secretary and to Sir Robert Armstrong.

Yours Sincerely
Neil Ward.

N D WARD

PERSONAL AND CONFIDENTIAL



10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

SIR ROBERT ARMSTRONG

ANGLO/IRISH RELATIONS: NORTHERN IRELAND

I have shown your minute of 24 October about the Taoiseach's message requesting further consultations on steps to underline public confidence in the administration of justice in Northern Ireland to the Prime Minister. She remains very sceptical about such consultations and believes that by agreeing them we shall raise false expectations. She has amended the draft attached to your letter. I enclose the revised version.

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

(CHARLES POWELL)

27 October 1986

VC
Je
We PC



cc/c

Ref. A086/3032

MR POWELL

I am not very happy with it - but have amended the letter slightly

Prime Minister agree this reply?

CD? 24/A.

Anglo-Irish Relations: Northern Ireland

I have discussed with the Northern Ireland Office and the Foreign and Commonwealth Office the message which the Taoiseach sent to the Prime Minister on 21 October. — *at flap*

2. There is clearly very little more that we can offer by way of changes in the administration of justice in Northern Ireland - though there may be one more small crumb. Nonetheless we believe that it would be tactically preferable not to refuse the request for further consultations. It seems evident from what the Irish Ambassador said in handing the letter over that the Irish Government are looking for consultations in the Armstrong-Nally group, and, as we are not going to be able to meet the Irish Government on substance, there is something to be said for trying to satisfy them on procedure.

3. I attach a draft reply for the Prime Minister to send to the Taoiseach's message. The draft has been agreed with the Northern Ireland Office and the Foreign and Commonwealth Office. It does not specify the forum for further consultations, but the intention would be to propose an early meeting of the Armstrong-Nally group.

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.

RA

ROBERT ARMSTRONG

24 October 1986

VEZANS

DRAFT LETTER FROM THE PRIME MINISTER TO THE TAOISEACH

Thank you for the message which your Ambassador delivered on 21 October.

I am grateful for the re-statement of your commitment to the early introduction of legislation to ratify, without reservations, the European Convention on the Suppression of Terrorism. You know the importance we have all along attached to this.

I appreciate your concern ^{to ensure} in this context ~~to see~~ ~~the~~ ~~steps~~ taken which can be seen as underlining public confidence in the administration of justice in Northern Ireland. It was for this reason that when I had to tell you in my letter of 4 October that we could not agree to the introduction of three-judge courts I set out the other things that we were doing or proposing to do in this field. I accept that individually these are lesser measures, but I believe that cumulatively their impact is significant.

^{Of course we will listen to any further representations}
By all means let us have [urgent] consultation to see
whether anything more can be done; but I am bound to say that the ground has already been gone over pretty thoroughly in the Intergovernmental Conference and Ministers here examined the possibilities once again before I sent my message of 4 October. In agreeing to further consultation I would not wish to raise hopes that there are likely to be any major new measures which could be announced.

Ireland: relations PT)

UNITED STATES DEPARTMENT OF STATE

Washington, D. C. 20520

Reference is made to the letter from the Department of State dated 1968-08-27, captioned as above.



The Department of State is pleased to inform you that the Department has received the letter from the Department of State dated 1968-08-27, captioned as above. The Department is pleased to inform you that the Department has received the letter from the Department of State dated 1968-08-27, captioned as above.

The Department of State is pleased to inform you that the Department has received the letter from the Department of State dated 1968-08-27, captioned as above. The Department is pleased to inform you that the Department has received the letter from the Department of State dated 1968-08-27, captioned as above.

CONFIDENTIAL



Foreign and Commonwealth Office

London SW1A 2AH

23 October 1986

CDP
23/K.

Dear Charles,

Anglo-Irish Relations

In a separate conversation after he had delivered the Taoiseach's message to the Prime Minister (my letter of 21 October), the Irish Ambassador mentioned to David Goodall that there were plans for the Taoiseach to pay a private visit to the United Kingdom at the end of November in order to receive an honorary degree from Keele University (where his daughter Mary is a lecturer). Plans were not yet firm but the Taoiseach would probably come to London on Friday 28 November, spend the night at the Irish Embassy and drive up to Keele for the degree ceremony on Saturday 29 November. Noel Dorr said that there was no suggestion at this stage of asking for a meeting with the Prime Minister, but he thought we might like to have the dates in mind in case either side might later think that a short meeting could be useful.

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

Yours ever,

Colin Budd

(C R Budd)
Private Secretary

C D Powell Esq
PS/10 Downing Street

CONFIDENTIAL

IRELAND

RELATIONS

PT 76



CONFIDENTIAL



10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

22 October 1986

ANGLO-IRISH RELATIONS: NORTHERN IRELAND

Thank you for your letter of 21 October enclosing the Taoiseach's reply to the Prime Minister's recent message. The Prime Minister has noted this. She recalls that at her meeting to discuss three-judge courts, there was little evidence that we had anything in the way of "substantial measures" to promote public confidence in the administration of justice. She is concerned that we should not raise false hopes on the part of the Irish Government. If we decide to agree to the consultations which they propose, we should make clear that this does not imply that we have substantial new proposals to make.

I am copying this letter to David Watkins (Northern Ireland Office) and to Sir Robert Armstrong.

CHARLES POWELL

C.R. Budd, Esq.,
Foreign and Commonwealth Office.

CONFIDENTIAL



IRISH EMBASSY, LONDON.

17 Grosvenor Place

SW1X 7HR

EM

21 October 1986

Dear David

I enclose herewith the text of a letter to the Prime Minister, The Rt Hon Mrs Margaret Thatcher MP from An Taoiseach, Dr Garret FitzGerald TD, which I have been asked to deliver.

Noel Dorr
Noel

Noel Dorr
Ambassador

Mr David Goodall CMG
Deputy Under Secretary of State
Foreign and Commonwealth Office
Downing Street
London SW1A 2AL

Enc

CONFIDENTIAL

CCP
②



Foreign and Commonwealth Office

Prime Minister

London SW1A 2AH

21 October 1986

The Taoiseach's
reply is quite
restrained & sensible.

ms

But I am not sure what
we would have to offer
in official consultations. We
should not raise false hopes.

Dear Charles,

Anglo-Irish Relations: Northern Ireland

CCP. 2/12

The Irish Ambassador, Noel Dorr, called on instructions today on David Goodall to deliver the enclosed message from the Taoiseach to the Prime Minister. He described it as the Taoiseach's reply to the Prime Minister's message of 4 October.

In answer to questions Dorr said that the Irish Government had no specific suggestions to make as to reforms which might now be introduced in the administration of justice in Northern Ireland. Since neither of the two reforms which they had favoured - ie mixed courts or three judge courts - had proved possible for the British side, they felt that it would be better for any further suggestions to come from the British Government. The "lesser changes" mentioned in the Prime Minister's message of 4 October did not, in their view, meet the requirement identified in the Agreement and the Hillsborough communique for "substantial measures" to promote public confidence in the administration of justice. They continued to believe that some visible change in the structure and/or organisation of the courts was needed in order to meet this provision of the Agreement and to make it possible for the Taoiseach to carry the proposed extradition legislation through the Irish Parliament.

Dorr said that, although this might look to British eyes like a bargaining tactic, it was in fact no more than a reflection of the political realities in the Dail. The Taoiseach badly wanted to secure the passage of the extradition legislation without reservations; but he did not believe he could succeed without being able to point to some significant change in the administration of justice in the North. Dorr emphasised that Irish Ministers had been at pains not to impugn the integrity of the Northern Ireland judiciary, for which they had a genuine respect. But the minority community's unhappiness with the confessional imbalance in the judiciary, which had been compounded by certain obiter dicta from the bench, was deep-seated and long-standing. The Irish Government continued to believe, as they had believed all along, that this perception by the minority community that the judiciary was to some degree weighted against them needed to be corrected. He added that the Irish Government had at one point been given the impression that something could be made of a decision to discontinue "supergrass" trials: but it had now been explained to them that no clear-cut decision to this effect could be taken or announced.

/Goodall

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Goodall asked Dorr about the nature of the consultations which the Taoiseach was requesting: did he have in mind a meeting between Ministers or a preliminary round between officials, eg in the Armstrong/Nally forum? Dorr said he had no specific instructions on this point, although he was clear that his government was not seeking a meeting between the Taoiseach and the Prime Minister. His own feeling was that at any rate a preliminary discussion at the senior official level would be the best way forward. For the reasons given in the Taoiseach's message, it would be helpful if this could take place as soon as possible.

Goodall undertook to transmit the Taoiseach's message to the Prime Minister and the two Secretaries of State at once, and said that we would aim to let the Irish have a response as soon as we could.

I am sending copies of this letter to the Private Secretary to the Secretary of State for Northern Ireland and to Sir Robert Armstrong.

Yours ever,

Colin Budd

(C R Budd)
Private Secretary

C D Powell Esq
PS/10 Downing Street

CONFIDENTIAL

SUBJECT CC MASTER
OPS

PRIME MINISTER'S
PERSONAL MESSAGE
SERIAL No. T190/86

Message from the Taoiseach, Dr Garret FitzGerald TD
to the Prime Minister, The Rt Hon Mrs Margaret Thatcher MP

Dear Margaret

Thank you for your message of 4 October. I am sorry not to have replied sooner, but you will appreciate that your reply has posed serious problems for us, and I have also had the preoccupation of preparation for our Party Conference - where, incidentally, I was very heartened by the enthusiastic support for the Agreement.

I want first of all to assure you of my own personal commitment, and the Government's concern, to introduce legislation that will enable us to ratify the Convention on the Suppression of Terrorism, without reservations. We want to move on this as rapidly as possible, under conditions that would secure the passage of this legislation by the Dail and Seanad.

You will be aware from my message of 1 October that in our judgement the legislation would not pass in the present circumstances. It is not just a question of 'maximising' the chances of the Bill's passage.

You have not felt it possible at present to agree to either the mixed court contemplated in the Agreement, or to a move towards 3-Judge Courts, as we had proposed as an alternative.

Against this background, we are faced with the question of what other steps might be taken, as agreed at Hillsborough to give 'substantial expression' to the aim of underlining public confidence in the administration of justice in Northern Ireland. The 'lesser changes' which you mention in your letter could not be seen by themselves as constituting substantial change in this area; and it is against the background of early progress with such substantial changes affecting public confidence in the administration of justice in Northern Ireland, together with similar progress with measures in the security area within Northern Ireland and between North and South, that our Parliament will see our commitment in the Hillsborough Communique to proceed with the ratification of the Convention.

I feel that there should now be urgent consultations with a view to seeing what other steps might now be taken, and presented to the public, that would create the conditions that would enable us to be sufficiently confident about the passage of the Bill to make it possible to proceed with it.

There is a considerable element of urgency about this, as it is hard to see the Bill passing through the Dail in less than four weeks - even that may be difficult - and the Opposition will naturally want ten days' notice of it through its publication. This timetable is still not

/...

impossible of achievement this side of Christmas, but it would require the necessary progress to be made between us within the next ten days or so at the outside in relation to matters referred to in the second last paragraph.

I have asked my Ministers and officials to be available for whatever consultations may be necessary to resolve this issue positively.

Yours sincerely

Garret FitzGerald



IRELAND

RELATION

PTT

CONFIDENTIAL

FROM: THE PRIVATE SECRETARY

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ



C D Powell Esq
10 Downing Street
LONDON
SW1

mf
8th October 1986

CCPE (2)
Prime Minister
CSP 5/4

Dear Charles,

The meeting of the Anglo-Irish Intergovernmental Conference held (for the first time) in Dublin on 6 October was notable mainly for what was not said. There were no exchanges at the Conference table about the related legal issues of 3-Judge Courts and Irish Ratification of the European Convention on the Suppression of Terrorism, and in their subsequent Press Conferences both Mr King and Mr Barry maintained the line that these matters had not been on the agenda of the meeting and that they would be discussed only at the next meeting. In practice however the Ministers had a prolonged private exchange before the formal meeting started, during which legal matters and also the question of Cross-Border Security were discussed. At the tete-a-tete, which involved Mr Dukes (who would be the Minister responsible for an Extradition Bill in the Dail) the Irish made clear their great concern and the difficulties they foresaw in the context of administration of justice. Although the Irish made great protests about it being impossible to introduce legislation unless they secured some significant change in the system of the administration of justice, it is Mr King's view that they will in fact introduce it, but are worried at the risks they may run during the passage of the legislation either by amendment or even defeat (if they miscalculate introduction).

2. I enclose a copy of the Joint Statement issued after the meeting. Cross-Border Security Co-operation was the first item

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discussed. The Irish had before the Conference received a note of the various deficiencies which we saw in co-operation to date, relating in particular to performance on the Irish side, and at the meeting they promised to give us a paper in answer which could be discussed at Ministerial level in the very near future. We are hoping to arrange for a meeting between Mr King and on the Irish side Mr Dukes, the Minister of Justice, supported by the Chiefs of the respective police forces, to be held within the next week or two. In the light of this agreement, the meeting on 6 October did not go into very much detail about security questions, although Mr King did identify as points of particular concern to us the need for RUC officers to be allowed to question suspects detained in the Republic, and the need to allow border crossings to permit the immediate follow-up of terrorist acts.

3. During discussion of the Irish proposals for a Bill of Rights for Northern Ireland, we explained that any such legislation would have substantial difficulties for us arising in particular from the effect on the remainder of the United Kingdom, but put forward an alternative proposal that we might build on the fact that both Governments had subscribed to the European Convention on Human Rights by agreeing together a joint declaration covering both Northern Ireland and the Republic. Such a declaration of human rights could reaffirm our commitment to the provisions of the European Convention, and set out the safeguards which are already in force in both jurisdictions together with any proposed new safeguards. We explained that even if such a declaration was not legally binding, it would have considerable moral force. The Irish appeared attracted by this idea (and have made something of it in their subsequent statements to the Press), and we shall be looking further into it with them. The idea has also attracted interest in Northern Ireland as a first illustration of an element of reciprocity and there are indeed some intriguing aspects in the comparison of human rights north and south of the border, not least in the vexed issue of divorce.



4. The Irish also welcomed our publication of a consultative paper on Equality of Opportunity in Employment in Northern Ireland, and agreed that it was important that action in this field should move ahead quickly both because of its importance to both communities and also because of the importance of encouraging investment.

5. Just before the Conference we had given the Irish, on a confidential basis, some figures for the accompaniment of Army and UDR patrols by the RUC. At the meeting the Irish expressed their gratitude for these figures, for which they have been pressing for some time, and made one or two detailed points about them. They recognised that we are advancing towards the goal of 100% accompaniment of those patrols which are likely to come into contact with the public, and although they would like to see much faster progress they recognised that we are doing what we can. The question of the public handling of this question is sensitive, and we shall be going further into this with the Irish over the next weeks. Under the same general heading of relations between the security forces and the community, the Irish asked again how the RUC was getting on with the preparation of a Code of Conduct, and we said that we were well aware of the urgency of this from the Irish point of view; we were confident that work was proceeding as fast as possible. The Irish also indicated that they were still not totally happy with the proposals for a new Police Complaints Procedures which we had published in July, and they will be letting us have some further comments, although we explained that time was now very short and that we could make no promises of further amending our proposals before they moved on to the next stage.

6. We had an amicable exchange on economic matters. The meeting noted the signature of the various agreements relating to the International Fund, and the Irish took the opportunity of reminding us that they saw a contribution from Europe as very important and that they still believed that a direct contribution from the European Community should be possible. We also had a general



exchange about communications in particular by road, in the light of the increasing tendency for heavy commercial traffic to use the Larne/Stranraer crossing involving use of the main Dublin/Belfast Road, in preference to any other sea crossing from the island of Ireland. This is an area which has a clear relevance to the whole question of employment and economic prosperity in the island, and we shall be looking further into its implications.

7. The meeting was generally business-like, and the Irish appear to have abandoned their expectation that each meeting of the Conference will produce specific and noteworthy results. They accept that the continuation of the Conference as a regular institution is what matters; and to that end they agreed that we should avoid any fanfare about the anniversary of the Anglo-Irish Agreement, falling on 15 November. In particular they agreed that we should not seek to arrange a Conference meeting during the days immediately proceeding or following that date, although Mr King and Mr Barry agreed that we should nevertheless aim to have a meeting of the full Conference at some time in November.

8. I am sending a copy of this letter to Tony Galsworthy in the FCO and Michael Stark in the Cabinet Office.

Yours Sincerely
Neil Ward

N D WARD

ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE; 6 OCTOBER, 1986

JOINT STATEMENT

1. The Anglo-Irish Intergovernmental Conference met in Dublin on 6 October 1986. The Irish Joint Chairman, Mr. Peter Barry, T.D., (Minister for Foreign Affairs) was accompanied by Mr. Alan Dukes, T.D., (Minister for Justice); the British Joint Chairman, Mr. Tom King M.P., (Secretary of State for Northern Ireland), was accompanied by Mr. Nicholas Scott, M.P., (Minister of State for Northern Ireland). The Commissioner of the Garda Síochána, the Deputy Chief Constable of the Royal Ulster Constabulary and officials were also present.
2. The Conference discussed the implementation of certain recommendations on cross-border security co-operation which had been presented to the Conference on 17 June. They also heard reports on further studies carried out by three separate joint working parties established by the two police forces on operational and certain other technical matters.
3. The Irish side put forward proposals relating to the advantages of a Bill of Rights in some form for Northern Ireland. The British side indicated that, while they saw some difficulties with the Irish proposals, they were prepared to consider alternative initiatives to underline the commitment of both Governments to the effective protection of human rights.

4. The Secretary of State for Northern Ireland drew the attention of the Conference to the Consultative Paper on Equality of Opportunity in Employment in Northern Ireland, published by the British Government on 16 September, 1986. The Irish side welcomed this Paper and made a number of comments on it.
5. The Conference discussed relations between the Security Forces in Northern Ireland and the community, including the progress which had been achieved towards the objective of ensuring that there is a police presence in all operations which involve direct contact with the community, other than in the most exceptional circumstances.
6. During a discussion of economic issues, the Conference welcomed the Agreement reached between the two Governments to establish the International Fund for Ireland, and the progress made towards the establishment of the Fund's independent Board. They noted the likelihood that the Fund would give priority in its initial stage to stimulating developments in the private sector, with the general aim of promoting the development of those areas of both parts of Ireland which have suffered most severely from the consequences of the instability of recent years.
7. Recognising the vital importance to industry North and South of good communications, the Conference took note in particular of the plans for developing the roads around Dundalk and Newry in the context of improving cross-border road links, and also the wider trade and transport aspects.
8. The British side confirmed their position on "I" voters in Northern Ireland and indicated that they were currently considering proposals with respect to the position of the Irish language. The Irish side made some further comments on these matters.

9. The two sides agreed that there would be an early Special Meeting of the Conference which would concentrate on cross-border security co-operation. The next regular meeting would consider progress on security and related matters, legal matters including the administration of justice, and economic and social matters.



Ireland: Anglo-Irish Relations PT 16

CC IRELAND Situation PTA

③ MR STARK

cc - Mr. Powell
Sir R. Andrew
Mr. Goodall
Mr. Mallaby

CABINET OFFICE	
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FILING INSTRUCTIONS:	
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031850Z OCT
GRS 600

**PRIME MINISTER'S
PERSONAL MESSAGE
SERIAL No. T183/86**

CONFIDENTIAL
FM CABINET OFFICE LONDON
TO FLASH DUBLIN
TELNO MISC. 295
OF 031850Z OCTOBER 86

PLEASE TRANSMIT THE FOLLOWING PERSONAL MESSAGE FROM THE PRIME MINISTER TO THE TAOISEACH AT THE EARLIEST POSSIBLE MOMENT.

MESSAGE BEGINS.

DEAR GARRETT,

THANK YOU FOR YOUR MESSAGE OF 1 OCTOBER. ROBERT ARMSTRONG HAS ALSO GIVEN ME A FULL REPORT OF YOUR TELEPHONE CONVERSATION WITH HIM.

I WAS VERY GLAD TO HEAR THAT YOU AND YOUR COLLEAGUES ARE INTENDING TO INTRODUCE AN EARLY BILL TO PERMIT IRISH RATIFICATION OF THE EUROPEAN CONVENTION ON THE SUPPRESSION OF TERRORISM WITHOUT RESERVATIONS. AS YOU KNOW, WE ATTACH THE GREATEST IMPORTANCE TO THIS. SUCH A BILL IS WIDELY EXPECTED IN NORTHERN IRELAND AND WILL BE AN ESSENTIAL ELEMENT IN OUR PUBLIC PRESENTATION OF THE TANGIBLE BENEFITS THAT THE ANGLO-IRISH AGREEMENT CAN BRING.

I KNOW THAT YOU IN TURN ATTACH GREAT IMPORTANCE TO ENSURING PUBLIC CONFIDENCE IN THE ADMINISTRATION OF JUSTICE IN NORTHERN IRELAND. I ALSO TAKE VERY SERIOUSLY THE OBLIGATIONS WHICH BOTH GOVERNMENTS ACCEPTED IN ARTICLE 8 OF THE AGREEMENT. I HAVE REFLECTED ON WHAT YOU SAID ABOUT THE IMPORTANCE OF A CHANGE IN THIS AREA TO MAXIMISE THE CHANCES OF YOUR BILL'S SUCCESSFUL PASSAGE. I AM WELL AWARE OF THE DIFFICULTIES THAT YOU FACE. MY COLLEAGUES AND I HAVE CONSIDERED IN DETAIL WHETHER THE INTRODUCTION OF THREE-JUDGE COURTS IS THE RIGHT CHANGE TO MAKE. I HAVE TO TELL YOU THAT WE HAVE COME TO THE CONCLUSION THAT IT WOULD NOT. THE DIFFICULTIES WE HAVE FOUND WITH THE PROPOSITION WILL BE FAMILIAR TO YOU BECAUSE THEY HAVE BEEN FULLY EXPUNDED IN THE INTERGOVERNMENTAL CONFERENCE WORKING GROUP.

THERE ARE OTHER - THOUGH ADMITTEDLY LESSER - CHANGES THAT WE CAN MAKE, SOME OF WHICH ARE ALREADY IN HAND. WE HAVE ALREADY INCREASED THE RANGE OF SCHEDULED OFFENCES WHERE THE ATTORNEY GENERAL CAN DIRECT A JURY TRIAL. WE SHALL SOON BE:

- INTRODUCING A TEST OF REASONABLE GROUNDS OF SUSPICION FOR THE EXERCISE OF MOST POWERS, INCLUDING ARREST POWERS, UNDER THE EMERGENCY PROVISIONS ACT;
- STRENGTHENING THE CIVIL LIBERTIES OF DEFENDANTS BY SHIFTING THE ONUS IN BAIL CASES TOWARDS THE PROSECUTION;
- FURTHER PROTECTING THE ACCUSED BY CLARIFYING AND RESTATING THE JUDGE'S DISCRETION TO REJECT EVIDENCE OBTAINED FROM ADMISSIONS AND CONFESSIONS;
- ENSURING THAT CONTINUATION OF THE EMERGENCY PROVISIONS ACT BEYOND FIVE YEARS WOULD REQUIRE A NEW ACT OF PARLIAMENT; AND
- ENACTING NEW PROVISIONS TO PROTECT THE RIGHTS OF THOSE DETAINED UNDER EMERGENCY LEGISLATION AND HELD IN POLICE CUSTODY.

WE HAVE ALREADY TAKEN MAJOR STEPS TO REDUCE THE LENGTH OF TIME ELAPSING BETWEEN FIRST REMAND AND TRIAL, AND I HAVE ASKED FOR A FRESH LOOK TO BE TAKEN, TO SEE WHETHER THERE ARE CHANGES IN PROCEDURES IN CIVIL CASES WHICH MIGHT EASE THE PROBLEM BY RELEASING MORE JUDGE-TIME FOR CRIMINAL CASES.

THE ATTORNEY GENERAL HAS ALSO INFORMED ME THAT, IN CONSIDERING THE BRINGING OF PROCEEDINGS WHICH MAY INVOLVE MULTIPLE DEFENDANTS, HE AND THE DIRECTOR OF PUBLIC PROSECUTIONS WILL OF COURSE PAY THE GREATEST ATTENTION TO THE OBSERVATIONS OF THE LORD CHIEF JUSTICE IN THE RECENT CASE OF R V. DONNELLY AND OTHERS.

I KNOW THAT OUR DECISION ON THREE-JUDGE COURTS WILL BE A DISAPPOINTMENT TO YOU. I CAN ASSURE YOU THAT WE HAVE NOT REACHED THIS CONCLUSION LIGHTLY. I CAN ALSO ASSURE YOU THAT MY COLLEAGUES AND I REMAIN WHOLLY COMMITTED TO THE ANGLO-IRISH AGREEMENT, AND WE WILL CONTINUE IN OUR EFFORTS TO MAKE PROGRESS, WITH THE HELP OF THE IRISH GOVERNMENT, ON ALL THE ISSUES COVERED IN ARTICLE 8 OF THE AGREEMENT.

FINALLY, I APPRECIATE THE DIRECT PERSONAL INTEREST THAT YOU ARE TAKING IN THE IMPROVEMENT OF CROSS-BORDER SECURITY CO-OPERATION. THIS IS ANOTHER AREA WHERE IT IS VITAL THAT WE SHOULD SHOW PROGRESS IN TANGIBLE FORM. APART FROM BEING ESSENTIAL IN THE STRUGGLE AGAINST TERRORISM, PROGRESS IN THIS FIELD CAN HELP US TO COUNTER UNIONIST OPPOSITION TO THE ANGLO-IRISH AGREEMENT. I KNOW THAT PETER BARRY AND TOM KING HAVE SPOKEN IN THE PAST FEW DAYS ABOUT HOW TO TAKE MATTERS FORWARD. IT REQUIRES CAREFUL HANDLING AND I UNDERSTAND THAT IT WILL BE DISCUSSED FURTHER AT THE MEETING OF THE INTERGOVERNMENTAL CONFERENCE NEXT WEEK.

YOURS SINCERELY

MARGARET.

MESSAGE ENDS

YYYY

CYLNAN 0722

NNNN



10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

3 October 1986

ANGLO/IRISH RELATIONS: NORTHERN IRELAND

The Prime Minister has considered the draft message to the Taoiseach attached to your minute of today's date. With a number of minor amendments, marked on the attached copy, she is content with it and it may be despatched.

I am sending copies of this minute and enclosure to the Private Secretaries to the Lord President, the Foreign and Commonwealth Secretary, the Home Secretary, the Secretary of State for Northern Ireland and the Attorney General.

Charles Powell

Sir Robert Armstrong, GCB, CVO.

DRAFT MESSAGE FROM THE PRIME MINISTER TO THE
TAOISEACH

Thank you for your message of 1 October. Robert Armstrong has also given me a full report of your telephone conversation with him.

I was very glad to hear that you and your colleagues ~~are minded to~~ ^{intending} to introduce an early Bill to permit Irish ratification of the European Convention on the Suppression of Terrorism without reservations. As you know, we attach the greatest importance to this. Such a Bill is widely expected in Northern Ireland and will be an essential element in our public presentation of the tangible benefits that the Anglo-Irish Agreement can bring.

I know that you in turn attach great importance to ensuring public confidence in the administration of justice in Northern Ireland. ^{also} [redacted], I take very seriously the obligations which both Governments accepted in Article 8 of the Agreement. I have reflected on what you said about the importance of a change in this area to maximise the chances of your Bill's successful passage. I am well aware of the difficulties that

you face. [redacted]

[redacted] My colleagues and I have considered in detail whether the introduction of three-judge courts is the right change to make. I have to tell you that we have come to the conclusion that it is not. The difficulties we have found with the proposition have been fully expounded in the Intergovernmental Conference Working Group. [redacted]

will be familiar to you because they

There are other - though admittedly lesser - changes that we can make, some of which are already in hand. We have already increased the range of scheduled offences where the Attorney General can direct a jury trial. We shall soon be:

- introducing a test of reasonable grounds of suspicion for the exercise of most powers, including arrest powers, under the Emergency Provisions Act;

- strengthening the civil liberties of defendants by shifting the onus in bail cases towards the prosecution;
- further protecting the accused by clarifying and restating the judge's discretion to reject evidence obtained from admissions and confessions;
- ensuring that continuation of the Emergency Provisions Act beyond five years would require a new Act of Parliament; and
- enacting new provisions to protect the rights of those detained under emergency legislation and held in police custody.

We have already taken major steps to reduce the length of time elapsing between first remand and trial, and I have asked for a fresh look to be taken, to see whether there are changes in procedures in civil cases which might ease the problem by releasing more judge-time for criminal cases.



The Attorney General has also informed me that, in considering the bringing of proceedings which may involve multiple defendants, he and the Director of Public Prosecutions will of course pay the greatest attention to the observations of the Lord Chief Justice in the recent case of R v. Donnelly and others.

I know that our decision on three-judge courts will be a disappointment to you. I can assure you that we have not reached this conclusion lightly. I can also assure you that my colleagues and I remain wholly committed to the Anglo-Irish Agreement, and we will continue in our efforts to make progress, with the help of the Irish Government, on all the issues covered in Article 8 of the Agreement.

Finally, I appreciate the direct personal interest that you are taking in the improvement of cross-border security co-operation. This is another area where it is vital that we should show progress in tangible form. Apart from being essential in the struggle against terrorism, progress in this field can help us to counter unionist opposition to the Anglo-Irish Agreement.



CONFIDENTIAL

I know that Peter Barry and Tom King have spoken in the past few days about how to take matters forward. It requires careful handling and I understand that it will be discussed further at the meeting of the Intergovernmental Conference next week.

edp

CONFIDENTIAL



CONFIDENTIAL



20
Prime Minister

Foreign and Commonwealth Office

London SW1A 2AH

ccp?
2

I am not sending

up the whole speech 5 September 1986

which is bulky. But you will want to know of it. MB

Dear Charles,

CDD 579.

Anglo-Irish Agreement: Speech by
Irish Minister for Social Welfare

You may wish to draw to the attention of the Prime Minister the enclosed text of a speech on the subject of the Anglo-Irish Agreement, made by the Irish Minister for Social Welfare, Mrs Gemma Hussey, on 23 August. The speech was, we understand, drafted by Michael Lillis, the Irish joint head of the Joint Secretariat in Belfast, and was intended to present the considered views of the Irish Government on the Anglo-Irish Agreement and the present state of play on Northern Ireland. It clearly has the Taoiseach's personal endorsement and reflects his own views.

Mrs Hussey's speech did not attract much publicity probably because it was delivered at the height of the holiday season. This is a pity since the speech offers generous praise both for the Prime Minister and the RUC. Mrs Hussey said (page 4) that she knew of "no other British Prime Minister in the past who would have found the sheer guts to undertake and sustain this Agreement, knowing full well ... that in the short term it probably would breed more trouble than kudos for her Government". She went on to say that she thought it likely that Irish history would judge her more favourably than other British leaders. Speaking of the RUC (page 12), Mrs Hussey said that the television screens had shown "night after night" that the RUC had "behaved fairly and courageously in protecting the minority". They therefore deserved "very considerable credit".

The speech is worth reading in full, but I would particularly draw your attention to the very helpful section entitled "Unionists Mythology" which starts on page 17 and which spells out clearly that the Anglo-Irish Agreement is

/not

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not a step on the road to Irish unity; is not tantamount to joint authority; does not permit the Irish Government to interfere in the internal affairs of Northern Ireland and does not involve the RUC in taking orders from the Irish Government.

I am sending a copy of this letter (with its enclosure) to Jim Daniell at the Northern Ireland Office and to Michael Stark at the Cabinet Office.

Yours ever,

Colin Budd

(C R Budd)

Private Secretary

C D Powell Esq
PS/10 Downing Street

CONFIDENTIAL

CDP
5/9

ON BEHALF OF	THAR CEANN
Department of Social Welfare, Áras Mhic Dhiarmada, Dublin, 1. Tel. (01) 786444.	An Roinn Leasa Shóisialaigh, Áras Mhic Dhiarmada, Baile Átha Cliath, 1. Tel. (01) 786444.

ADDRESS BY THE MINISTER FOR SOCIAL WELFARE GEMMA HUSSEY T.D.,
AT THE CLOSING SESSION OF THE
PATRICK MCGILL SUMMER SCHOOL ON "NORTHERN IRELAND: THE FUTURE"
GLENTIES, CO. DONEGAL, SATURDAY AUGUST 23RD 1986

EMBARGO 2100 HOURS

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INTRODUCTION

You chose a theme for your Conference this year which was both timely and appropriate. Coming at the end of a troubled summer in Northern Ireland, this first summer after the Anglo-Irish Agreement, you have caused many concerned people to come here and reflect carefully on the subject of the future of Northern Ireland.

I am particularly glad to be with you, as a member of the Government. I hope that my words which will endeavour to face the central issue of "the future of Northern Ireland", and which I hope will answer some of the points raised during the week will be useful in rounding off your Conference. If they are useful, in the wider context of public opinion North and South, in correcting some misconceptions and exposing some myths, in the cause of peace, then I will be even more glad that I came.

That the Anglo-Irish Agreement 1985 is a profoundly significant development, all its most extreme opponents, both Nationalist and Unionist in Northern Ireland agree.

Of course, both sets of extremists disagree as to its precise nature, the IRA claiming that it has copper-fastened partition, and the Loyalists, that it has thrown partition aside.

There is nothing particularly surprising in this contradiction; extremists are not interested in the truth, only in power. What is significant is that both sets of extremists fear and hate the Agreement more than any other development in the past seventeen years; they fear and hate it only because they see that it has the capacity to deprive them of securing their only ambition which is to take and to hold power entirely in their own hands.

CAMPAIGNS OF VIOLENCE

Hence the IRA's latest campaign of bombs, killings, torture, and lies is aimed directly against the Agreement, no longer merely against the "British presence". Hence the Loyalist bully-boys, the renewed sectarian assassinations and terror tactics, and the campaign of frenzied and unlimited distortions.

both sides are cooperate: it is no coincidence that both sides have concentrated, and are concentrating their fiercest efforts on undermining the ultimate guarantors of society, the police:

- The IRA, by threatening with murder every milkman, cleaning woman and maintenance man who earns a meagre enough living through supplying the ordinary necessities of life to the men and women of the security forces, and also by concentrating their violence on the border, murdering members of the RUC and destroying police stations, hoping thereby to convince the public, and especially the Unionist public, that security co-operation is not working:

- The Loyalists, by attacking the police on the streets and in their homes and by seriously urging them to mutiny for political reasons and also by seeking to undermine cross-border confidence between the Garda Siochana and the RUC through ludicrous acts of self-defeating melodrama.

These extremists hungry for power, right across the divide in Northern Ireland feel threatened by the Agreement. The new and overwhelming objective of both extremes is to undermine and to destroy the Agreement. That, in itself, should make the rest of the community - the men, women and children who want to get these

murderers and bullies off their backs - sit up and see in the Agreement the hope for enduring peace and genuine liberty which the two Governments have invested in it.

Many do, especially among the Nationalist population. It is now the duty of both Governments to reinforce that conviction where it exists and to foster it when it does not.

REACTION TO AGREEMENT

The Agreement has entered its second half-year. There is no denying that the months since Hillsborough, and especially the summer months, have been difficult.

Both Governments went to Hillsborough knowing that the Agreement, and the processes they were establishing thereby, were addressing all the sensitive and dangerous issues that constitute the crisis of Northern Ireland. We knew well that there would be a considerable period of misunderstanding and resistance.

The choice that both Governments had to face lay squarely between letting the situation fend for itself on the one hand; and, on the other, doing something about it. We knew that 'doing something about it' would be no casual or superficial business. It would mean identifying all those difficult issues correctly, addressing ourselves unreservedly to every one of them, when each such issue on its own has the potential for dangerous exploitation by extremists.

The easier choice for Dublin and London would have been to let the situation drift and so have it for a later time and, who knew, for other men and women to tackle crisis when it had got so far out of hand that it could no longer be ignored.

BRITISH MOTIVATION

It has been the major achievement of the Taoiseach that he brought his own Government and the British Government to recognise that this would have been a disastrous course for both countries. May I add that I know of no other British Prime Minister in the past who would have found the sheer guts to undertake and to sustain this Agreement, knowing full well, as Mrs. Thatcher clearly did, that in the short term it probably would breed more trouble than kudos for her Government.

I think it is likely that Irish history will judge her more favourably than other British leaders who have been superficially more congenial to our political tastes, but who have proved, when confronted with it, unequal to the Irish problem or unwilling to risk facing it.

Garret FitzGerald was right. To have allowed the situation of 1982 drift, would, however politically tempting, have been to have surrendered Northern Ireland and eventually Ireland to the tide of anarchy and nihilism that was then running powerfully.

This would have resulted in bitter Anglo-Irish confrontations on issues profoundly distasteful to the British and the Irish peoples and worse still, to widespread communal conflict in Northern Ireland. It would have been to condemn Northern Ireland to another generation of political despair, deeper than anything so far experienced. It would have been the handing of Ireland over to the murderous pleasure of the UDA, UVF and the IRA and eventually to the separate tyrannies of loyalist and republican dictators in an island more sourly divided than ever.

NEW IRELAND FORUM

A strong sense of the dangers of that time imbued the whole spectrum of constitutional nationalism and was a keen stimulus to the work of the New Ireland Forum. It is a great pity that the controversy which attended the publication of the final report of the Forum obscured the extraordinary move forward set out in the document itself.

What happened was that Irish nationalism for the first time acknowledged as a reality the Unionist position - in all its key dimensions - all of them specifically defined - the constitutional, the political, the cultural, and the philosophical.

The Forum went further and acknowledged that, in any solution to the problem of Northern Ireland, all those dimensions of Unionism

would have to be acknowledged and accommodated as a matter of right, just as the right of Nationalists to the acknowledgement of their identity and ethos would similarly have to be accommodated.

IRISH GOVERNMENT'S ROLE

The Forum Report was the basis on which our Government entered negotiations with the British Government. The public are already beginning to understand - and history will eventually confirm in detail - that the Chequers Summit of November 1984 was a major turning point in those long and difficult talks.

Mrs. Thatcher may have said "Out" at her Press Conference to three possible options outlined by the Forum - and remember that the Report had also said that Constitutional Irish Nationalism stood ready to examine options other than those, once the rights of Nationalists as well as Unionists were accommodated - but the Communique she issued with the Taoiseach proclaimed far more loudly, against the sounding board of history: "In, In, In!" to a role for our Government in the initiative that was then to be attempted.

That it required another year of intensive exchanges to complete the Agreement, is a measure both of the momentous character of the political task involved and of the serious and careful reflection given to it in both capitals.

As a member of the Cabinet in Ireland, I know of no issue in our modern history that received anything approaching the attention given to this particular enterprise. I also know that British ministers, particularly those most centrally concerned, gave to it an equally intensive and let me say, agonising appraisal. On both sides we knew we were attempting to plot the destiny of Anglo-Irish relations and of the relationships between North and South in Ireland and between the two communities in the North. We knew that nothing could be the same again. I believe that on both sides we were impelled to get our Agreement as nearly right as the necessary processes of compromise and negotiation would permit.

A SOLUTION?

Of course the Anglo-Irish Agreement, profound development as it is, is not a "solution". It is not a magicians hat out of which the dove of peace and stability can be conjured at will. It is however as the Agreement itself repeatedly says, a framework for the long process of reconciliation to work through.

It provides a set of objectives, notably the achievement of those rights of both the Nationalist and Unionist traditions proposed by the Forum;

- it sets out a process whereby our Government puts forward views and proposals in matters relating to Northern Ireland and it requires that, in the interests of peace and stability, determined efforts shall be made to resolve any differences;

- it provides for its own institutions, notably a Conference comprising the Secretary of State for Northern Ireland and a Irish Co-Chairman known as the Permanent Irish Ministerial Representative - now Peter Barry our Foreign Minister - as well as a Secretariat which is located in Belfast;

- and it provides a highly specific Agenda for the work of the Conference in the areas of politics, identity, human rights, economic development and security.

The Agreement strongly supports the promotion of devolution in Northern Ireland on a basis that commands widespread support provides that the Conference shall withdraw from a range of issues once they had been devolved.

INTERNATIONAL SUPPORT

As you know the Agreement enjoys the enthusiastic support of all democratic States. The United States, and Canada have already committed themselves to provide considerable funds for job-creation on both sides of the border in support of the Agreement, and it is expected that they will be joined by other countries with which we have close links, including those in Europe.

This, very briefly stated, is the essence of the structures and processes of the Anglo-Irish Agreement. The question we must now ask is "Is it working?". Two related questions immediately suggest themselves: first, "Is it creating peace and stability?" and second, "Is it delivering on its agenda?"

THE AGREEMENT AT WORK

Is it creating peace and stability?

A first part of the answer to that question must be that the situation today, for all the efforts of extremists to pull down the Agreement, is unquestionably less threatening than that which obtained in 1982 when a much more malign scenario threatened when neither London or Dublin had any sense of direction, let alone a common sense of direction, and when Northern Ireland seemed to be sliding into anarchy.

A second part of the answer must be that Unionists by and large oppose the Agreement at this time, although overwhelmingly for reasons which have no basis in the realities of the Agreement.

It is a fact, however, that the Agreement sets out a "new deal" for society in Northern Ireland: it says to Unionists "We shall take nothing from you, but you can not enjoy superior status at a cost to others in Northern Ireland"; and it says to Nationalists "You are no longer second class citizens; lift up your heads; your Irish identity, your rights are for the first time acknowledged and are to be fully accommodated through the processes of this Agreement".

Now this implies a new, fundamental change in the relationship between the two communities in Northern Ireland which history has made it difficult for Unionists quickly to understand and to accept. Only when that happens can true reconciliation begin.

A third part of the answer is that the self-seeking fanatics on both sides are showing by their present campaigns that they fear that the Agreement may succeed in achieving these very noble objectives of peace, stability and reconciliation.

So, taking the three parts of the answer to this question together, the overall response must be: "Yes, we believe the Agreement will create peace and stability at a profound level, but it can only do so slowly, and on the surface, so far.

CONSEQUENCES OF THE AGREEMENT

Is the Agreement delivering? The Agreement is not as I said earlier a conjurers hat. Neither is it a slot machine which automatically disgorges the jackpot everytime Peter Barry feeds its coin box. The processes of the Agreement involve lengthy and sometimes repetitive exchanges in each attempt to resolve differences, and we cannot expect the outcome to reflect the full gamut of Nationalist desires in every case. The real answer to this question is in two parts.

First, it would not matter how many gains were registered through the policy discussions within the Conference and the Secretariat, if the ordinary everyday experience of Nationalists in Northern Ireland in their relationship with the system of authority, were seriously unsatisfactory.

For example, it would not be satisfactory, even if a human rights Bill - an extremely elaborate project - were formulated, if in practice the police were behaving unacceptably towards the minority community as a matter of policy and widespread practice.

Indeed the real test of the viability of the Agreement, in terms of delivery, is whether it is making any difference in the ordinary everyday life of the community. That is a fundamental issue. I believe that the answer in this sense is positive. A situation has been created, largely by the Unionist reaction to the Agreement, that the Nationalist community has been exposed to mob attacks and other dangers on a large and continuing scale.

THE POLICE

The television screens have shown night after night that the RUC has behaved fairly and courageously in protecting the minority. There have been in the welter of events, one or two instances that have caused us serious concern, but the overall picture is extremely positive and the RUC deserve very considerable credit.

I cannot recall such a sustained situation of the police consistently being required by events to protect the minority and being seen to do so, and I agree strongly with the statement of Derry SDLP Councillor, Mrs. Courtney on RTE recently that the police are now being seen to behave even-handedly in the local community.

I think it is also fair to say that the Government and its various agencies, in their own decision-making processes, have been showing a higher level of sensitivity toward the Nationalists than was the case in the past. I am not suggesting that the situation is perfect; far from it; but I do believe that it is a lot better than it was in the past.

THE CONFERENCE

So much for the general day-to-day situation. What about the Conference itself? This is the second part of my answer. Here I believe that the signals are quite encouraging.

First of all the Conference and the Secretariat have worked very intensively since November last and have addressed in detail a very large number of policy issues. The full list is simply too long to include in a talk of this sort, but I would mention the following:

- the work towards a possible Bill of Rights for Northern Ireland;
- the avoidance of discrimination on grounds of religion in social and economic matters;
- flags and emblems;
- the Irish language and culture;
- electoral reform;
- policy matters of concern to the minority

- appointments to a range of public bodies in Northern Ireland
- relations between the minority and the security forces including a programme of measures to improve those relations;
- proposals for a new police complaints procedure;
- the system of administration of justice;
- the security and political situations in Northern Ireland;
- North-South security co-operation including a specific programme of work to enhance existing co-operation;
- North-South economic and Social co-operation including the new international funds;
- the identification of over twenty areas for co-operation development and specific work on tourism and the road link between Dundalk and Newry.

The British Government have already announced decisions on a number of specific matters raised by Peter Barry. In effect they have committed themselves to reforms on the position on the Irish language and culture which will among other more positive features, necessarily include the repeal of highly discriminatory Stormont legislation of 1949 which outlawed the use of Irish in street names in Northern Ireland, a prohibition that recalled some of the worst features of the statutes of Kilkenny.

They have also agreed to the inclusion of "I" voters in the voting register of Northern Ireland for Assembly elections. I believe that Northern Nationalists saw in these two commitments considerable grounds for encouragement, both in relation to the issues involved and to the capacity of the process to work. It is a pity, to put it mildly, that the Southern media ignored these developments almost completely.

PROGRESS

The work involved in many of the issues that have been addressed is voluminous, and much of it requires legislation. Similar work in Britain or in our own jurisdiction often takes years to complete. You will have seen in recent weeks authoritative British sources quoted to the effect that work is sufficiently advanced in a number of areas for other important result to appear in the coming months.

It is essential that the Conference be seen to deliver, if for no other reason than to sustain the morale of Constitutional Northern Nationalists, so often cruelly disappointed in the past.

And it is important too, so that flesh can be put as rapidly as possible on the Agreement's fundamental, yet abstract goal of equality between the two traditions, which is absolutely fundamental to any dialogue between the two sides in Northern Ireland.

IMPLEMENTATION

There is another reason why it is crucial that the Conference delivers and be seen to deliver. That is to demonstrate that the commitment of the two Governments is not merely to sustain the Agreement but also to implement it. It is only when both sides and especially the Unionists, fully understand and accept this, that the conditions for a serious reappraisal of their own situation will have been created and that genuine dialogue can begin.

Genuine dialogue between nationalists and unionists. This is above all what the two Governments want to promote. Of course this can only happen if Unionists stand back from their present situation and examine their own interests in a completely new way.

It might seem impertinent for a Wicklow woman like myself to give advice to the Unionist people. Unionists are at the moment inclined to retort: "Just take your nose out of our business and everything will be alright here". That is an instinctive reaction and, to an extent, an understandable reaction. Unionists themselves, just as everyone else, know that there is no real future in it. They know that the two sovereign Governments will not repudiate the Agreement and, moreover, that they will not refrain from implementing it.

It seems to me that Unionists have been subjected to a firestorm of wild propoganda from their own side about the significance of the Agreement. Some of it is pure rhetoric; most of it is pure fantasy. It is difficult not to feel that those who are inventing and propogating these demented falsehoods are doing so deliberately in order to deepen their own hold over the Unionist people. They are doing the Unionist people no good service, whatever their motivation.

UNIONISTS MYTHOLOGY

Let me mention must a few of the more outrageous inventions.

First, it is not true that the Agreement has set Northern Ireland on the road to Irish unity, regardless of the wishes of the people of Northern Ireland. The contrary precisely is the case.

Second, the Agreement is not tantamount to joint authority: decision-making rests finally in all cases with the sovereign power, which in the case of Northern Ireland, is the British Government.

Third, the Irish Government is not interfering in the internal affairs of Unionists: under the Agreement our Government puts forward views to the British Government on behalf of the Nationalists' interest, but of course it is totally opposed to damaging any legitimate Unionist interest.

For example, we would be opposed to any idea of Irish culture being as it were "imposed" on those who were not interested in it, either through the educational or the environmental systems.

Fourth, the RUC do not take orders from the Irish Government and it is outrageously irresponsible to suggest that they do.

Of course, it is time that our Government put forward views on a wide range of issues of concern to Nationalists. Our object in doing this is to see structures of authority built up in Northern Ireland which we and the Northern minority can unreservedly by support.

That Dublin should be in a position to give full support to the police, to the Courts, to the various agencies responsible for public administration and to the Government itself, is surely in the interest of Unionists as well as of Nationalists in Northern Ireland. Every sensible Unionist knows that those institutions must be supported actively by Dublin if they are to gain acceptance on the ground. If that can be achieved, there will be an end to alienation, and an end to terrorism, and that is all that we want fundamentally. Of course we also want to join in the economic and social development of the island on a North-South basis: we want the entire island to prosper and to flourish.

IRA - THE COMMON ENEMY

I think we in the South are entitled to say to Unionists that we believe that there is one group who are even more implacably and determinedly opposed to the Anglo-Irish Agreement than the most fanatical among themselves and that is the Provisional IRA. I need not say that the Provisional IRA are their enemies. They are also ours.

If the Agreement succeeds, sustained and solidly implemented by the two Governments, if Nationalist alienation is reversed, and if the process of genuine dialogue and reconciliation takes hold in Northern Ireland - then the IRA are defeated. I would ask Unionists to believe that we want that as much as any Unionist does.

Do not think that the people of the South can watch the IRA's sickening toll of murder of Northern Protestants without sharing in the utter abhorrence felt by Unionists of this unendurable evil. Do not think that we have no concept of the revulsion felt by decent Unionists who are expected to sit in local councils beside the Sinn Fein spokesmen for the murderers of Protestants, or to appear with them on the same television programmes.

Let me say that I profoundly share Mr. Molyneaux's disgust at the time given by television to the U.F.F. although I would respectfully question his decision to withdraw from all contact with the media because of that.

Let me put this as clearly as I can. We in the Irish Government and the great mass of the people of our State passionately share the desire of the Unionist people to see the IRA and Sinn Fein defeated. We want this for our own good selfish reasons and because as a civilised and preponderantly Christian people, we believe that murder is murder, and we profoundly wish to see this evil removed from the entire island of Ireland.

We also know that the IRA feeds voraciously on other ills: on inequality on social misery, on the denial of identity and cultural rights, on grave errors of security policy and practice, on perceptions of prejudice in the administration of justice, and on the bitterness and hatred endemic to a deeply divided community. Widespread attacks on innocent Catholics and the appalling situation in Shortts are only recent examples of these problems.

How can the IRA be defeated? They can only be defeated, in our view, by the most active security co-operation possible and by addressing vigorously all the political ills that history has visited on the minority community in its relations with authority. All of this the Anglo- Irish Agreement is structured and chartered to do. This it will do, I believe, to the benefit of all in Northern Ireland, and throughout Ireland.

WHO BENEFITS FROM DEFEAT?

I think that Unionists should now seriously ask themselves the question "Who, if the Agreement were somehow to be defeated or set aside, would benefit?"

Would the Unionists benefit? I cannot believe that they would. I find it very difficult to believe that the present links between Northern Ireland and Great Britain would survive such a rupture or that such an event could take place without a major breakdown in public order and immense human suffering.

Would Northern Nationalists benefit? I cannot believe so. Nationalists, just as much or - perhaps even more than - Unionists, long desperately for peace. They would never forgive the Irish and British Governments if they abandon the Agreement, the best chance for peace and stability they ever had. They also know better than anyone, that any weakening or defeat of the Agreement would place them entirely in the power of the IRA and they know that that would be the greatest misery of all.

It is the IRA, who would gain the most advantage from the defeat of the Agreement and hence their absolute opposition to it. They know that an end to the Agreement would present the great opportunity for chaos that they have been seeking to create for years. They know that out of such chaos would emerge, not a United Ireland but two embittered states in one of which, this one - they would hope to be on top. The IRA also know full well that the Agreement is the only development so far which can bring peace and stability, and which can defeat them and their Loyalist counterparts.

RESPONSIBILITY

I believe that Unionists should now ponder these facts seriously. I think they should ask themselves: are the more extreme leaders on their own side, in their savage opposition to the Agreement, serious about peace, or are they like the IRA, bent on power through conflict? I urge them to reflect whether there are other answers, another route forward, towards the peace we seek with this Agreement.

I do not think that the people of our own State ever entertained any illusions about a transformation of Northern Ireland overnight through the Anglo-Irish Agreement. I believe they had observed the situation long enough to know that, to succeed, there would have to be a difficult period while people absorbed the changes that simply had to be made.

I am certain that they are moved infinitely more by a humane and compassionate concern for the people of Northern Ireland, and a profound desire to help to end this suffering, than by any ideological imperative to territorial unity or aggrandisement.

We in the South have of course been touched by this suffering, although the bulk of it has been sustained by innocent Catholics and Protestants in the North. For moral and humanitarian reasons we cannot turn away. For political reasons also, there is no doubt that, were we to do so, the situation would inevitably become impossibly worse.

CONCLUSION

Belfast's greatest poet, Derek Mahon, spoke for us too when he wrote of a visit to his native city:

"One part of my mind must learn to know its place.
The things that happen in the kitchen houses
And echoing back-streets of this desperate city
Should engage more than my casual interest,
Exact more interest than my casual pity.

ENDS



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PARLIAMENTARY UNDER SECRETARY OF STATE

PRIME MINISTER

NORTHERN IRELAND: OVERSEAS INFORMATION EFFORT

PLP PT 9

I minuted you about the Overseas Information Effort on Northern Ireland on 29 July last year. Now, a year later and nearly 9 months after the signing of the Anglo-Irish Agreement, Tom King and I thought it might be useful for you to have a further report which not surprisingly pays particular attention to the USA.

2. The United States

- (i) Our information effort continues to be dominated by the US. There is more interest in developments in Northern Ireland than elsewhere outside the British Isles, and the USA has a special significance for Northern Ireland, because of the presence of a large Irish/American population with a powerful lobby; because of its actual and potential investment in Northern Ireland, because of its role as a super-power; because it remains a source of weapons and money for terrorists and because the people of Northern Ireland in both parts of the community pay a good deal of attention to the US and views expressed there.
- (ii) The Anglo-Irish Agreement has had a very positive influence on US perceptions of our policies in Northern Ireland. As I found when I visited Washington, New York and Boston immediately after the signing it was welcomed by the Administration and by the Congressional leadership, including



moderate Irish-American opinion. Even those, such as Congressman Biaggi, who have opposed most aspects of our policy, gave the Agreement a guarded welcome. Only Noraid and other extreme Republican-orientated elements opposed it.

The Agreement continues to stand us in good stead with the more moderate sections of Irish/American opinion. But if the Agreement was seen to be failing support for it would evaporate fast. Media coverage in the United States of the signing of the Agreement was extensive (although it competed for space with the Reagan/Gorbachev summit and the Columbian volcano disaster). It was seen as a positive and courageous step by both Governments to tackle a major and seemingly intractable problem. Considered editorial opinion was enthusiastic in its praise of you and Dr FitzGerald.

- (iii) However, although the US Government and the general population are currently well-disposed to our policies in Northern Ireland, extreme Irish/American groups, in particular the Irish National Caucus and Noraid, continue to be troublesome. Although they are not numerous they can exploit American concerns for human rights as well as traditional anti-British feeling in 'Irish America' to mount potentially damaging campaigns. Countering these takes up a good deal of time and energy. It is, therefore, of the utmost importance that the outward projection efforts of the Central Office of Information and the enormously valuable work of the British Information Services throughout the United States should not be impaired. Obviously we believe it desirable that such efforts should be intensified but it is essential that they are not reduced.
- (iv) The first of these campaigns concerned the UK/US Supplementary Extradition Treaty which removed the political offence exemption in respect of certain serious crimes. The signing of the Anglo Irish Agreement helped to put editorial opinion



behind the Extradition Treaty and support became almost universal after the US raid on Libya. The US Administration was as you know most helpful and supportive throughout. We saw such comments as - "The IRA is a murderous, anti-democratic, pro-Soviet apparatus that has artfully capitalised on sentimentality and some legitimate resources"; "When the rest of our allies were nervously clearing their throats and declaring the sky off-limits, British Prime Minister Margaret Thatcher was giving this country the go-ahead to strike at Libyan terrorists from British bases". (The Washington Times, 14 May 1986). Nevertheless we faced a widespread mobilisation of Irish-American opinion. Some Senators, during Senate ratification, hesitated to support us because of grass-roots opinion, and there was also anxiety about the precedent the Treaty would set for treaties with countries with less good human rights records.

Tom King's visit to the US in May was particularly opportune and he lobbied hard while there in favour of the Treaty. Our Ambassador in Washington and his staff were tireless in their efforts to bring influential opinion on Capitol Hill and elsewhere on side. These efforts have finally paid dividends; the Treaty has been ratified. Although some amendments were necessary to secure its passage the final Treaty represents a significant advance in terms both in Anglo-US relations and combatting terrorism.

The MacBride Principles

- (v) Irish-American Groups are attempting to force American companies investing in Northern Ireland to adhere to a set of principles which claim to ensure fair employment policy and are named after Sean MacBride (the Nobel and Lenin prize)



winner who was the IRA Chief of Staff in the 1930's). They have put forward shareholder resolutions within particular companies who have invested in Northern Ireland and have had legislation put forward in various State legislatures to implement these Principles. The legislation carries the threat of disinvestment by pension funds from companies if the Principles are not applied in Northern Ireland. We believe that if this movement gains strength it could be very damaging to the Province discouraging both existing and new investment. We have therefore devoted considerable efforts to resist the MacBride Principles. The IDB has briefed and assisted US companies. The Embassy and Consulates have lobbied political contacts. But given the wide geographical area, the fact that Irish-American groups are fighting on home ground, and our small staff resources, it has been an uphill struggle. The Principles have been held at bay in some areas but legislation has been passed in two State Legislatures (New York and Massachusetts) and threatens to succeed elsewhere. We will redouble our efforts and indeed we may need to dedicate more resources to the task.

Briefing Material

3. We have not neglected our wider information effort. In early January the FCO issued to some 178 posts a new film on Northern Ireland produced with the COI and NIO which gives a basic outline of



Irish history in so far as it is relevant to present day problems. The film is presented as essentially educational rather than propagandist, and is aimed, through our overseas posts, at use in schools, universities, and other educational and cultural institutions. It is also being used for briefing in our posts of staff and invited guests. It briefly records, in particular, the efforts of successive British Governments to find a political solution to Northern Ireland's problems acceptable to all shades of opinion. The film has already been shown on television in a number of third world countries and we hope it will be shown on Canadian television. It has also proved valuable in briefings by Embassies and High Commissions. It capitalises on the Anglo-Irish Agreement and should serve to increase understanding of our policies at relatively small cost.

Additional material on a wide range of topics relevant to the current situation has been provided by seven briefing papers prepared up to July this year by the FCO in conjunction with NIO. A Background Briefing - "Qadhafi and Irish Terrorism" - was also issued by the FCO in April this year. These briefs are invaluable for briefing trusted contacts abroad - who often have no easy way of getting the facts.

Visits

4. A good deal of useful work has been done with a regular flow of



visits to and from Northern Ireland. As I noted above Tom King has been visiting Washington and New York primarily to make political contacts. Charlie Lyell and Rhodes Boyson have also visited West Germany to promote Northern Ireland agriculture and industry respectively, Rhodes like myself, has also been to the States to encourage investment; I went to Paris to launch our new film and explain the Anglo Irish Agreement and Brian Mawhinney visited Mexico and the West Coast of America during the World Cup. We have kept up the pressure, encouraging foreign, London-based Diplomats to visit Northern Ireland and in the last year we have welcomed the Canadian High Commissioner, the US Ambassador and the Japanese Ambassador. Tom and I have continued to give high priority to the briefing of US and other foreign journalists both in London and Belfast.

The Future

5. We will continue to work closely with the FCO to promote NIO's image in the USA, as well as more widely abroad, and to capitalise both figuratively and literally on the goodwill the Anglo Irish Agreement has earned us. Another direct product of the Agreement, the International Fund for Ireland to which the US has already committed \$50 million with contributions to come from the Canadians, New Zealand, probably also Australia and other countries - constitutes a further symbolic but also financially worthwhile recognition for what we are trying to achieve in Ireland.



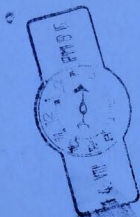
6. I am copying this note to Willie Whitelaw, Douglas Hurd,
Geoffrey Howe, Tom King and John Wakeham.

MS.

NICHOLAS SCOTT

12 August 1986

IRELAND
RELATIONS
P. 76



CAD
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From: THE PRIVATE SECRETARY

PERSONAL

10



NORTHERN IRELAND OFFICE

WHITEHALL

LONDON SW1A 2AZ

Prime Minister (2)

MsA 8/8

C D Powell Esq
10 Downing Street
LONDON SW1

7 August 1986

MT

Dear Charles

THE SECRETARY OF STATE'S MEETING WITH THE TAOISEACH IN DUBLIN ON 6 AUGUST

The Secretary of State yesterday had seventy five minutes' discussion with the Taoiseach at Barrettstown Castle. The Taoiseach was accompanied by Sean Donlon; Peter Barry joined the meeting for the final few minutes. Mr and Mrs King were then given lunch by the Taoiseach before going on to visit the Dublin Horse Show.

The Taoiseach said that he was pleased to have the opportunity to have a discussion with the Secretary of State. Since the start of negotiations leading up to the Agreement, the Republic's Foreign Minister had been the channel of communications with Secretaries of State for Northern Ireland, first through regular quarterly meetings and latterly through the Conference. It was right that this should be the main channel for conducting business but the Taoiseach hoped that he would in the future have further meetings with Mr King from time to time. The Secretary of State agreed with this and said that he would welcome a visit by the Taoiseach to Northern Ireland when the circumstances were right.

On Marches, the Taoiseach said that despite reservations over routes, he had been impressed with the way in which the RUC had handled the situation on the ground. He recognised that the organisers of the anti-internment parade in Londonderry on 9 August might set out to provoke the police but expressed confidence in the RUC's ability to cope.

The Secretary of State said that responsible leaders of the Orange Order were gradually being educated into understanding the impact of marches on nationalist areas and were themselves becoming fearful of hooligan and extremist attempts to use parades to heighten tension. With sensitive handling and a responsible approach from community leaders on all sides, Mr King was hopeful that the RUC would make further progress in this area in future years. It should be remembered that in 1985 there had been major riots in the Obin Street area of Portadown; in 1986 there had only been a token protest by march organisers. The Irish had expressed concern at

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what might happen in Ballynahinch but the RUC had mounted a highly successful operation there in protecting the local catholic community. To put the marching season in context, there had been about 1800 marches so far this year with some public disorder at about 50 and serious disorder at only a handful. If in future members of the minority community had concerns about loyalist marches and wished to make representations, their first approach should be to the local police.

The Taoiseach expressed great concern about the PIRA threats against contractors and others working for the security forces in Northern Ireland. This was further evidence of a shift in IRA strategy towards concentrating their resources on raising the temperature and seeking to destroy the Agreement. He asked Sean Donlon to Commission an analysis of public statements by PIRA and Sinn Fein to establish whether there was any change in their public stance on the Agreement in recent months. Without any prompting from the Secretary of State, the Taoiseach recognised that most murders of members of the security forces in recent months had taken place in border areas. Several times in the course of the meeting he expressed his commitment to defeating the IRA and maintaining a high level of security in border areas.

The Secretary of State said that cross-border security co-operation was a vital part of the Agreement for the British side. He noted that at the special meeting of the Conference on 29 July some detailed aspect of security co-operation on the ground had been discussed and work was now in hand. At Chief Officer level a joint RUC/Garda Threat Assessment, together with recommendations, had been produced and subsequently agreed by the Conference. This was an important step forward but the British side was concerned about delays in implementing the recommendations. The Taoiseach was very concerned about any suggestion of delay or lack of commitment and called for a progress report from Sean Donlon. He also asked Mr Donlon to report to him on progress in preparing three other joint RUC/Garda studies on cross border operational and logistical matters. The Taoiseach observed that while he appreciated the British position on the operational position of the RUC, we should understand that his Government had consciously appointed a Garda Commissioner who would not allow himself to become a creature of the politicians.

Turning to the political scene in Northern Ireland, the Secretary of State said that the unionists, particularly the Official Unionists, were in a confused state. While they were united in strong and sustained opposition to the Agreement, they could not agree a strategy on whether eventually to press for devolution or integration; and while the abstensionist policy still seemed likely to prevail there were some, Enoch Powell for example, who favoured a return to participation in Parliament and other local institutions. The position was complicated by the Official Unionists need

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constantly to be looking over their shoulders at the DUP. In these circumstances it was difficult to envisage progress on devolution in the foreseeable future. HMG's posture was likely to be one of continuing to favour talks but this would have to be put across in a relatively low key fashion in recognition of political realities.

The Taoiseach observed that the Official Unionists needed strengthening; it was in everyone's interests that they should not be superceded by the DUP as the leading unionist party. Unionist intransigence was being bolstered by timing factors. The signing of the Agreement had taken place several months later than had originally been envisaged; and now there was a prospect of a British general election in 1987. This had encouraged the unionists to maintain their negative position in the hope that a change of Government or a hung Parliament would put them in a stronger position.

The Secretary of State said that the SDLP were not always providing the leadership in the nationalist community that was needed. Since the signing of the Agreement they had not developed a coherent strategy on whether to make representations through Dublin and the Conference or direct to the authorities in Northern Ireland. It was surely in the interests of the SDLP, as a Northern Ireland political party, not to allow its role to be taken over by the Conference. Moreover, there were signs that the SDLP leadership had not sufficiently appreciated the importance of street level politics (where Sinn Fein were particularly strong).

The Taoiseach said that he was irritated at frequently repeated criticisms of the SDLP that they were not interested in devolution; they had made their position clear on this repeatedly. (The Secretary of State said that he had not been referring to this aspect of SDLP strategy). However Dr FitzGerald fully recognised the importance of the party working hard to maintain and strengthen its position in Northern Ireland. In some areas, where there was a long tradition of political apathy on the part of nationalists, the SDLP had an uphill struggle to establish themselves but it was important that the effort was made. Mr Donlon reported that the SDLP's involvement with the National Democratic Institute was having a beneficial effect in that the NDI was teaching them a great deal about street politics and public relations. District councillors were visiting the United States to be briefed in these areas. On the question of whether representations should be made through Dublin or within Northern Ireland, the Irish and the SDLP had agreed early on that this would depend on the subject matter; they were actively engaged in reducing the categories of issue in which the first point of contact would be Dublin. The Department of Foreign Affairs had appointed officials, covering each region of Northern Ireland, to whom members of the nationalist community could look for advice on these matters.

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Turning to the Agreement, the Taoiseach said that its origins lay in discussions which took place between the two governments in November 1983. He had seen it then as leading to the creation of a framework which would enable the nationalist community to work within Northern Ireland's political institutions, confident that their interests were being protected. It was also intended to reassure unionists that there could be no change in the status of Northern Ireland without the consent of a majority of people in the Province. Part of the strategy of giving nationalists confidence in the Agreement was that there should be early implementation of certain confidence building measures (CBMs) relating to the RUC, the UDR and the administration of justice. He had attached such importance to these CBMs that, when at the Milan summit in June 1985 the Prime Minister appeared to have doubts over whether they could be introduced along with the Agreement, he had considered the possibility of aborting the negotiations. He had therefore been greatly relieved that on explaining his position, the Prime Minister had understood the depth of his concern and agreed the need to demonstrate that the Agreement was being implemented from the outset. This point came through clearly in the joint communique issued when the Agreement was signed. In addition, before signing the Agreement, the two sides had agreed a form of words, that would have been used by the Secretary of State in the debate on the Agreement, indicating that if violence came to an end there might be a major review of prison sentences; this together with some early releases, could have had a major impact in the catholic "ghettoes" in terms of deflecting support away from Sinn Fein towards the SDLP. In the event, the scale of unionist opposition had been such that demonstrable progress had not been achieved in any of these areas; while the Taoiseach understood the reasons for this, further delay was bound not only to cause him difficulties but also to jeopardise what confidence there was in the Agreement on the part of nationalists in the North.

The Taoiseach stressed the importance of progress on three judge courts before the Dail debate on his Government's proposal to accede to the European Convention on the Suppression of Terrorism. Even with a commitment on three judge courts, he was running a considerable political risk in bringing this before the Dail and could not be certain of the outcome; but without such a commitment there seemed little point in bringing forward the proposal. He did say that he had made some progress in bringing the leader of the Progressive Democrats on side so far as the European Convention was concerned; it seemed likely that Mr O'Malley would accept "certification" as a safeguard in extradition cases and would not press for the "prima facie" requirement. On three judge courts Dr FitzGerald said that he would not expect all scheduled offences to be tried by three judges from the outset; it should be possible to identify categories of trial where three judges were desirable.

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Supergrass cases were a cause of continuing concern. They had the following characteristics:- one judge, no jury, uncorroborated evidence and large number of defendants; while any one of these characteristics on its own might be acceptable, when taken together they inevitably caused concern about the system of justice.

The Secretary of State told the Taoiseach that, while he still had the question of administration of justice under consideration in the light of the views expressed by the Irish, he could not hold out any encouragement that there would be movement on three judge courts. It would cause the British side great difficulty and would be strongly resisted by the judiciary. The Irish should understand that only a relatively small proportion of scheduled cases (around 20%) resulted in trials; and of those most did not give rise to controversy. The Secretary of State offered to supply the Irish with statistics relating to the processing of scheduled offences.

When the Taoiseach raised the Whoriskey case, the Secretary of State said that there had been a misunderstanding over this. The Irish had believed her to be unstable because she was in a mental institution; in fact she worked in a mental institution. The Taoiseach said that they now understood this but still believed her to be unstable and highly unsuitable as a witness. They had understood that the case was not being proceeded with; if a trial were to go ahead on the basis of her evidence this would cause serious difficulties for the Irish Government. The Secretary of State said he believed that the prosecuting authorities were still proceeding with the case.

The meeting was friendly and relaxed throughout.

A copy of this letter goes to the Private Secretary to the Foreign and Commonwealth Secretary and Sir Robert Armstrong.

*Yours sincerely
for Daniel*

J A Daniell

SECRET

PERSONAL



Northern Ireland Office

Whitehall, London SW1A 2AZ

Telephone: Direct Dialling 01-210
Exchange 01-210 3000

Unfortunately when this letter was first issued several lines were

With Compliments
omitted from paragraph
3. The revised version
is attached.
Sorry.

From: THE PRIVATE SECRETARY

CONFIDENTIAL

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ



208317

C D Powell Esq
10 Downing Street
LONDON

31 July 1986

Dear Mr Powell

The special meeting of the Anglo-Irish Intergovernmental Conference held in the evening of 29 July in London was a successful exercise in mending fences with the Irish. I enclose a copy of the joint statement issued after the meeting.

We agreed at the outset that there was no purpose in going again over the ground of the different perceptions by the two sides of events in Portadown on and after 12 July. We took the opportunity of emphasising the success which the RUC had had in imposing their will on the Orange marches, to the extent that the more moderate of their leaders had decided that they could not hope to outface the RUC. The moral was that the Irish should avoid claiming that our policy was not working; the effect would simply be to provoke Unionists again. We also pointed out again that the vast majority of marches passed off peacefully, and that any decisions were taken simply on public order grounds, as laid down in the relevant legislation. The Irish admitted that many marches were genuinely traditional and non-provocative, but insisted that some were pure triumphalism. However they refrained from entering into any argument on this issue.

Mr Barry asked if we had considered the proposal floated by the Chief Constable in his annual report, for an independent tribunal to adjudicate on proposals for marches. This could for example determine what areas were acceptable for marches by a particular community, and what routes could be described as genuinely traditional. The aim should be to allow no marches to pass through areas where they were not welcomed. We said that there were problems about the tribunal approach, although it had not been ruled out; for example decisions on the ground would have to be taken by the police on law and order grounds, and on occasion marchers might

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simply ignore rulings by a tribunal. The proposal had not been fully studied. Once the current marching season was over at the end of August we would be happy to sit down with the Irish and look at the implications for future policy.

The discussion then moved on to cross-border security. We said that the murder of three RUC men in Newry over the weekend had underlined the importance of this issue. Progress had to be made on this if the Agreement was ever to win Unionist support. Action was proceeding through the Conference mechanism on the broad issues such as a joint threat assessment and liaison structures, but we were also concerned at reports from RUC divisions of inadequate co-operation across the border at local level and a lack of response from the Garda to routine requests. We quoted one particular case which had been taken up through the Secretariat, and undertook to pass a full list of examples by the same channel when it was complete, for study and subsequent discussion at Ministerial level. It would only be possible to make the necessary rapid progress in improving cross-border security co-operation if each side had a full understanding of the problems being experienced by the other. The Irish took note, and agreed that the first step was to supply details through the Secretariat. For their part, they were concerned about the apparent lack of police (as distinct from Army) activity in some border regions such as South Armagh. There were problems for the Irish about communicating direct with the British Army. Mr Barry emphasised that it was a matter of principle for the Irish to have their police force in the front line, although Irish army units were also deployed throughout the border area, at substantial cost.

At a later stage the Irish argued that the current upsurge of Provisional IRA terrorist activity across the border demonstrated that PIRA were seriously concerned about the effects of the Agreement in bringing about successful cross-border security co-operation, and needed therefore to show by terrorist acts that the Agreement was failing in its purpose. In the Irish view we could draw some encouragement from this development, and might make some public use of the argument.

Mr Barry accepted readily that the next conference meeting would not be until September, and while saying at one point that Nationalists did not yet perceive the Agreement as having made any progress, did not press for an immediate discussion of issues on which progress should be achieved in the Autumn.

I am sending a copy of this letter to Tony Galsworthy in the FCO and Michael Stark in the Cabinet Office.

Yours sincerely
Brian Porter

for J A DANIELL
Private Secretary

~~CONFIDENTIAL~~



Northern Ireland Office

Press Notice

Whitehall, London SW1A 2AZ Telephone Enquiries 01-210 6470
Stormont Castle, Belfast, BT4 3ST. Telephone Enquiries Belfast 63011

L36/86

ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE

Special Meeting - 29 July 1986

A special meeting of the Conference, chaired by Mr Tom King MP, Secretary of State for Northern Ireland, and by Mr Peter Barry TD, Minister for Foreign Affairs, was held in London on 29 July 1986 at the request of the Irish side.

The Conference considered a number of recent sectarian outrages and other acts of terrorism. They called on everybody North and South to stand firmly against those who carry out such attacks and to co-operate fully with the security forces in their efforts to seek out those responsible. They agreed that every effort would be made to enhance effective co-operation between the security forces of the two Governments in order to defeat terrorism in all its forms.

At this eighth meeting of the Conference the Joint Chairmen reviewed the progress to date of the Conference and of its working groups. They agreed that the next meeting would be held in September, and that it would consider legal matters including the administration of justice, cross-border security co-operation, relations between the security forces in Northern Ireland and the community, and economic and social issues.



10 DOWNING STREET

~~CDP~~, *cm*

NI.O. have advised
that the attached letter is
now to be re-written due
to omissions,

Gi:U
3/17.

now rec'd

& with CDP

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FROM: THE PRIVATE SECRETARY



NORTHERN IRELAND OFFICE

WHITEHALL

LONDON SW1A 2AZ

C D Powell Esq
10 Downing Street
LONDON

Prime Minister
The Irish recognize that they over-reached themselves.
30th July 1986
COB
8077

Dear Charles,

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I am sending a copy of this letter to Tony Galsworthy in the FCO and Michael Stark in the Cabinet Office.

yours Sincerely
N D Howard

for J A DANIELL
Private Secretary

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Northern Ireland Office

Press Notice

Whitehall, London SW1A 2AZ Telephone Enquiries 01-210 6470
Stormont Castle, Belfast, BT4 3ST. Telephone Enquiries Belfast 63011

L36/86

ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE

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FM DUBLIN

TO DESKBY 281300Z FCOLN

TEL NO 379

OF 281200Z JULY 86

INFO IMMEDIATE NIO BELFAST

INFO SAVING WASHINGTON

MY TEL NO 372: ANGLO-IRISH RELATIONS

SUMMARY

1. THE IRISH GOVERNMENT CONTINUES TO BE SERIOUSLY CONCERNED, NOT ONLY ABOUT THE HANDLING OF LOYALIST MARCHES IN PORTADOWN, BUT ABOUT WHAT IT SEES AS A GENERAL BRITISH RETREAT FROM IMPLEMENTING THE SPIRIT OF THE AGREEMENT.

DETAIL

2. DR FITZGERALD DINED AT MY HOUSE ON 27 JULY TO MEET SIR ANTHONY ACLAND. DONLON AND LILLIS WERE ALSO PRESENT, AND WE DISCUSSED ANGLO-IRISH RELATIONS CEASELESSLY FOR FOUR AND A HALF HOURS IN AN ATMOSPHERE OF GREAT PERSONAL CORDIALITY BUT DOWN TO EARTH FRANKNESS. DR FITZGERALD SEEMED TO FEEL THAT HE HAD ALREADY MADE HIS POINTS ABOUT THE HANDLING OF LOYALIST MARCHES IN PORTADOWN SUFFICIENTLY CLEARLY TO HMG FOR HIM TO BE ABLE TO CONCENTRATE ON OTHER TOPICS. BUT HE COULD NOT UNDERSTAND THAT BRITISH MINISTERS LACKED ANY AUTHORITY TO INDUCE THE CHIEF CONSTABLE TO TAKE THEIR POLITICAL JUDGEMENTS INTO ACCOUNT. HE, EQUALLY, WHILE ACCEPTING THAT THE JUDICIARY MUST BE INDEPENDENT IN THEIR JUDGEMENTS, REFUSED TO ACCEPT THAT MINISTERS COULD BE GOVERNED IN SUCH QUESTIONS AS THE COMPOSITION OF COURTS BY THE VIEWS OF HIS OLD FRIEND, THE LORD CHIEF JUSTICE OF NORTHERN IRELAND.

3. DR FITZGERALD WAS CONCERNED AT A NUMBER OF PASSAGES IN THE INTERVIEW GIVEN BY THE SECRETARY OF STATE FOR NORTHERN IRELAND TO THE BELFAST TELEGRAPH OF 4 JULY. I BELIEVE THAT YOU HAVE RECEIVED A DETAILED ACCOUNT OF HIS VIEWS ON THIS INTERVIEW THROUGH OTHER CHANNELS.

4. BOTH IN REGARD TO THE BELFAST TELEGRAPH INTERVIEW AND OTHER TOPICS IT WAS CLEAR THAT THE TAOISEACH CONTINUED TO APPRAISE DEVELOPMENTS IN THE LIGHT OF THE NEGOTIATIONS IN 1984 AND 1985. HE WAS PARTICULARLY UPSET THAT IN HIS INTERVIEW THE SECRETARY OF STATE OF NORTHERN IRELAND DID NOT ADHERE TO THE QUESTION AND ANSWER PAPER NEGOTIATED BETWEEN US BEFORE SIGNATURE OF THE AGREEMENT. SIMILARLY, HE WAS CONCERNED THAT A NUMBER OF STATEMENTS MADE DURING THE NEGOTIATIONS ABOUT THE INTENTIONS OF HMG, IN RELATION, FOR INSTANCE, TO THE INTRODUCTION OF A CODE OF CONDUCT FOR THE RUC, THE ACCOMPANIMENT OF UDR PATROLS BY THE RUC AND SIMILAR MATTERS ARISING UNDER THE HEADING OF 'MAKING THE SECURITY

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FORCES MORE READILY ACCEPTED BY THE NATIONALIST COMMUNITY' (ARTICLE 7(C)) WHICH, AT THE TIME THEY WERE MADE, APPEARED TO ENVISAGE EARLY APPLICATION, HAVE STILL NOT PRODUCED SUBSTANTIVE RESULTS. HE ALSO ATTACHED GREAT IMPORTANCE TO THE JOINT COMMUNIQUE ISSUED ON 15 NOVEMBER AS THE FRUIT OF DETAILED NEGOTIATIONS BETWEEN US. IN PARA 7 THE WORDS 'AGAINST THIS BACKGROUND' REPRESENT IN HIS EYES A BARGAIN BETWEEN US THAT THE ACCESSION OF HIS GOVERNMENT TO THE EUROPEAN CONVENTION ON THE SUPPRESSION OF TERRORISM AND THE ENHANCEMENT OF SECURITY COOPERATION BETWEEN THE TWO GOVERNMENTS WOULD BE MATCHED BY SPECIFIC MEASURES ON OUR PART TO IMPROVE NATIONALIST ACCEPTANCE OF THE SECURITY FORCES AND NATIONALIST CONFIDENCE IN THE ADMINISTRATION OF JUSTICE. HE SAYS NO SUCH MEASURES HAVE YET BEEN FORTHCOMING.

5. THE TAOISEACH IS PARTICULARLY CONCERNED THAT THE SECRETARY OF STATE FOR NORTHERN IRELAND SHOULD HAVE PUBLICLY DENIED THAT THERE HAD BEEN ANY IRISH REPRESENTATIONS OR DISCUSSIONS WITH THE IRISH ABOUT MARCHES. THIS STATEMENT IS NOT IN HIS VIEW CORRECT.

6. IT IS NOT EASY TO STEM DR FITZGERALD IN FULL FLOW OF SPEECH, BUT HE DID NOT LET ALL THIS GO PAST WITHOUT COMMENT. IN PARTICULAR, HE REMINDED HIM OF THE CARE WHICH THE BRITISH SIDE HAD TAKEN IN THE NEGOTIATIONS EXPLICITLY TO REFUSE TO GIVE ANY COMMITMENT ON IRISH PROPOSALS FOR MIXED COURTS. HE REFUTED IRISH SUGGESTIONS THAT WE WERE UNDER ANY OBLIGATION TO INTRODUCE THREE MEN COURTS. HE MADE VERY FORCEFULLY THE POINT THAT THE NATIONALISTS OUGHT TO NEED NO FURTHER GUARANTEE OF THE IMPARTIALITY OF THE SECURITY FORCES THAN THE SIGHT OF UNIONISTS ATTACKING RUC HOMES.

7. FCO PLEASE ADVANCE COPY TO BELL S/H N10(L). N10(B) PLEASE COPY TO SIR ANTHONY ACLAND.

GOODISON

YYYY

DLLNAN 1013

NORTHERN IRELAND
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PS/LADY YOUNG
PS/MR EGGAR
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MR GOODALL
MR BARRINGTON
MR HOUSTON

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OF 221010Z JULY 86
INFO IMMEDIATE NIO(B)

*The Irish are
backing down*

ANGLO-IRISH RELATIONS

SUMMARY

1. THE TADISEACH NOW ACCEPTS THAT THE DIFFERENCES BETWEEN THE TWO GOVERNMENTS MAY BE PARTLY BASED ON A MISUNDERSTANDING.

DETAIL

2. DR FITZGERALD LUNCED WITH EC HEADS OF MISSION AT MY HOUSE ON 21 JULY. HE TOLD ME PRIVATELY THAT HE HAD LEARNT WITH SOME SURPRISE THAT MR NICHOLAS SCOTT'S ASSURANCES ON 10 JULY HAD BEEN BASED ON THE INCORRECT SUPPOSITION THAT UNIONISTS HAD MARCHED DOWN GARVAGHY ROAD IN PORTADOWN ON 12 JULY 1985 (REPEAT 1985). THIS PUT THEM IN A NEW LIGHT AND HE NOW ACCEPTED THAT THERE MAY HAVE BEEN SOME MISUNDERSTANDING.

3. AT TABLE HE SAID THAT IT HAD BEEN CLEAR FROM THE BEGINNING THAT THE ANGLO-IRISH AGREEMENT WOULD EITHER RESULT IN A SHORT SHARP BURST OF OPPOSITION IN NORTHERN IRELAND OR A LONG DRAWN-OUT PERIOD OF MOUNTING TENSION. THE MARCHING SEASON HAD DEMONSTRATED THAT THE LATTER WAS THE CASE. IN HIS VIEW THINGS HAD GONE VERY WELL FOR THE MOST PART, WITH THE SECURITY FORCES ACTING IN AN EFFECTIVE MANNER. THEIR EFFECTIVENESS HAD BEEN HELPED BY COMMUNICATIONS BETWEEN THE REPUBLIC AND THE NORTH, BUT OF COURSE HE COULD NOT COMMENT PUBLICLY ON THIS.

4. ON PORTADOWN, HE SAID HELPFULLY THAT HE UNDERSTOOD THAT OPERATIONAL COMMANDERS HAD TO HAVE A CERTAIN AMOUNT OF LATITUDE, AND THAT THE OPERATIONAL DECISION TO RE-ROUTE THE MARCH WAS NOT ONE WHICH COULD EASILY AND SWIFTLY HAVE BEEN SUBJECT TO POLITICAL CONTROL. HE DID NOT SPEAK OF UNFULFILLED ASSURANCES, NOR OF A LACK OF POLITICAL WILL, BUT SAID THAT HE BELIEVED ANY PROBLEMS OVER THIS DECISION WERE PRIMARILY CAUSED BY CONFUSION AND MISUNDERSTANDING IN THE MINDS OF THOSE INVOLVED, AND WERE NOT TO BE TAKEN AS A DELIBERATELY PROVOCATIVE ACT.

5. I SAID THAT THE ANGLO-IRISH AGREEMENT HAD SET UP A PROCESS WHICH WAS BOUND TO TAKE TIME TO HAVE ITS EFFECTS AND A STRUCTURE WHICH WAS STRONG ENOUGH TO ENDURE THE POSSIBILITY OF DISAGREEMENTS FROM TIME TO TIME.

16.

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6. MR BARRY IS QUOTED IN TODAY'S NEWSPAPERS AS ALSO ADOPTING A QUIETER TONE ON PORTADOWN. FOLLOWING HIS MEETING WITH YOU YESTERDAY HE SPOKE OF 'A DIFFERENCE OF PERCEPTION ON VARIOUS POINTS'. WHILST HE DID NOT AGREE THAT THE CORRECT DECISION HAD BEEN TAKEN AT PORTADOWN, AND WOULD HAVE PREFERRED THAT THE SAME REGIME HAD BEEN APPLIED AS IN 1985, HE IS REPORTED TO HAVE STRESSED THAT IT WAS 'INCONCEIVABLE' FOR TWO PARTIES TO AN ACCORD ALWAYS TO AGREE 100 PER CENT ON ALL POINTS.

7. FCO PLEASE PASS IMMEDIATE NIO(L).

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FM DUBLIN
TO DESKBY 141230Z FCOLN
TELNO 347
OF 141130Z JULY 86
AND TO IMMEDIATE DESKBY NIO(B) 141230Z

ANGLO-IRISH RELATIONS

SUMMARY

1. THE IRISH GOVERNMENT IS COMPLAINING BITTERLY ABOUT THE TACTICS OF THE NORTHERN IRELAND SECURITY FORCES OVER THE PAST WEEKEND.

DETAIL

2. I AM VERY GRATEFUL TO THE SECRETARY OF STATE FOR NORTHERN IRELAND FOR GIVING ME THIS MORNING BY TELEPHONE HIS COMMENTS ON HIS EXCHANGES WITH THE IRISH GOVERNMENT OVER THE WEEKEND. ALTHOUGH HE DID NOT SPECIFICALLY INSTRUCT ME TO INTERVENE, I THOUGHT IT WISE TO SPEAK BRIEFLY TO NALLY AND AT GREATER LENGTH TO DONLON ABOUT MR KING'S CONCERN THAT A DEFEAT FOR MR PAISLEY COULD BE TRANSFORMED BY NATIONALIST CRITICISM INTO A DEFEAT FOR THE ANGLO-IRISH AGREEMENT.

3. DONLON SAID THAT DR FITZGERALD AND MR BARRY WERE EXTREMELY CRITICAL OF THE TACTICS ADOPTED BY THE BRITISH AUTHORITIES IN THE NORTH ON 12 JULY AND AFTER. MR BARRY BELIEVED THAT HE HAD RECEIVED AN ASSURANCE FROM MR NICHOLAS SCOTT ON 10 JULY THAT THE PATTERN OF LAST YEAR'S MARCH THROUGH PORTADOWN WOULD BE MAINTAINED THIS YEAR. IRISH MINISTERS FELT THAT WE HAD CAPITULATED TO THE ORANGEMEN. LILLIS'S ACCOUNT OF HIS CONVERSATION WITH MR KING HAD NOT MODIFIED THAT VIEW. DONLON SPOKE CALMLY, BUT HE USED THE LANGUAGE OF ANGER AND DISMAY. HE SAID HIS MINISTERS THOUGHT THAT THERE HAD BEEN A FAILURE OF BRITISH WILL COMPARABLE ONLY WITH THAT IN 1974.

4. HE SAID THAT THE LAST STRAW HAD BEEN SIR JOHN HERMAN'S STATEMENT THAT GARYVAGHY ROAD WAS NOT A CATHOLIC ROAD. THE RUC WAS PERCEIVED BY NATIONALISTS AS HAVING TAKEN A GIANT STEP BACKWARDS FROM AN EVEN-HANDED POSTURE AS BETWEEN THE TWO TRADITIONS. THE IRISH MINISTER OF JUSTICE HAD STATIONED EXTRA FORCES ON THE BORDER WITH SOME DIFFICULTY. HE HAD NOT EXPECTED TO BE FREEING THE RUC SIMPLY FOR THIS.

5. DONLON SAID THAT I WOULD HAVE OBSERVED THAT IRISH MINISTERS AND THE IRISH GOVERNMENT SPOKESMAN WERE MAKING NO PUBLIC COMMENT, AT LEAST NOT TODAY. THE SILENCE WAS DESPITE REPEATED AND CONTINUAL PRESSURE FROM NORTHERN NATIONALISTS. MR BARRY WAS RECEIVING 10 TELEPHONE CALLS AN HOUR.

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6. I TOLD HIM THAT I WAS NOT WILLING TO ACCEPT A NUMBER OF THE STATEMENTS THAT HE HAD MADE. THERE WAS NO QUESTION OF ANY FAILURE OF BRITISH WILL. MR KING HAD MADE IT QUITE CLEAR TO ME THAT A VERY DIFFICULT SITUATION HAD BEEN FACED SERIOUSLY AND WITH CARE. THOSE IN CHARGE OF THE SECURITY FORCES HELD RESPONSIBILITIES WHICH WERE NOT TREATED LIGHTLY. IT WAS EASY FOR THOSE WHO HAD NO SUCH RESPONSIBILITIES TO CRITICISE THEM. I DEPLOYED THE POINTS MR KING HAD MADE. IN PARTICULAR I QUOTED BRID ROGER'S STATEMENT IN THE IRISH TIMES THAT THE FACT THAT THE ORANGE PARADE IN PORTADOWN WAS LIMITED IN SIZE WAS AN IMPROVEMENT. I POINTED OUT THAT BRITISH TACTICS HAD SAVED LIVES.

7. DONLON TOOK VERY WELL MY REPUDIATION OF HIS CRITICISMS. HE ACCEPTED THAT NO-ONE HAD DIED, AND THAT THE TENSION HAD BEEN LESSENERED, BUT HE ASSERTED THAT AN APPALLING POLITICAL PRICE HAD BEEN PAID. HE WAS CONCERNED FOR THE WELFARE OF THE AGREEMENT. THE IRISH SIDE HAD HOPED THAT THE AGREEMENT MEANT THAT THE ANNUAL ORANGE COAT TRAILING EXERCISE WOULD BE OVER AND THAT AT SOME POINT THE BRITISH GOVERNMENT WOULD SAY TO UNIONISTS "YOU DO NOT RULE: WE DO "".

8. I ASKED HIM WHETHER HE THOUGHT IT WOULD BE HELPFUL FOR MR KING TO TELEPHONE MR BARRY OR THE TAOISEACH TODAY. HE SAID HE THOUGHT THAT IN THEIR PRESENT MOOD A TELEPHONE CALL MIGHT GO BADLY. HE AGREED HOWEVER (WITHOUT INSTRUCTIONS) THAT AN EARLY PRIVATE MEETING BETWEEN MR KING AND MR BARRY WOULD BE VALUABLE. AT THIS MEETING DONLON SAID MR BARRY WOULD WISH TO DISCUSS NOT ONLY PORTADOWN BUT MR KING'S INTERVIEW WITH THE BELFAST TELEGRAPH.

COMMENT

9. I AM AFRAID DR FITZGERALD IS SUFFERING FROM ONE OF HIS PERIODIC BOUTS OF HYSTERIA PROBABLY EGGED ON BY JOHN HUME, AND NOONE ROUND HIM IS CALMING HIM DOWN. I EXPECT DONLON ACCURATELY CONVEYED HIS MOOD ALTHOUGH I COULD CALL ON IRISH MINISTERS IF YOU WISHED I THINK MR KING IS BEST PLACED TO SOOTHE THEM BY ENSURING THAT MR BARRY HAS AN EARLY OPPORTUNITY TO AIR HIS COMPLAINTS FACE TO FACE.

10. FCO PLEASE PASS IMMEDIATE NIO(L) TO MEET DESKBY TIME.

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10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

30 June, 1986.

My letter of 27 June recording the Prime Minister's meeting with the Taoiseach in The Hague inadvertently omitted to mention that, just as the Prime Minister was leaving the room, the Taoiseach briefly raised the question of aid for Northern Ireland. He welcomed the decision by the US Congress to grant \$50 million, attributing this largely to his own Government's lobbying efforts. He added that he understood the problems which we experienced with the concept of European Community aid. He wondered whether a way could not be found round our problems by encouraging the European Governments to make national contributions outside the Community budget which could then be described as a European programme. He hoped that the Prime Minister would encourage her colleagues to look more positively at this possibility. The Prime Minister did not comment directly.

I should perhaps also record that there was no mention during the meeting of the Stalker case.

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

(C.D. Powell)

C.R. Budd, Esq.,
Foreign and Commonwealth Office.

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Subject cc master

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10 DOWNING STREET

LONDON SW1A 2AA

27 June 1986

From the Private Secretary

Dear Sir,

PRIME MINISTER'S MEETING WITH THE TAOISEACH
ON 27 JUNE 1986

The Prime Minister had a brief meeting with the Taoiseach in the margins of the European Council in The Hague on 27 June. The Taoiseach was accompanied by Mr. Nally.

The Taoiseach said that the Irish Government was by and large well content with the working of the Anglo-Irish Agreement. But attempts were constantly made to suggest that the British and Irish Governments had different interpretations of it. The time might come when it would be helpful for him and the Prime Minister to issue a joint statement reaffirming exactly what the Agreement did and did not provide for. It was clearly not the time to consider such a statement now. He was thinking in terms of the autumn. The Prime Minister said that she was always hesitant about trying to interpret Agreements. Her instinct was against the Taoiseach's suggestion.

The Prime Minister said that the Unionist reaction to the Anglo-Irish Agreement was still bad. Every overture which the Government had made to the Unionists had been rebuffed or met with insistence that the Agreement should be suspended. The approach of the marching season was likely to make matters more difficult. At the same time the SDLP had not been as forthcoming as she had hoped. It was far from clear, for instance, whether they were ready to participate in elections to a new Assembly and subsequently in the Assembly itself. The Agreement had created enormous difficulties for HMG in Northern Ireland, but we had remained true to it. The Taoiseach said that he was in no doubt that there had been a significant shift in Unionist opinion although the Unionist leadership remained as strident as ever. People were not turning up in large numbers to demonstrations and were sick of violence. There was no wish for UDI but growing unhappiness with the general situation. The benefits of improved security cooperation had not been fully appreciated by the Unionists. The Taoiseach continued that he had received a number of requests from Unionists for meetings but had not accepted these for fear that the results would be misrepresented as had happened in the case of Mr. Robinson. He wanted the Prime Minister to know that the Irish Government was very grateful for the firm manner in which the United Kingdom had

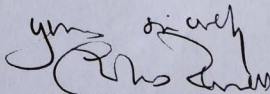
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persevered with implementation of the Agreement and had refused to be deflected by Unionist opposition.

The Taoiseach said that he shared the Prime Minister's pessimism about the prospects in Northern Ireland before the summer. It was for this reason that the Irish Government had not pressed for early progress on subjects of interest to them. But once the marching season was over they would want to see decisions on a number of points. The IRA were already making capital out of the lack of benefits for the Nationalist community from the Agreement. At the other end of the spectrum, the Unionists were claiming that it was their success in blocking implementation of the Agreement which was holding up progress. The areas in which the Irish Government would want to see progress were a code of conduct for the RUC; joint patrols, where the United Kingdom was failing to live up to the terms of the joint communique; and the issue of three man courts. The last was the most important. It had been accepted in the communique at the time of the signing of the Agreement that measures were needed to make the administration of justice in Northern Ireland more acceptable to the minority. Three man courts provided the only significant opportunity to achieve this. The matter was not controversial in Northern Ireland. The Prime Minister said that she was not prepared to consider the matter unless a proposal clearly had the support of the Northern Ireland judiciary. As it was, efforts by the Republic to pursue the issue appeared to cast doubt on the judiciary's performance. Three man courts would never be appropriate for every category of case. And anyway there were not enough judges. She advised the Taoiseach not to make a public issue of this.

The Taoiseach said that he firmly intended to push an Extradition Bill (I assume this is a Bill to ratify Irish accession to the European Convention on the Suppression of Terrorism) through the Dail in the autumn but could do so only if there was progress towards three man courts. He hoped to be able to introduce such a bill without making any reservation, although this would depend in part on the outcome of a constitutional case at present before the courts. If the Government's appeal in this case was accepted, there would be no need for a reservation. But he would still need progress on three man courts. The Prime Minister said that she was glad to hear that no reservation was likely but repeated that the Government could offer nothing on three man courts unless there was a clear request from the Northern Ireland judiciary.

I am copying this letter to Jim Daniell (Northern Ireland Office) Richard Stoate (Lord Chancellor's Office), Michael Saunders (Law Officers' Department) and Michael Stark (Cabinet Office).


C.D. POWELL

C.R. Budd, Esq.,
Foreign and Commonwealth Office.

Restricted



Mr Pouch

Northern Ireland: Fund

There are reports that the House of Representatives + Senate in conference may tack \$50 mn for Ireland on to a supplementary appropriations bill for the current FY. It would be separate from, + without prejudice to, the aid bill for Ireland already on the Floor.

2. Washington will report by telegram, repeated to you in the Hague, if anything is confirmed. The Irish are excited, and the Taoiseach might mention it as a fact rather than a possibility.



Other bits of the supplementary bill include things unbecome to the President, and there is talk of a veto.

W. Mahler 25
6

Charles

One point that we did not
cover was the ^{a statement or press line} campaign that might
issue after P.M. / [^]Thursoach meeting.

Christopher Malaby suggested a simple
reaffirmation of determination re Anglo Irish
Agreement. Having just reaffirmed this
in the most practical way by holding
a Conference meeting shortly before the
morning session, and holding it in Belfast,
and having also dissolved the Assembly
(which although unconnected with the AI
Agreement is a further denaturation of
Govt resolve without regard to Unionist
Opposition) we have laid very effectively

The suggestion that Unionist opposition is causing some weakening of resolve over the Agreement. Indeed the complaint now is rather that we are being deliberately aggressive and provocative about its implementation.

I would therefore not want the Mulhally draft, but rather something about a discussion on a number of matters of mutual concern (ie East/West in UK / Eire (Ireland) and not just North / South in Ireland) and emphasising their commitment to ~~cooperation~~ ^{continuing close} cooperation.

D.

P.S. The point being also
that the ~~well~~ articles of the DUP,
attributed by Paisley etc., offer a
real opportunity to split OUP from
DUP, and rubbing unionist noses
directly in it with the sort of
blunt statement suggested, could well
~~drive~~ drive them back together
again.

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Foreign and Commonwealth Office

London SW1A 2AH

25 June 1986

Handwritten: R. Austin
C.D.
25/6

Dear Charles,

Anglo-Irish Relations: Libya

Before the Prime Minister sees the Taoiseach in the margins of the European Council at The Hague she will wish to be aware that, on the Taoiseach's instructions, the Permanent Secretary of the Irish Department of Foreign Affairs called urgently on David Goodall last night to bring to our attention a report which the Irish authorities believed might constitute direct evidence of a Libya/PIRA threat against the Prime Minister and her family.

Donlon told Goodall that the Irish Ambassador at Rome (who is also accredited in Libya) had been instructed to travel to Tripoli to deliver a strong protest against an alleged statement by Jalud to a German MEP that the Libyan Government had promised support for the IRA. In his report, received in Dublin yesterday afternoon, the Ambassador had described a bizarre interview with the Libyan Chief of Protocol, Saad Muzber, who he believed was close to Ghaddafi, in which Muzber had said that Jalud's threat of support for the IRA was directed against the Prime Minister because she had "helped Reagan with his murderous attack on Tripoli and Benghazi". Muzber had gone on to say that if the Prime Minister did not leave office "she and her family would be destroyed". Donlon said that the Irish did not know how seriously to take these remarks which were part of a long tirade against the Irish Government for associating itself with the measures against Libya agreed in the European Community. But the Taoiseach felt that the report should be brought to our attention as soon as possible. At Goodall's request Donlon has subsequently supplied us with the relevant passages from the Irish Ambassador's report (a copy of which is enclosed). This is now being studied by the Assessments Staff in consultation with the Security and intelligence agencies and will be taken into account in their next assessment on Libyan terrorism, which I understand is in preparation. Meanwhile the Prime Minister may wish to express appreciation to the Taoiseach for the Irish action in bringing the report to our attention so promptly.

/Donlon

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Donlon also commented gloomily that the Prime Minister's meeting with the Taoiseach would take place just as the results of the Irish referendum were becoming known. The latest indications (borne out by an opinion poll published in today's Irish Times) were that the referendum would be lost by a narrow majority, thus compounding the Taoiseach's domestic political difficulties and probably plunging him into one of his deep depressions.

Copies of this letter, without the enclosure, go to the Private Secretary to the Secretary of State for Northern Ireland, to Sir Robert Armstrong and to Sir Percy Cradock.

Yours ever,

Oliver Budd

JS (R N Culshaw)
Private Secretary

C D Powell Esq
PS/10 Downing Street

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Extracts from Reports of Conversations in Libya

Call on H E Saad Muzber, Chief of Protocol

At 8.15 am on Saturday, 21 June I phoned Saad Muzber for an appointment. This is the usual procedure for high level contacts. But Muzber is more than a Chief of Protocol. He is very close to Ghaddafi and is the political link between the People's Committees and the Foreign Office. In addition, I have succeeded in gaining his confidence and goodwill during my last two visits. He is emotional, eloquent, deeply committed to the leader and in every way a reflection of popular thinking. I hope, accordingly, that this will be borne in mind in assessing the following account of what he said, because some of it was most abrasive and will cause offence.

He phoned back to ask me to call on him immediately and sent a car. I was with him alone (except for a notetaker) from 8.30 am to 10.35 am. It was a long, emotional slog and he had clearly prepared himself for our meeting following reports of the Minister's speech on 18 June. He claimed to know the main lines of the Minister's speech but not to be sure of what Jalloud had earlier said. From internal evidence as we went along, however, I would say it was Saad Muzber who had drafted it. I will summarise what he said, without mentioning my own interruptions, as follows:

Libya takes the gravest exception to Ireland's association with the Community's agreement on measures of dissuasion against Libya as a result of US and UK pressure. Only Greece questioned the evidence and now it is becoming clear that it was Syria, not Libya, which was behind the massacres in Rome and Vienna on 27 December and later in the Berlin nightclub. Both Italy and the FRG are telling US this. In fact, if I want his personal view, it was not Syria but the Israeli secret service, Mossad, which organised these terrorist acts to victimise Libya. Thatcher is actually responsible for Jalloud's recent threat about the IRA. Saad Muzber was clearly admitting here that Jalloud had in fact issued the threat. She had helped Reagan with his murderous attack on Tripoli and Benghazi, and now she demands her bloodmoney. She demands that Reagan should cooperate on the IRA in the US. And this is what inspired Jalloud to use the IRA against Thatcher. (My guess is that it was Saad Muzber). Thatcher and her children will have to pay, let there be no doubt about that. If she does not leave office she and her family will be destroyed. In the early 80's Libya had called off its campaign of cooperation with the IRA in London because it was informed that innocent civilians were suffering. But Thatcher has never called off her implacable opposition to Libya and has aided Reagan in his bloody attacks. Ireland is now asking Libya not to support the IRA but Libya needs something in return. Ireland should go back to the EEC and say we were wrong about Libya's involvement in terrorism. Before sending its Ambassador to Tripoli, Ireland should have confessed we were ill-informed and publicly absolve ourselves. "We should take back our own vomit with the rest of the Community". The killing of Policewoman Fletcher in London in April 1984 was just an error, why victimise a whole people for one person killed? The support by the Official Libyan Agency for the Rome

Airport massacre on 27 December 1985 was also an error, But Libya knows who are its friends since the attack on Tripoli and Benghazi. When Libya was attacked why did Ireland not say something in the Community about the need for proof? Why was Greece alone? Ireland should have been the first to help because of its anti-colonial tradition. The sanctions are biting more than the bombs. If the EEC would lift its sanctions then the whole situation will change. There could then be an international conference on terrorism in the framework of the UN charter in which Libya will play a constructive role. He went on to say that the real basis of Libya's friendship with Ireland is not just the export of meat, heavily as it is weighed in Ireland's favour. If it is a question of meat, Libya can get it from New Zealand which is standing up to the USA and France. It is not trade, but the memory of Ireland's fight against colonialism. It is our character and tradition. The Irish Ambassador has been sent to Tripoli to defend the Anglo-Irish Agreement of November last and to hit the IRA, but in announcing this why couldn't we absolve Libya from Rome, Vienna and Berlin and disassociate ourselves from Reagan and Thatcher? The IRA has not declared war on the Republic and is very careful about who is hit south of the border. How have they been able to continue all these years if they are not swimming in a sea which supports them?

I came back in reply to every point made above, which explains why I was with Saad Muzber for over two hours. For some of the time he was screaming, weeping and sweating all at once. This is undoubtedly the demotic way in which he speaks to the popular committees and he seemed to be addressing me like a public meeting. But towards the end he said something to which I took serious exception. He said that at the next Popular Congress he would advocate, despite all I had said, full support for the IRA against Thatcher, what could the IRA not do, he asked, if they had 50 million dollars to use against Thatcher. I said I had taken due note of this threat which I would report and which could only impair our relations, since any support for the IRA would be used against our democracy.

As we walked out he said that he had taken my Note Verbale but had not studied it and would have to let me know later whether they could accept it. He then embraced me in an emotional manner and said "I think we can work out something together". Please see below on this.

Call on Tassaday N'Jerbi, Director of European Political Department

At 7.30 am on Sunday, 22 June I received a call from the People's Bureau inviting me to call on the Director at 10 am and I accepted.

I presented him with a copy of our Note Verbale and of the Anglo-Irish Agreement, and then gave him a lengthy presentation of the background and of Ireland's rejection of violence in reaching a political solution in Northern Ireland on the lines of the Minister's speech.

He then read from a prepared statement which I got down practically verbatim as follows:

He was grateful for my visit and for the facts we had presented. But it was important not to be misled by the media on terrorism. Libya was entirely opposed to terrorism especially when it affected innocent people or states, and was ready to cooperate with all states to deal with it in the framework of an international conference under UN auspices. With regard to the IRA, it was Libyan policy to support all national movements against colonialism. But Libya had never supported the IRA either materially or morally (sic). Libya condemns the UK for helping the US and for giving refuge to anti-Libyan terrorists. It had made it clear to the UK Government that if it continues to give refuge to Libyan terrorists (ie anti Gheddafi) this would mean that Libya has the right to take any measure against the UK in self defence. Libyan policy is to create good relations with all countries based on mutual respect and cooperation in the service of humanity and to avoid war and terrorism. Libya will not permit the mass media in the West to hurt Libyan-Irish relations on the pretext of Libya supporting the IRA. Should Libya feel called upon to take a stand on Ireland it will be in support of the Republic. If not, then Libya will announce it in Tripoli and not by the mass media which is entirely unreliable. Libya wants to develop its relations with Ireland in accordance with its policy of not intervening in the internal affairs of any country unless that country interferes in Libya. The problem of Ireland is left to the Irish people in independence and sovereignty. But we have to pay attention to the sinister media campaign waged in Western Europe and the US, accusing Libya of terrorism, so that Ireland itself will not be a victim of this campaign. Libya has nothing to do with the IRA and does not support IRA terrorism (sic). Libya does not intervene in questions of Irish national rights and sovereignty. Libya would like to see such problems discussed away from the press media since Libya itself has been a victim of Western media. Tripoli is aware that the Irish Ambassador's arrival has been accompanied by press media under orders from London to incite protests against Libya on an issue which does not deserve to be protested about, has no reason for a protest and does not serve the friendship between our two countries (sic). The Political Director again thanked me for coming and for presenting facts which were not made up by the media. He would study our Note Verbale and let me know if Libya could accept it.

I thanked him for the assurances in his statement which I knew would be welcomed by the Irish authorities and which were positive and constructive, especially as regards Libya and the IRA.

Later that afternoon, however, N'Jerbi phoned to ask me to call immediately to his Office again and I did so. He said that he was now under instructions not to accept our Note Verbale. There was now no justification for lodging it, he said, in view of the statement he had made earlier that day and they also felt threatened by the Note. It is possible that by then they had seen the text of the Minister's vigorous speech on 18 June. I said that threats to our security had come from Major General Jalloud's promised support for the IRA and this was why I was in Tripoli. The threats were on their side. (I did not mention the threats made by Saad Muzber earlier that morning).

I then lodged a formal protest about their refusal to accept our Note. I said that we had every reason to believe that Jalloud had in fact made the statement of support for the IRA with which the Note was basically concerned. If, in fact, they could tell me that he never made the

pledge of support then I would accept the return of the Note, but the Irish authorities were surely entitled to know what the position was before the Note was returned, bearing in mind that the issue had been raised in our Parliament.

N'Jerbi said he could only base himself on his statement earlier that morning and returned the Note to me. I said I took it back under protest and that my Government would receive a full report from me.

I then left, without ceremony.

End of extract

NOTE FOR THE RECORD

NORTHERN IRELAND

The Prime Minister had some discussion this morning with the Northern Ireland Secretary, the Foreign Secretary and Sir Robert Armstrong about her forthcoming meeting with the Taoiseach.

It was agreed that the Prime Minister would give no ground on the subject of three-man courts in her meeting with the Taoiseach. The Prime Minister said that there should be no change in our position on this matter until such time as three-man courts had the support of the Northern Ireland judiciary.

It was also agreed that on the subject of security cooperation, the Prime Minister would welcome the conclusions of the recent meeting of the Anglo-Irish Conference but point out that the test of the steps there agreed would lie in their successful implementation.

It was further agreed that the Prime Minister would make clear to the Taoiseach that it was unacceptable for the Irish Government now to say that, for constitutional reasons, it now required to enter a reservation on its succession on the Convention of the Suppression of Terrorism.

The Northern Ireland Secretary urged that in any press statement at the end of the meeting, we should not stress the north/south dimension of the discussion but talk of a discussion on a number of matters of mutual concern, with both sides emphasising their commitment to continue close cooperation.

CDP
CHARLES POWELL25 June 1986

EL3BGF

PRIME MINISTER

MEETING WITH THE NORTHERN IRELAND SECRETARY AND FOREIGN SECRETARY

You are to have a short meeting with the Northern Ireland Secretary and the Foreign Secretary tomorrow morning, to discuss the line you should take with the Taoiseach when you meet in the Hague.

The main point to bring home to him is whatever trouble he may think he has with the Anglo-Irish Agreement, it's nothing compared with the problems you face. The very scale of the unionist reaction must in itself give some quiet satisfaction to the nationalists. And there are already some concrete results from the Agreement to please them (progress on "1" voters and use of the Irish language) and the promise of more to come (RUC Code of Conduct, more army patrols accompanied by RUC). In comparison the unionist community remains utterly opposed to the Agreement, and the marching season is about to start. We have to give priority to getting them back in the game.

You will also want to lament the continuing failure of the SDLP to be actively helpful (though you cannot make too much of this point while the Unionists remain unwilling to discuss co-operation with them).

There are two specific problems:

- a. He will press you for early progress on three-man courts. You will want to discuss with Mr. King how you should reply. There are various possibilities for kicking into touch e.g. a judicial review;
- b. the Irish are sucking their teeth over the difficulties

of ratifying the Convention on the Suppression of Terrorism and saying they may have to enter a reservation (allowing an exception to the undertaking to extradite in certain circumstances). This would make accession pretty pointless.

You will also want to decide what to say about the Stalker case, which the Taoiseach is likely to raise.

I attach a brief.

C.D.P.

(C.D. POWELL)

24 June 1986

From: THE PRIVATE SECRETARY

copy



NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

Charles Powell Esq
10 Downing Street
LONDON
SW1

*Overfence
on*

24 June 1986

*Prime Minister
CDP
24/6*

Dear Chas

PRIME MINISTER'S MEETING WITH THE TAOISEACH

In his minute to you of 23 June, Christopher Mallaby wrote
that the NIO would provide separately a defensive line on
the Stalker case which we know that Dr FitzGerald is likely
to raise. This is attached.

WITH CDP?

/ Copies of both this letter and the attachment go to Colin Budd,
Christopher Mallaby and Sir Robert Armstrong.

*Yours sincerely
J A Daniell*

J A DANIELL

JLD

F.R.

PRIME MINISTER'S BILATERAL MEETING WITH THE TAOISEACH

Stalker (Defensive)

Our Objectives

To convince the Taoiseach that the allegations against the RUC being investigated by Mr Stalker will, despite his removal, be prosecuted with vigour; and that public comment by Irish Ministers is damaging.

Arguments

It is unfortunate that allegations against Mr Stalker in Greater Manchester have led to his removal just as his inquiries in Northern Ireland were nearing their conclusion. These allegations will be fully and fairly investigated, and any possible breaches in the Police Disciplinary Code investigated in accordance with our statutory procedures.

2. I have not seen the Report, nor has Tom King. But I understand that Mr Stalker submitted an interim report to the Chief Constable. Despite its status, it was a substantial piece of work. Stalker's removal will neither invalidate nor impede his investigation. The team will remain as it had been when under Stalker's leadership and the investigations will be completed as soon as possible.

3. The apparent leaks in the media are highly damaging to the RUC at a critical time. UK Ministers cannot answer allegations while enquiries are in progress. In the meantime, comment and speculation by Irish Ministers on the conduct and contents of the investigations is most unhelpful.

E.R.

BACKGROUND

There continues to be a high level of interest in Stalker in the Republic, mostly highly critical of the RUC and HMG.

2. Neither Ministers nor officials (other than the DPP(NI) and his staff) are privy to Stalker's report. However, the basic facts concerning both the investigations by and of Stalker, were set out in the attached letter of 24 June from the Home Secretary to Mr Cecil Franks MP. The chronology is that Stalker submitted his report to the Chief Constable on 18 September 1985, and that it was sent to the DPP(NI) on 13 February 1986. On 4 March, the Director directed that further investigations be undertaken. On 6 June it was announced that the Chief Constable of the RUC invited Mr Sampson to take Mr Stalker's place as head of the enquiry.

3. There has been no attempt deliberately to mislead the Irish about the status of the report. It was correctly described as "interim" by the Secretary of State in answer to a PQ from Mr John Taylor on 16 June. If the Irish received a contrary impression either in the margins of the last Intergovernmental Conference on 17 June or through the UK Secretariat, this was unfortunate. Any confusion may be attributed to the fact that, quite properly, nobody in the NIO has actually seen the report. The position has now been fully and publicly explained by Mr Scott during the House of Commons debate on the Emergency Provisions Act while the Secretary of State has personally spoken to Mr Barry. It was, moreover, quite wrong of the latter to brief journalists on the basis of information he had been given in the strictest confidence.



RECEIVED BY
24 JUN 1986
POSTAL OFFICE

QUEEN ANNE'S GATE LONDON SW1H 9AT

24 June 1986

① Mr [unclear]
② cc PJ/SofS(B)
BJM/rect (CRS)
PS/PUS (CRS)
Mr Stephens
Mr Dell

③ SofS to see

Dear Cecil,

In view of your interest I thought it would be helpful if I set out the position on the investigation into allegations about the conduct of the Deputy Chief Constable of Greater Manchester, Mr John Stalker, and on the inquiry into allegations about misconduct by members of the Royal Ulster Constabulary.

The Greater Manchester Police Authority had drawn to their attention by the Chief Constable, Mr James Anderton, allegations which had been made concerning the Deputy Chief Constable's conduct. The Police Authority appointed the Chief Constable of West Yorkshire, Mr Colin Sampson, to investigate these allegations. At the same time, the Police Authority referred the matter to the independent Police Complaints Authority, who appointed one of their Deputy Chairmen, the Rt Hon Roland Moyle, to supervise the investigation.

When the investigation is complete, the report will be forwarded to the Police Complaints Authority, who will be required to indicate whether it has been conducted to their satisfaction. Mr Sampson's report will be sent to the Greater Manchester Police Authority at the same time as it goes to the Police Complaints Authority. Decisions on later action will take place within the procedures laid down by statute.

These are the procedures laid down by law. They do not provide for any Ministerial intervention at this stage. Should Mr Stalker face disciplinary proceedings, the Home Secretary would be the appellate authority. In these circumstances it would clearly be wrong for me to comment on the case or its implications while it is under investigation.

As regards Mr Stalker's inquiry into serious allegations of misconduct by members of the Royal Ulster Constabulary, following the allegations against Mr Stalker, he was taken off the inquiry. The Director of Public Prosecutions for Northern Ireland, who had already received the interim report on the investigation from Mr Stalker, had directed that certain further investigations be undertaken. After Her Majesty's Chief Inspector of Constabulary and the Attorney General had been consulted, the Chief Constable of the RUC invited Mr Sampson to take Mr Stalker's place as head of the inquiry into the Northern Ireland allegations and to bring

/it to an

Cecil Franks, Esq, MP

it to an early conclusion. The team remains as it had been when under Mr Stalker's leadership, and the investigation will be completed as soon as possible.

In the light of the widespread interest in these matters I am releasing this letter to the press.

Yours ever,

Douglas.



For Ireland,
meetings with
Taoiseach
LH

PC
CC JB

Ref. A086/1797

MR POWELL

Mr Nally rang this morning about the arrangements for the Taoiseach's bilateral with the Prime Minister at The Hague.

2. Mr Nally suggested that the usual time - after breakfast and before the formal session on Friday 27 June - would probably once again be convenient. I did not discourage this thought, but said that he should make contact with you once you were both at The Hague to set up a mutually acceptable arrangement.

RCA

ROBERT ARMSTRONG

23 June 1986



SECRET

B.07461

✓ CDP 23/6
MR POWELL

Prime Minister's Meeting with the Taoiseach

I attach a brief, based on material from the Foreign and Commonwealth Office and the Northern Ireland Office.

2. The Prime Minister will no doubt wish to discuss the suggested line with the Northern Ireland Secretary and the Foreign and Commonwealth Secretary when they meet on 25 June. One point for particular consideration will be the line to take on 3-Judge Courts.
3. The Northern Ireland Office will provide separately a defensive line on the Stalker case - *See POLICE! Stalker: June 1986*
4. I am sending copies of this minute and the attachment to the Private Secretaries to the Northern Ireland Secretary, the Foreign and Commonwealth Secretary and the Secretary of the Cabinet.

C L G Mallaby

23 June 1986

SECRET



SECRET

PRIME MINISTER'S BILATERAL MEETING WITH THE TAOISEACH

Our Objectives

To convince the Taoiseach that the top priority for the time being is to secure unionist acquiescence in the Anglo-Irish Agreement.

Arguments

i. Unionist opposition to the Agreement is the major problem. Precisely because both Governments are committed to the Agreement and its success, it is in the interest of both that nothing should be done to stimulate the unionist campaign of opposition, especially during the Marching Season. In the Autumn, things might be easier.

ii. Of course nationalists must see that the Agreement is working; but their dissatisfaction with implementation is a far lesser problem.

iii. We shall continue to work for unionist acquiescence. We have kept open our offer of talks with unionists on devolution, the future of the Assembly and other matters.

His Objectives

i. To convince us that implementation must be speeded up in the Autumn, to forestall greater nationalist complaints that the Agreement is achieving too little and to protect the Irish Government from opposition attacks on this score.

ii. In particular, to persuade us that changes in the administration of justice - if possible the introduction of three judge courts - are essential in the Autumn if the Dail is to pass legislation giving effect to the European Convention on the Suppression of Terrorism.



SECRET

Our Response

i. In an important sense, the burden of implementation of the Agreement has fallen so far on the British Government. We have stood up to unionist objections, demonstrated in the process the complete impartiality of the RUC and established - to Irish satisfaction - the process of consulting them through the Secretariat of the Intergovernmental Conference on the business of government in Northern Ireland.

ii. Implementation is proceeding as fast as circumstances allow. Progress on "I" voters and on measures to encourage the use of the Irish language in Northern Ireland was announced at last meeting on 17 June. Further work on how to improve the Newry-Dundalk road was commissioned. Also real progress on security. Hope for more advances in Autumn (RUC Code of Conduct, more army including UDR patrols accompanied by RUC).

iii. Your ratification of the European Convention is of great importance and should influence unionist opinion. Hope you will ratify without reservations. General changes since Agreement, such as evident impartiality of Government and police in Northern Ireland must provide helpful background.

Other Defensive Points

Anglo-US Supplementary Extradition Treaty. Understand that your people lobbied certain Senators in the last stages of the Senate Foreign Relations Committee. Satisfactory vote.

International Fund. Glad to work with your people in Washington to maximise cash element in US contribution. We should both try to reduce the conditions attached to US money, which will cause resentment in United Kingdom and could restrict our room for manoeuvre in applying the Fund. As for Community support of the Agreement, new money not available under tight VAT ceiling. Should make best use of Structural Funds and also explore together possibility of bilateral contributions by some EC countries.



SECRET

BACKGROUND

Irish Politics

The Irish Government, following various defections, lacks a secure majority in the Dail. An election must be held by the end of 1987. One could possibly be forced before then. The Government is not certain to win the referendum on divorce on 26 June. The Government would survive defeat on this but Dr FitzGerald's prestige would be dented, and unionist criticism of the Republic would be fuelled. The main opposition party, Fianna Fail, is moving onto the offensive over Agreement. The Taoiseach wishes very much to be able to demonstrate that the Agreement has produced substantial benefits for the nationalist community, so as to ride out criticism on this score.

Intergovernmental Conference

--- Sir Robert Armstrong's minute of 13 June described the Taoiseach's current preoccupations.

--- Mr Daniell's letter of 17 June reported the latest meeting of the Intergovernmental Conference. There was progress on security co-operation in the field of intelligence.

Two working parties of the Conference are studying legal matters, including arrangements for dealing with fugitive offenders and measures concerned with the minority's confidence in the administration of justice. The Irish (and the SDLP) attach most importance to three man courts (i.e. with three UK judges). We see political and procedural difficulties and are not convinced that this change would increase the minority's confidence in the courts. But we have not yet given the Irish a definite response. With co-operation from the Lord Chancellor and the Lord Chief Justice for Northern Ireland, both of whom strongly oppose the proposal, it might be possible to refer it to some form of judicial review.



SECRET

The Irish are keen to see the RUC Code of Conduct published quickly, and to see an increase in the number of UDR patrols accompanied by RUC officers. A draft Code is being considered by a joint RUC/Northern Ireland Policy Authority Working Party. No date has been fixed for its publication. We too wish to ensure that all Army patrols that are likely to come into contact with the public should be accompanied by a policeman. But progress is constrained by the security situation and its demands on the police. For our part we would welcome early progress towards increasing the number of nationalist members of the Police Authority - the Irish are to give us some possible names.

Irish Accession to the European Convention on the Suppression of Terrorism

The Irish have signed the Convention and are committed to introducing legislation which will enable them to accede to it. But they have said that they will not be able to get the legislation through the Dail unless there are major changes in the administration of justice in Northern Ireland such as the introduction of 3-judge courts. They are also warning that constitutional difficulties may require them to enter a reservation allowing an exception to the undertaking to extradite in certain circumstances - which would remove much of the value of acceding.

United Kingdom/United States Supplementary Extradition Treaty

The Treaty has now been approved by the Senate Foreign Relations Committee in a satisfactory form and seems likely to be approved later this month by the full Senate. Dr FitzGerald expressed to Sir Robert Armstrong regret that we had asked for Irish assistance in getting the Treaty through. But Mr Donlon of the Department of Foreign Affairs has since told Mr King that Irish diplomats had quietly lobbied in favour of the Treaty in recent weeks. HM Embassy, Washington have confirmed this.



SECRET

International Fund

Senator Lugar made the US contribution to the Fund conditional on passage of the Extradition Treaty in order to put pressure on the Democrats who originally opposed the Treaty. Lugar's tactics have been vindicated, but the Irish believe (wrongly) that we put him up to it. Now that the Treaty seems set fair, similar progress should be possible on the Fund, to which we remain firmly committed. The Irish and we are unhappy with the amount currently under discussion in the Senate - \$10m. a year. (The House Bill, favoured by the Irish, made provision for \$50m. a year.) We would prefer to remove or loosen some of the House Bill's conditions which have become attached to the Senate measure. We will be looking for Irish help in reducing the conditions (though they are not bothered by them) and in maximising the cash element in the eventual package. (There will be a meeting with the Irish at official level on 25 June to co-ordinate the next steps.)

The Irish continue to favour an EC contribution. Ministers on 4 March rejected the possibility of a Community Special Measure for Northern Ireland because of the "additionality" problem: the total cost to us, taking into account loss of the Fontainebleau abatement, would be 75 mecu for every 100 mecus spent by the EC in Northern Ireland. Since then, the Irish have proposed either a straightforward contribution from the EC Budget to the International Fund or bilateral contributions from individual EC member states. They have been unwilling to accept our suggestion of simply making better use of the Structural Funds on the grounds that they offer little scope for securing extra finances, and can hardly be presented as a fresh Community initiative. We have agreed to examine with the Irish how to seek bilateral contributions from some member states.

Press Line

Suggested draft attached.



DRAFT

SUGGESTED PRESS LINE

The Prime Minister and the Taoiseach re-affirmed their commitment to the Anglo-Irish Agreement and its successful implementation. They reviewed progress to date in the Intergovernmental Conference and looked forward to further advances in the future.

CONFIDENTIAL

From: THE PRIVATE SECRETARY

PC



NORTHERN IRELAND OFFICE

WHITEHALL

LONDON SW1A 2AZ

(2)

C D Powell Esq
10 Downing Street
LONDON
SW1

Prime Minister
The best thing about this meeting was that the demonstrations against it by the Unionists were an unexpectedly small sale.
CDP 18/70

Mr
Dear Claude

I promised to send you a report on the sixth full meeting of the Anglo-Irish Intergovernmental Conference, held yesterday in Belfast. You will already have seen a copy of the joint statement issued after the meeting.

The discussion on cross-border security co-operation went well. The Conference had before it the first substantial product of all the work being carried out by the RUC and Garda. It was a joint report on Intelligence which set out an agreed threat assessment and made a series of recommendations for improvements in Garda deployment in border areas, better communications and improved liaison arrangements between the two forces. Both sides agreed that the report was a significant advance and it is to be followed by two further reports on co-operation between the two forces in operational matters and on CID, support services and legal matters. The Chief Constable said that he supported the Garda view on the need for rationalisation of their forces in border areas, and in particular agreed that it would be more operationally efficient and indeed more cost effective to replace the uniformed officers who had been temporarily deployed at the end of last year with officers trained in intelligence and surveillance and operating in civilian clothes. This is an area where presentation will be important given that on the surface there may appear to be some diminution of activity. Implementation of the agreed measures may pose the Irish some problems, but they appeared to be fully committed to them. Mr Barry put one or two questions about the RUC penetration of the loyalist paramilitary organisations and about prospects for the marching season, in particular regarding the threat to Catholics, and the Chief Constable assured him that the RUC were sensitive to Irish and nationalist concerns.

/...

CONFIDENTIAL

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The second item, on relations between the security forces and the minority community, occupied most of the time of the meeting and proved rather more difficult. Mr Barry and his team argued vigorously for more progress in a number of areas where they maintained that the Conference had failed to produce results and which were essential for confidence among the minority community in Northern Ireland. They pressed for updated figures on the accompaniment of Army patrols by the RUC, insisting that there could be no insuperable difficulty in producing such figures and that the Irish Government had no intention of publishing the detail of any figures they were given. We maintained that current pressures on the RUC and the resultant distortions of deployment would make any figures meaningless, that a proper system of categorising patrols had to be devised to show those where RUC accompaniment was desirable (ie those which were expected to come into contact with the public), and that the earliest that this could be done would be for the month of September. The Secretary of State asked the Irish to accept that it was and had for years been the policy to increase accompaniment, but that it was essential to have relevant figures and to recognise the variations that sudden operational emergencies could cause.

The Irish next turned to the RUC Code of Conduct, which they had expected to see promulgated many months ago, arguing that its appearance would increase minority confidence in the RUC and aid recruitment of Catholics. The Chief Constable explained the process of drafting and consultation, and emphasised the importance of getting it right, but gave no commitment on timing. On the new Police Complaints procedure, the Irish repeated at painful length their view that our proposals do not provide sufficiently for an independent element in the investigation of complaints, and threatened that they might publicly declare that they could not support our proposals when the draft Order was published. We said that we would have to go ahead with publication next month, but that comments thereafter (and indeed beforehand) could still be received, and spelled out yet again the various safeguards in the proposed new system. Mr Barry raised plastic baton rounds and the difference between the guidance given to Police Officers on their use in Northern Ireland and in Great Britain; we explained that the underlying law and the principle of minimum force were identical, but that the circumstances in Northern Ireland were clearly different. Finally, Mr Barry touched briefly on an apparent increase in strip-searching, but did not question our explanation that any temporary fluctuation in the figures was due to parallel fluctuations in numbers of admissions and discharges; the trend in discretionary strip-searching was still downwards.

CONFIDENTIAL

CONFIDENTIAL



We explained the different forms of legislation required for local government and for Assembly elections to give the franchise to "I" voters, and our plans to act in this way so as to bring the rules into line with those for Westminster elections and for Great Britain. The Irish welcomed our proposals, and enquired briefly about another electoral issue (disqualification from membership of the Assembly for members of the Irish Senate or Dail), on which we explained the difficulties. The Irish also welcomed what we had to say about practical steps to recognise the position of the Irish language in Northern Ireland, without abandoning the principle that we cannot accept bilingualism. We described the local objections in Newry to the Irish ideas for a Newry/Dundaik road, and the Irish agreed to check their understanding of the balance of nationalist opinion before discussing further.

We had a discussion on three-judge courts. The Irish described the importance in their eyes of a move by us on this to create a climate of opinion among nationalists in which they could get through the Dail their legislation on ratification of the European Convention on Suppression of Terrorism (ECST). Mr Dukes argued also that ratification of the ECST with reservations under Article 13 would not negate the whole purpose of the exercise. The Secretary of State made clear that we would regard the inclusion of Article 13 reservations as effectively destroying the value of signature of the Convention, and his concern at the implication that even if we were able to make any changes in the courts system, that might still leave them having to make reservations to the Convention. We think that the Irish got the point and they are clearly going to have to think hard about it.

The meeting was not unsuccessful, and the joint statement (produced with surprisingly little dissension) records some positive advances. The atmosphere was at times fairly tough particularly over the police matters discussed under the second item. But we parted amicably enough. The Irish appreciate our difficulties during the marching season; but it is clear that by the autumn they will be looking for more substantial evidence that the Agreement is producing results, particularly in terms of changes in the administration of justice.

|| It was noticeable that the protest against the meeting of the Conference mounted by the Unionists outside Stormont was on a much smaller scale than on previous occasions. ||

/ Copies of this letter go to Colin Budd (Foreign and Commonwealth Office), Michael Saunders (Law Officers' Department) and Michael Stark (Cabinet Office).

*Your sincerely
Jim Daniell*

J A DANIELL

CONFIDENTIAL



cf papers

file - CA



cc N10

10 DOWNING STREET

THE PRIME MINISTER

18 June 1986

Dear Mr. Cusnahan,

Thank you for your letter of 22 May, with which you enclose the Alliance Party paper "The Case Against Integration". I note that you wrote similarly to Tom King.

I do not think that it is fair to say that support for integration among some members of the UUP is due to any ambiguity over the Government's view of the idea. Our belief in the advantages for Northern Ireland which could flow from a widely acceptable form of devolved government has been repeatedly stated over the years. That belief has not changed. Tom King said in the House on 5 June, "The Government have made clear their commitment to seeking to achieve devolution and devolved government in the Province". We believe it is still possible to bring that about.

I hope that Northern Ireland political leaders will soon start to consider seriously among themselves what sort of arrangement they would be prepared to operate together. The Government will do its utmost to help secure agreement.

Yours sincerely
Margaret Thatcher

J.W. Cusnahan, Esq.

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From: THE PRIVATE SECRETARY



NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

Charles Powell Esq
10 Downing Street
LONDON
SW1A 2AA

16 June 1986

R17/6

Dear Charles,

Thank you for your letter of 29 May with which you enclosed a copy of Mr John Cushnahan's letter of 22 May to the Prime Minister about the Alliance Party's opposition to integration. Mr Cushnahan sent a copy of the correspondence to the Secretary of State. The enclosed draft reply takes account of both letters.

Integration is presently being publicly advocated by members of the UUP. There is speculation about the balance of support between the devolutionist and integrationist "wings" in the party. The Alliance Party's paper blames current interest on the Government's alleged failure clearly to state its position on the subject. They claim that the UUP continue to attach importance to the reference to Northern Ireland in the 1979 Conservative Party Manifesto, "we will seek to establish one or more regional councils with a wide range of powers over local services". Mr Cushnahan invites the Government to repudiate integration and thus re-direct UUP thinking towards "a more realistic appreciation of the realities".

The draft reply reaffirms the Government's commitment to devolution on a widely acceptable basis which has repeatedly been made clear, most recently in the Anglo-Irish Agreement. It does not comment on the specific arguments which Alliance use against integration - which are sensible and effectively made - in case they publish the letter. This would only serve unhelpfully to increase interest in and debate on integration.

*Yours sincerely
Neil Ward.*

N D WARD

DRAFT LETTER

FILE NUMBER.....

ADDRESSEE'S REFERENCE.....

<p>To</p> <p>J W Cushnahan Esq The Alliance Party of Northern Ireland 88 University Street Belfast BT7 1HE</p> <p>(Full Postal Address)</p>	<p>Enclosures</p> <p>BCR</p>	<p>Copies to be sent to</p> <p>hcc PS/SofS (L)</p> <p>To [unclear] [unclear]</p> <p>(Full Address, if Necessary)</p>
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LETTER DRAFTED FOR SIGNATURE BY..... THE PRIME MINISTER
(Name of Signatory)

Thank you for your letter of 22 May, with which you enclose the Alliance Party paper "The Case Against Integration". I note that you wrote similarly to Tom King.

I do not think that it is fair to say that support for integration among some members of the UUP is due to any ambiguity over the Government's view of the idea. Our belief in the advantages for Northern Ireland which could flow from a widely acceptable form of devolved government has been repeatedly stated over the years. That belief has not changed. Tom King said in the House on 5 June, "The Government have made clear their commitment to seeking to achieve devolution and devolved government in the Province". We believe it is still possible to bring that about.

I hope that Northern Ireland political leaders will soon start to consider seriously among themselves what sort of arrangement they would be prepared to operate together. The Government will do its utmost to help secure agreement.

emh

file DCA
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10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

SIR ROBERT ARMSTRONG

NORTHERN IRELAND

The Prime Minister has considered your minute of 13 June reporting your recent discussion with the Taoiseach. She will of course be ready to have a brief meeting with him in the margins of the European Council. She is, however, concerned by his attitude as revealed in your minute. It seems to the Prime Minister that the Taoiseach quite fails to realise the difference in scale between the political problems facing our Government and his over the Agreement. Ways have to be found to provide reassurance to the Unionists, and that must on any objective measurement have priority over the Irish Government's concerns about the Agreement. Moreover the Prime Minister does not consider the case for three-man courts a particularly strong one; finds the Taoiseach's statement that it was unfortunate that the Irish Government had been requested to assist with lobbying over the Anglo-United States Supplementary Extradition Treaty astonishing; and resents suggestions that lack of progress with implementing the Agreement can be put down to the United Kingdom's account. She intends to make these points to the Taoiseach when they meet.

Meanwhile I will make arrangements for a meeting with the Foreign and Commonwealth Secretary and the Northern Ireland Secretary before the Prime Minister's departure for the European Council.

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

C.D.P.
(C.D. Powell)16 June 1986

MS

Dame Poinster 4

I am appalled at his blundered views.

Ref. A086/170114

PRIME MINISTER

in the minutes who read reassurances Y and is not

I imagine you will agree to your usual meeting with the Taoiseach; & to a discussion with the NI Security & Foreign Security ~~departments~~ departments. The Irish continue to suffer from

Before the latest of the occasional meetings of the Armstrong/Nally group, arranged at the request of the Irish side for Tuesday 10 June, I was summoned to meet the Taoiseach. I attach a record of the conversation at our meeting.

shared vision on the relative difficulties of the UK and the Republic in implementing the Agreement. CDD 13/6.

2. From what he said, I inferred that he had three major areas of concern:

a. He was looking forward to his meeting with you in the margins of the European Council at The Hague on 26 and 27 June, and was anxious that that meeting should go well and not be a cause of difficulty or misunderstanding between you. He emphasised more than once his determination to keep closely alongside you in the handling of the Anglo-Irish Agreement and related matters in the coming months.

b. I think he was genuinely worried about being out on a limb when he goes to the Dail in October for approval of legislation for the ratification of Irish accession to the European Convention for the Suppression of Terrorism. He clearly feels the need to be able to point to visible and significant progress in the implementation of the Anglo-Irish Agreement and particularly in measures to improve nationalist confidence in the administration of justice in Northern Ireland, if he is to overcome scepticism in his Opposition about the Agreement and secure Parliamentary support for ratification. The measure of progress he would most like to see is a decision to introduce three-man courts (ie courts consisting of three Northern Ireland judges, not mixed courts of judges from the South as well as the North and not necessarily



interdenominational ones) for cases at first instance in Northern Ireland. I think that he and his Government would settle for something less visible and significant, but think that that would be best. They do not think that the difficulties we see are insuperable or should prevail, and they suspect that the reason for our unwillingness to move lies more in conservatism on the part of the legal establishment than in actual legal or technical difficulties.

c. He is clearly concerned about criticism from the Fianna Fail opposition. I also detected some feeling that he might be having trouble with some of his "greener" colleagues in Government, who see the Anglo-Irish Agreement as very much his responsibility and measure his success by the degree of progress in its implementation.

3. I understand that the Secretary of State for Northern Ireland is considering the possibility of a few small developments at the next meeting of the Intergovernmental Conference, probably on 17 June. These might include a decision to take action about I-voters and something on the use of the Irish language, as well as progress in cross-border security co-operation. If that is possible, that will fit in with the Taoiseach's own hopes. The Northern Ireland Office is also thinking of a more considerable package of developments in the autumn, after the marching season: they see force in the Taoiseach's concern that, if there is no visible progress in the Intergovernmental Conference, nationalists will be disillusioned and unionists will claim that lack of progress is the result of their campaign of protest. This package could include the repeal of the Flags and Emblems Act and the introduction of a code of conduct for the Royal Ulster Constabulary.



4. But the main difficulty will be what, if anything, the autumn package should include on the administration of justice. While my conversation with the Taoiseach did not suggest that the Irish would regard three-man courts as an absolutely indispensable element in the package, it would certainly be warmly welcomed by the Irish side; and the significance it would carry with them would be difficult to match with other measures in the field of the administration of justice. There would, however, be considerable difficulties in introducing such a system in courts of first instance; and the Lord Chancellor and Lord Chief Justice of Northern Ireland are strongly opposed. I think that Ministers will have to decide whether the difficulties are insurmountable, in which case I think you would need to tell the Taoiseach so when you meet him later in the month; or whether there is any future in considering the possibility of three-man courts, perhaps for the trial of a limited range of offences, or in supergrass trials.

5. You will also need to consider with the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland what should be our objective for your meeting with the Taoiseach in The Hague. The meeting will give the Taoiseach an opportunity of telling you at first hand about his own political problems and needs. From our point of view, the main purpose of the meeting may be to give you an opportunity of reaffirming the Government's commitment to the Anglo-Irish Agreement, and of explaining more fully to the Taoiseach the problems of handling unionist protest. You will be able to point out to the Taoiseach that there is an important sense in which the main burden of implementation of the Anglo-Irish Agreement has so far fallen on the British Government. We have stood up to unionist intransigence in an unprecedented way, demonstrated in the process the complete impartiality of the RUC, and have amply (and to Irish satisfaction) fulfilled our commitment to consult the Irish through the Secretariat of the IGC on the current business of government in Northern Ireland.

Our
Problem
is to give
confidence to
the Unionists



6. The Secretary of State for Northern Ireland will want to discuss these matters with you, following his meeting with Mr Barry in the Intergovernmental Conference next week. If you can find time - and I am well aware of the pressures on you at this time - I think that a short meeting with the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland, before you go to The Hague, would be worth while.

7. I am sending copies of this minute and the note of my meeting with the Taoiseach to the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland.

RTA

ROBERT ARMSTRONG

13 June 1986

Ref. A086/1683

NOTE FOR RECORD

Accompanied by Mr Goodall (Foreign and Commonwealth Office), Mr Brennan (Northern Ireland Office), Mr Mallaby (Cabinet Office) and Sir Alan Goodison (British Ambassador in Dublin) I went to Dublin on Tuesday 10 June for a meeting of the Armstrong-Nally group, arranged at the request of the Irish side.

2. Before the official meeting began, I was called to one side and asked to go and see the Taoiseach, who evidently intended that what he said to me should be conveyed to the Prime Minister. He was clearly anxious that she should be aware of the concerns in his mind, and his political constraints and needs as he saw them, before she met him in the margins of the European Council on 26 and 27 June.

3. The Taoiseach said that he thought that the Irish Government could reasonably claim to have delivered on their side of the Anglo-Irish Agreement. They had avoided any expression of "triumphalism" and any suggestion that the Agreement was, or was to be seen as, a step towards Irish unity. They had rigorously held to the line that there was no question of joint authority. They had decided to accede to the European Convention on the Suppression of Terrorism, to which we had attached considerable importance, and had made an announcement to that effect. They had supported the actions of the Royal Ulster Constabulary (RUC) at Portadown and elsewhere. They had remained silent after the "day of action" in Northern Ireland. The Taoiseach was, however, worried about our side of the affair. Unless it was possible to make more visible progress, he feared that he would

find it difficult to sustain his position that the Anglo-Irish Agreement had been a move forward entered into in good faith by both sides.

4. On the proposed international fund, the Taoiseach said that a number of important Irish Americans (he mentioned Senator Kennedy in particular) had gained the impression from the Secretary of State for Northern Ireland in his recent visit to the United States that the British Government were not really very interested in financial support as envisaged in the Anglo-Irish Agreement from the United States. This was in marked contrast to the enthusiasm which Irish representatives had shown; and there was a risk of our putting the Irish Government's credibility in the United States in issue - with consequences as serious for the United Kingdom as for Ireland.

5. On the European side, he had had offers of help from the President of the Commission and from a number of Heads of Government. There was no way in which he could explain to these people that the British Government would not let people respond. If it emerged that the British Government was refusing to go along with a European approach, that would have a very negative impact.

6. I made it clear that we had not lost interest in either an American contribution or a European contribution to the proposed international fund. On the American side, it was in no way of our making that the question of the supplementary extradition treaty and the international fund had become linked: that had been a tactical decision taken by Senator Lugar. It looked as if we were within sight of agreement on the extradition treaty, and we would then revert to the question of the fund.

7. On the European side, I said that we were interested in the possibility of making use of the structural funds. The Taoiseach said that, if that involved additions to the budget,

it would be caught up in the Fontainebleau mechanism. I said that we were willing to follow up the Irish idea of co-ordinated contributions from individual Governments, not through the Community budget. The Taoiseach was obviously keen, if this approach was followed, to try to find some way of putting a "Community" label on the contributions: perhaps they could be channelled through a Community institution. I said that I thought that there might be difficulties in channelling contributions through the Commission.

8. Turning to the provisions in the Anglo-Irish Agreement and its associated communiqué relating to the Royal Ulster Constabulary (RUC) the Taoiseach said he recognised that there had been some progress on getting Ulster Defence Regiment (UDR) patrols accompanied by the RUC. But (for reasons he well understood) that progress had been limited, and there was very little perception of change on the ground. He mentioned in particular that the UDR were still on their own at the Castle Street Gate in Belfast. It had been his understanding during the negotiations leading up to the Anglo-Irish Agreement that it was accepted in principle that the Castle Street Gate should be manned by the RUC and not by the UDR, and he did not know why nothing appeared to have happened. I said that my understanding was that progress on this depended on certain physical changes which would require some construction work: I would look into the present state of progress on this, and see that he was informed.

9. On the question of UDR patrols accompanied by the RUC, the Taoiseach said that the Irish Government had been given (in the Intergovernmental Conference) only figures for one week in March. They did not understand why they could not be given a longer and more recent run of figures. Surely it should be possible for there to be monthly reports on this matter. The Taoiseach also said that they were still waiting to see the RUC Code of Conduct which had been thought to be well advanced at

the time of the Anglo-Irish Agreement. I said that I thought that there might be progress on this after the marching season. The Taoiseach said that there had also been no progress on the introduction of an independent element into the police complaints mechanism in Northern Ireland.

10. The Taoiseach went on to stress the need to give substantial expression to the section of the Anglo-Irish Agreement dealing with confidence in the administration of justice. On supergrass trials, the Attorney General appeared recently to have hinted that they would not be used in future, but no more had been heard; and in the meantime a number of people had been charged on the basis of information from a supergrass informer.

11. The Taoiseach particularly emphasised the importance of instituting three-man courts in Northern Ireland. This would be a "high visibility" change; and it would be particularly helpful to him in handling the passage of legislation in the Dail to ratify Irish accession to the European Convention on the Suppression of Terrorism. This legislation would be brought forward when the Dail resumed in October after the Summer Recess, and would need to be got through by Christmas.

12. The Taoiseach emphasised that the Irish Government were thinking in terms of three-man courts which gave collegiate verdicts; in the event of disagreement in the court, the majority view would constitute the judgment of the court, and there would be no dissenting judgment given. In the course of an appeal neither the fact of a majority judgment nor the basis of a dissenting opinion would be made known to the appellate court. The Taoiseach did not think that the legal and technical difficulties were insuperable. There were precedents for such courts. They were employed and worked satisfactorily in the Irish Republic. The British Government itself had established three-man courts in Ireland after the Invincibles. He

understood that there were other precedents for three-man courts in the British system. What was needed was a political decision to override technical legal objections.

13. The Taoiseach said that he was not looking for major developments in the Intergovernmental Conference (IGC) before the marching season in Northern Ireland, though it would be helpful if agreement could be reached on one or two small matters at the next meeting of the IGC, as a demonstration of progress. The situation could be held on that basis, so long as it was understood between the two Governments that after the marching season more significant developments would happen. It was already apparent that, if there were no progress in the IGC, the unionists would claim that, even if their opposition to the Anglo-Irish Agreement had not led to the formal suspension of the Agreement or of the IGC, it had effectively prevented any progress being made. If this idea were allowed to gain currency, the implications could be serious.

14. The Taoiseach stressed the significance for the Irish Government of three-man courts, and particularly the importance of this development in enabling him to carry in the Dail legislation on accession to the European Convention on the Suppression of Terrorism. Both he and (later) Mr Nally stopped short of saying that agreement to three-man courts in Northern Ireland was an essential and indispensable condition for persuading the Dail to pass the ratification legislation; but the Taoiseach came fairly near to that, and the implication was very clear: that the Taoiseach thought that he would need to be able to show that significant progress had been made or was in the process of being made on ways of improving the confidence of the nationalist community in the administration of justice in Northern Ireland, that the introduction of three-man courts was the most obvious and visible way of demonstrating such progress, and that, if that was not possible, some other significant substitute would need to be found. The Taoiseach concluded this

section of his remarks by saying that inability to secure the passage of ratification legislation would be serious for him politically, but it would also have serious consequences for the British Government.

15. On a point of detail, the Taoiseach said that he understood that the idea still persisted of extradition for questioning: that was an idea that would cause great trouble.

16. Turning to the Anglo-United States supplementary extradition treaty, the Taoiseach said that it was unfortunate that the Irish Government had been requested to assist. They would have been unable to do so without undermining their capacity to influence their contacts in the United States. He had thought that the British Government had understood the Irish Government's difficulties on this, and the request had been an unnecessary aggravation. Nonetheless he hoped that the extradition treaty would now go through quickly. He thought that, if the British Government sought to insist on further changes, there was a danger that the already tenuous basis of agreement in Washington would break down. He suggested that it would create an awkward precedent for extradition relations between the United Kingdom and the Irish Republic if the Anglo-United States supplementary extradition treaty included provisions which enabled the United States judicial authorities to look behind warrants.

17. The Taoiseach referred to a number of matters on which there appeared to be a degree of agreement between unionists and nationalists in Northern Ireland, and on which progress should be possible. These matters included supergrass trials, and the early release of those who gave evidence; the use of plastic bullets; and the use of strip searching, particularly at Maghaberry. The Taoiseach understood that the Chief Constable was looking at the possibility of using water cannon instead of plastic bullets.

18. Turning to political developments in Northern Ireland, the Taoiseach said that he thought that it would be useful if there could be a clear statement from the British Government that greater integration was not a viable way forward. This gave me an opportunity to intervene, to give the Taoiseach an indication of the British Government's intention (subject to the endorsement of Cabinet on 12 June) to proceed to the early dissolution of the Northern Ireland Assembly. That Assembly was now failing to carry out either of the purposes for which it was created; neither the Alliance Party nor the SDLP attended it, and it was being used by the unionists as a vehicle for expressing, in extravagant and often offensive terms, their opposition to the Anglo-Irish Agreement. If it was allowed to run its course to its natural term in October, elections would automatically follow. That time would not be a convenient time for an Assembly election: it would provide an opportunity for reviving the unionist campaign against the Anglo-Irish Agreement after the marching season, at a time which would coincide with the first anniversary of the Agreement. If the Secretary of State for Northern Ireland announced on 12 June the intention to dissolve the Assembly earlier, his statement would include a clear indication that the British Government remained committed to devolution as the right way forward in Northern Ireland.

19. I also took the opportunity of this intervention to say to the Taoiseach that I hoped that the Irish Government would not undervalue the significance to the nationalist community in Northern Ireland and indeed to the Irish Government of the fact that, despite the sustained campaign of protest by the unionists, the British Government's commitment to the Anglo-Irish Agreement remained complete and the activities provided for in the Agreement continued to be carried out. The British Government naturally had to have regard to the effect of developments upon the situation in Northern Ireland, and particularly upon the level of unionist protest. There were

some indications that the unionists were uncertain about the direction and future of their campaign of protest, and that the campaign might be beginning to run out of steam. The present time, just before the beginning of the marching season, would not be a good time for any actions which might reverse that tendency - if indeed it existed - just before the beginning of the marching season.

20. The Taoiseach said that some people were suggesting to him that there was a need for a clear statement by himself and the Prime Minister on the Anglo-Irish Agreement. Such a statement would make it possible to underline again the fact that the significance of the Agreement should not be exaggerated beyond what it really was. I said that I thought that that could usefully be considered between the two Governments, though the Anglo-Irish Agreement was in fact a clear enough document, and there was a risk that any further statement about it, unless very carefully drafted, would be misinterpreted as an indication or hint of an underlying shift in position.

(lack of progress on the Irish side)

21. The Taoiseach, responding to my earlier point, stressed again the danger of the unionist claim that lack of progress in implementing the Anglo-Irish Agreement was the result of their efforts. He agreed that it would be too provocative to agree major changes now. But it would be important that the IGC should proceed to major changes after the marching season, and before November. The Dail would consider the ratification legislation in the second half of October, and the Irish Government would need a sense of assurance about what would happen in the Intergovernmental Conference in the autumn, if it was to be able to go into the Dail with confidants of securing a successful result.

22. The Taoiseach then asked about his meeting with the Prime Minister in the margins of the European Council at The Hague on 26 and 27 June. He thought that this was going to be an

important meeting, and he would like it to go well. I suggested that it would be better not to use that meeting as an occasion for discussing detailed matters which were best pursued in the Intergovernmental Conference between the Secretary of State and the Minister for Foreign Affairs. Rather, it might be most productive if it could be used as an occasion on which the Prime Minister and he could exchange ideas about the general strategy for handling Anglo-Irish affairs in the coming months, and as an opportunity for each of them to explain his or her own and understand the other's political constraints and needs in relation to Anglo-Irish affairs and the development of the Agreement during the months ahead.

RA

ROBERT ARMSTRONG

12 June 1986

John CUSHNAHAN
12/6



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10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

29 May 1986

(C/F have
prev. pps.)

I enclose a copy of a letter to the Prime Minister from John Cushnahan dealing with the Alliance Party's opposition to integration as a solution for Northern Ireland. I should be grateful for a draft reply.

(CHARLES POWELL)

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

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R2775

Mr Powell



**THE ALLIANCE PARTY
OF
NORTHERN IRELAND**

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88 UNIVERSITY STREET
BELFAST BT7 1HE

Telephone:
Belfast 24274/5

JC/ER/P.L.

22nd May 1986

Rt. Hon. Margaret Thatcher
Prime Minister
10 Downing Street
L O N D O N

Dear Prime Minister

As you are probably aware the Official Unionist Party has mounted a campaign arguing the case for integration. In our view, for the reasons outlined in the enclosed paper, integration is not a realistic option and infact is more likely to contribute to political instability.

One of the reasons which has influenced Official Unionist thinking was the Conservative Party Election Manifesto in 1979. If however the Government was to clearly set out its position I believe that this would re-direct Official Unionist thinking towards a more realistic appreciation of the realities.

I would hope that you find the accompanying document persuasive and might feel motivated to respond accordingly .

Yours sincerely,

John Cushnahan

John Cushnahan
PARTY LEADER



The Alliance Party of Northern Ireland

The case against Integration

.....

I N T R O D U C T I O N

In the wake of the Anglo Irish Agreement the Official Unionist Party has mounted a campaign in favour of "integration". Put simply this means that Northern Ireland should have a structure of Local Government similar to that which operates in Great Britain. This would necessitate the establishment of an Upper Tier of Local Government (instead of Devolved Government) by the creation of one or more Regional Councils. The current response of the Official Unionist Party to the Anglo Irish Agreement is somewhat ironic. It is arguable that it was the pursuance of the "integration" option by the Official Unionist Leadership under the influence of Powell which undermined the Northern Ireland Assembly to the extent that it was unable to produce reasonable proposals for acceptable Devolved Government that helped create the circumstances in which the Anglo Irish Agreement came about. One of the major reasons why the Official Unionist Party still pursue the "integration" goal is because of the reference to Northern Ireland in the 1979 Conservative Party Westminster Manifesto. It is also clear that some of the leading advocates of "integration" have arrived at these conclusions through an analysis of it both as a feasible option and as an answer to the problems of Northern Ireland which is based on a number of false premises. In this position paper the Alliance Party would like to pinpoint those false premises and refute them.

(1) INTEGRATIONISTS ARGUE THAT IT WOULD FILL THE "MACRORY GAP", NOT SO!

The establishment of an Upper Tier of Local Government based on one or more Regional Councils would not only fail in this respect but it would also be in conflict with Macrory's Proposals themselves.

These were that there should be two levels of Executive responsibility - a Regional Assembly responsible to Parliament, and up to 26 District Councils with restricted powers. A Regional Council or Councils would therefore not only not fill the so-called gap but would introduce another Tier of Local Government, thus increasing bureaucracy further.

(2) INTEGRATIONISTS ARGUE THAT AS NORTHERN IRELAND IS PART OF THE UNITED KINGDOM THEN IT SHOULD HAVE A SIMILAR STRUCTURE OF GOVERNMENT

This argument is simplistic and superficial, is historically unsound and ignores the peculiar clash of loyalties which have bedevilled the relationship between and within Ireland and Britain.

The unity of the U.K. has never implied uniformity in terms of the structures and arrangements for Government. This fact is well illustrated both by the existence of separate laws and a separate legal system (based on Roman Law) for Scotland and by the devolutionary system of government which existed for Northern Ireland since the Government of Ireland Act 1920 - a system which permitted a considerable degree of self government for the province. Moreover as is all too evident the problem of political violence has been endemic in Northern Ireland and has created levels of violence which find no comparison with any other region or part of the United Kingdom and those who say that Northern Ireland is the same as Finchley or Yorkshire conveniently leave this out of account.

(3) INTEGRATIONISTS ARGUE THAT INTEGRATION WOULD PROTECT THE RIGHTS OF BOTH MAJORITY AND MINORITY ALIKE ON AN EQUAL BASIS

Once again the advocats of integration have failed to address the basic problem of divided loyalties. But setting this aside let us examine how integration would supposedly contribute to political stability. It proposes to do so by effectively increasing the powers of Local Government. Ironically it was the abuse of Local Government powers in particular that was the bone of contention for past minority grievances. Yet despite its current limited powers there still exists considerable concern about how Local Government operates.

The Courts and other Statutory Agencies such as The Fair Employment Agency and the Ombudsman have had to intervene in recent years to prevent discrimination against minorities in District Councils. And moreover we need to look no further than recent events where a majority on some eighteen of Northern Ireland Local Councils has used that majority to ride roughshod over the views of every other viewpoint and of course has acted unlawfully in the process. It should not be forgotten that the tactic of the two Unionist Parties of adjourning meetings of Local Authorities without the transaction of business antedates the Anglo Irish Agreement as it was used in an earlier campaign against the presence of Sinn Fein Councillors. Clearly to create a second Tier of Local Government would likely provide wider opportunities for the abuse of Local Governmental Power without adding to political stability and would indeed be opening a "Pandoras Box".

(4) INTEGRATIONISTS ARGUE THAT INTEGRATION WOULD BEST PROTECT THE INTERESTS OF NORTHERN IRELAND IN THE CONTEXT OF THE ANGLO IRISH AGREEMENT

This is an amazing claim. Unionists accuse Her Majesty's Government of having sold them short yet they then argue that all power should reside in that same Government for dealing with Anglo Irish matters with no possibility of any local devolved institutions acting as a brake on its actions. What makes such a claim even more incredible is that the next government could well be a Labour one (or where the Labour Party is the majority Party of that government) yet Unionists are prepared to cede all power to such a government despite the fact that its policy objective is "unity by consent" and even likely to change to a more hardline position in the not too distant future. The best way to protect the real interests of Northern Ireland is not by integration but by the establishment of a Devolved Government. Both the Irish and British Governments have pointed out that the establishment of such a government would minimise the influence and operation of the Inter Governmental Conference.

(5) INTEGRATIONISTS ARGUE THAT MAINLAND PARTIES WOULD THEN ORGANISE
IN NORTHERN IRELAND

There is clearly no evidence to support such a view. The general approach of traditional mainland parties has been to keep Northern Ireland at arms length. The idea of organising in Northern Ireland has been discussed on numerous occasions by these parties and overwhelmingly rejected. Some parties as they have done in the past might choose to have a fraternal relationship with Northern Ireland Parties but that is a fundamentally different thing from organising in the Province. Ironically the Official Unionists have quite recently ended their relationship with the Conservative Party which existed even before Northern Ireland came into existence.

(6) INTEGRATIONISTS ARGUE THAT INTEGRATION IS ACHIEVABLE

This view is based upon the reference to Northern Ireland in the 1979 Election Manifesto of the present Government. Despite this, the current Government, which of course went to the polls again in 1983, has not moved in that direction at all, yet some Official Unionists desperately cling to the forlorn belief that they might. Furthermore, irrespective of what support (small though it was) for such a policy the situation has changed dramatically and especially because of the current Unionist campaign of protest. There is no support whatsoever at Westminster for moving in the direction of integration. Even within Northern Ireland itself there is no support for integration. The Alliance, SDLP, DUP and many Official Unionists are opposed to integration. Integration as an option is therefore simply unobtainable..

C O N C L U S I O N

Clearly "integration" is not a realistic option yet leading Official Unionists still pursue it as an objective. This is due in no small part to the Government's failure to spell out clearly, unambiguously and in precise terms its official attitude to "integration".

If reality is to be injected into the current political debate then the Government must indicate that "integration" is not an option and in so doing must also spell out the clear parameters for the devolution of power.

.....

22nd May 1986

cc [unclear]

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PRIME MINISTER

NORTHERN IRELAND

Michael Alison tells me that when you saw Enoch Powell last week he proposed letting the Northern Ireland Act 1974 lapse. You said that you would think about this.

The idea is one which he has been pursuing for some time. I think it would be dangerous to give it any encouragement whatsoever. There seem to me to be both political and administrative objections.

On the political front, since Enoch Powell is opposed to power sharing, the new system of internal government following suspension of the Act would presumably be based on majority rule. This would be seen as a move back towards Stormont as well as closing the door for ever on the aspiration to Irish unity. It would also mean an about-turn on the policy of devolution which we have hitherto pursued and which is reinforced by the Anglo-Irish Agreement.

I understand the non-reversal only effects the very legislative in devolution. I have spoken to Tom King who is looking at it.

There also seems to me a risk that, if the Government were to go down this road, we should open up a struggle for power between the UUP (who mostly support Enoch Powell's ideas) and the DUP who are more inclined to devolution and/or independence. On present form, Paisley is more likely to win that struggle than Molyneaux.

mt

On the administrative front, if we allowed the 1974 Act to lapse, a new form of administration and probably new legislative arrangements would be required for Northern Ireland. Presumably Enoch Powell has in mind an upper tier of local government for the Province as a whole on the Strathclyde model with wider powers for Councils. This would require a major and highly controversial constitutional Bill.

I imagine that you will want to talk soon to Tom King about this idea.

C.D.P.
C.D. POWELL
22 May 1986

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UNIONISTS CANCEL TALKS
THE LEADERS OF ULSTER'S TWO PRINCIPAL UNIONIST PARTIES TODAY
ANNOUNCED THE CANCELLATION OF A MEETING WITH THE GOVERNMENT NEXT
TUESDAY BECAUSE OF THE REFUSAL BY MR TOM KING, THE NORTHERN IRELAND
SECRETARY, TO SUSPEND THE ANGLO-IRISH AGREEMENT WHILE NEGOTIATIONS
TAKE PLACE.

DR IAN PAISLEY, LEADER OF THE DEMOCRATIC UNIONISTS, AND MR JAMES
MOLYNEAUX, THE OFFICIAL UNIONIST LEADER, ISSUED A JOINT STATEMENT
CALLING OFF THE "TALKS ABOUT TALKS" WHICH, IT WAS HOPED, WOULD LEAD
TO A FURTHER MEETING WITH THE PRIME MINISTER.

MR PAISLEY SAID: "THESE TALKS WERE SET UP ON THE FIRM UNDERSTANDING
THAT THE FRAMEWORK FOR FURTHER TALKS AND NEGOTIATIONS WOULD TAKE
PLACE WITH THE AGREEMENT SUSPENDED. MR KING HAD AGREED TO THAT BUT
SUDDENLY MADE A DECLARATION SAYING THAT THE AGREEMENT COULD NOT BE
SUSPENDED.

"WE DO NOT TALK TO PEOPLE WHO DO NOT KEEP GOOD FAITH AND WE ARE NOT
GOING TO RAISE HOPES OVER HERE."

101819 MAY 86

Prime Minister
10/4.
For info.

Duty clerk



G. Hayden Mr.

Action.

Const. plus

Carry this money.

Have office study office

Mr. Washington P. Sec.

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interiors
ahead

APS + Club
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NORTHERN IRELAND OFFICE

WHITEHALL

LONDON SW1A 2AZ

Permanent Under Secretary of State
Sir Robert Andrew KCB

Charles Powell Esq
No 10 Downing Street

22 May 1986

Dear Charles,

Thank you for your letter of 19 May and the enclosed note about a meeting between the Prime Minister and Enoch Powell. As you requested, I have not shown this to my Secretary of State. I assume that you have good reason for this request; but I must say that I do not like concealing from him something which touches directly on his Departmental responsibility.

Powell's idea of letting the Northern Ireland Act 1974 lapse is not new. He has been advocating it for some time and has sold it to Jim Molyneaux, who in turn has canvassed it on several occasions with my Secretary of State, the Chief Whip's Office and others. It has an innocent simplicity about it which makes it superficially attractive; but I believe it to be quite impracticable and I think it would be dangerous to give it encouragement. Let me try to explain why.

First, there are powerful administrative objections. If the 1974 Act were not renewed this summer Northern Ireland would not simply revert to the same status as the rest of the United Kingdom. The 1974 Act is designed to maintain direct rule until agreement is reached on new arrangements for devolved government. But at present there is no early prospect of devolution, and if the Act lapsed without such arrangements being in place there would be utter confusion. Direct rule would have been suspended, but there would be nothing to replace it. Legislation in the transferred field would pass to the Assembly, without any Government control, and the Secretary of State would lose his power of direction and control of the Northern Ireland Departments, which would be left without effective Heads to discharge their functions. A new form of administration and probably new legislative arrangements would be required; and it is not true that this could be achieved with no great upheaval. We do not know exactly what Powell and Molyneaux have in mind - possibly an upper tier of local government for the Province as a whole, on the Strathclyde model, with wider powers for District Councils. But that would not require "minor consequential legislation in due course": it would require a major and controversial constitutional Bill. Working out new arrangements would take time, as Powell seems to recognise in his proposal for a McCrory Commission;

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STRICTLY PERSONAL

but the work would have to be done, and an agreed scheme produced, before and not after direct rule was allowed to lapse. (Sir Patrick McCrory, as they say in 'Private Eye', is 75.)

Secondly, there are major political objections. Since Powell and Molyneux are opposed to power-sharing, the new system of internal government which they have in mind would presumably be based on majority rule - ie a system of committees with permanent Unionist majorities. This would be seen by nationalists in both North and South as a move back towards Stormont and totally unacceptable, especially as a closer integration of Northern Ireland with the United Kingdom would be interpreted as closing the door for ever on the aspiration to Irish unity. The British Government is committed to a policy of devolution, which has been reinforced in the Anglo-Irish Agreement with the support of the Irish Government. We surely cannot, at this stage, abandon that policy in favour of integration, which is in effect what Powell is proposing - not least because it would be incompatible with the Anglo-Irish Agreement.

Moreover, the Unionist camp itself is divided on this issue. Within the UUP there is strong, but by no means unanimous, support for integration. But the great majority of the DUP are devolutionists who are not attracted by the idea of reinforcing links with Westminster, which they believe has betrayed them, and where they have far fewer seats than the UUP. They would prefer to keep the Assembly going to provide them with a platform in Northern Ireland, while Powell and Molyneux would be glad to get rid of it to facilitate the return of legislative powers to Westminster. Some at least among the DUP would probably prefer independence to integration. In these circumstances, support by the British Government for integration could split the Unionists and open up a struggle for power between Molyneux and Paisley which, on present form, Paisley would be most likely to win. I do not think that is something we would want to encourage.

Devolution versus integration is already the subject of active public debate in Northern Ireland. There are already rumours circulating there and in Westminster that the Prime Minister, under the influence of Ian Gow and others, is moving towards integration and this is causing some confusion about what HMG's policy really is. Some Unionists appear to see integration as an alternative to the Anglo-Irish Agreement (although I note that Powell envisages the Agreement continuing in some form); others believe that if there is to be any progress towards devolution the British Government must make it clear that integration is ruled out.

Against this background I would hope that if the Prime Minister has any further talks with Enoch Powell on this subject she will not give any encouragement to his ideas. I would hope, too, that she might discuss the matter with my Secretary of State who, as I have indicated, has been talking on the same subject to Jim Molyneux. It would be unfortunate if they spoke with different voices or appeared to be giving different signals. My Secretary of State is about to minute the Prime Minister on the future of the Assembly, with a reference to the renewal of the 1974 Act, and this could provide the occasion for a meeting.

Yours ever,

Robert

2-2 STRICTLY R J ANDREW



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10 DOWNING STREET

From the Private Secretary

19 May 1986

I enclose a copy of a note about a meeting between the Prime Minister and Enoch Powell recently. I should be grateful if you could treat this as strictly for your personal information and not show it to your Secretary of State.

I warned the Prime Minister in advance of the meeting that Mr. Powell was likely to raise this point and counselled her to be very cautious in dealing with it. She appears to have gone rather further than that but not irredeemably.

What I need is some help in pointing out the pitfalls of the approach which has been suggested to her. It would be kind if you could let me have some points to make to her about the difficulties and dangers of going down this particular route.

CHARLES POWELL

Sir Robert Andrew, KCB.

SUBJECT CC
MASTER

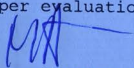
MR POWELL

The Rt Hon J Enoch Powell came to have a private talk with the Prime Minister in her room at the House on Thursday last, 15th May. As you surmised in your earlier briefing note to the Prime Minister, the main point of his approach to the Prime Minister was to invite her to consider the non-renewal of the Northern Ireland Act, 1974, when it expires in July this year.

Mr Powell argued that, while no great legislative or administrative upheaval would be occasioned by non-renewal, the psychological effect of such a move by the Government would be enormously beneficial in relation to Unionist opinion in Northern Ireland. The reason for this was that the annual ritual of the renewal of the provisions for direct rule in the Province intimated that the destiny of the Province, in official constitutional terms, was still indeterminate. Non-renewal of direct rule, therefore, would imply that the Government had finally made up its mind that Northern Ireland was part of the United Kingdom, and that any further changes in its administrative relationships with the rest of the United Kingdom would merely be to rationalise these links.

Mr Powell, recognising that the idea was probably a novel one to the Prime Minister, left her a draft statement of the sort which might be made if the Government decided to adopt this policy.

The Prime Minister expressed interest in the idea that Mr Powell canvassed, and was happy to receive the draft statement, obviously without any commitment. She promised to give some thought to what he had proposed, remarking that the idea was new to her, and would therefore need proper evaluation by her advisers.


MICHAEL ALISON
19.5.86

DRAFT STATEMENT

Northern Ireland

The Government has decided not to ask Parliament to extend the "interim period" under the Northern Ireland Act 1974 when it expires in July this year. Certain arrangements will need to be made in consequence for facilitating Northern Ireland legislation, and I shall be consulting party leaders in the House about these. They might well include the establishment of a Select Committee on Northern Ireland Affairs similar to the Scottish and Welsh Select Committees. Minor consequential legislation will be required in due course, which I hope to introduce in the next session of Parliament.

It is implicit in the ending of what has come to be known as 'direct rule' that elected local authorities should be given a responsible share in the administration in Northern Ireland of those services which are similarly administered in Great Britain. The Government will be setting up forthwith a Commission to report, not later than [] upon the form and stages in which this reform should be introduced. I hope to announce the membership and terms of reference of the Commission in the next few days; but I am glad to be able to tell the House now that [Sir Patrick McCorry QC] has agreed to be chairman.

It may be convenient if I take this opportunity to announce that, in view of the foregoing decisions, I do not intend to set a date for fresh elections to the Northern Ireland Assembly when the statutory life of the present Assembly comes to an end later this year.

Finally, the Government reaffirms its continuing conviction of the value and importance of the Anglo-Irish Agreement as an indispensable instrument of consultation and co-operation between our two countries.

CONFIDENTIAL
FM DUBLIN
TO DESKBY 151200Z FCO
TELNO 259
OF 151045Z MAY 86
INFO IMMEDIATE NIO(B)

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ANGLO-IRISH RELATIONS

1. NALLY HAS REITERATED TO ME THE IRISH ANXIETY THAT WE SHOULD INTRODUCE SOME NEW MEASURES IN THE ADMINISTRATION OF JUSTICE BEFORE THEY PROMOTE LEGISLATION IN THE AUTUMN TO GIVE EFFECT TO THE EUROPEAN CONVENTION ON THE SUPPRESSION OF TERRORISM.

DETAIL

2. WHEN NALLY DINED WITH ME ON 14 MAY I SAID I HOPED THAT A NORTHERN IRELAND OFFICE MINISTER, POSSIBLY MR NICHOLAS SCOTT, AND OFFICIALS, INCLUDING BLOOMFIELD, WOULD BE PRESENT AT THE EVENING RECEPTION WHICH THE TAOISEACH IS GIVING HERE IN HONOUR OF THE ANGLICAN ARCHBISHOP OF ARMAGH ON 20 MAY. I HOPED THAT THE TAOISEACH WOULD BE ABLE TO HAVE A CHAT WITH THE MINISTER AND THAT NALLY WOULD TALK TO BLOOMFIELD. HE WAS VERY PLEASED TO HEAR THAT WE HAD THIS IN MIND AND SAID HE WOULD CERTAINLY ALERT THE TAOISEACH.

3. HE SAID HE THOUGHT THE TAOISEACH WOULD WANT TO TELL MR SCOTT THAT THERE WAS FULL SYMPATHY IN DUBLIN WITH OUR ANXIETY TO ADMINISTER THE AGREEMENT SENSITIVELY DURING THE MARCHING SEASON. BUT DR FITZGERALD WOULD CERTAINLY WANT TO STRESS THE POLITICAL NEED HERE FOR SOME MOVE ON THE ADMINISTRATION OF JUSTICE IN THE NORTH IF THEY WERE GOING TO GET LEGISLATION THROUGH THE DAIL IN THE AUTUMN. NALLY FELT THAT THEY NOW UNDERSTOOD BETTER THE OBJECTIONS WE HAD TO THREE MAN COURTS. (I REMINDED HIM OF WHAT MINISTERS HAD SAID ON THIS TOPIC AT THE LAST MEETING OF THE IGC) BUT THE IRISH NEEDED TO BE ABLE TO POINT TO SOME SPECIFIC CHANGE ARISING OUT OF THE AGREEMENT. PERHAPS THIS SHOULD BE THE CREATION OF A SECOND SENIOR ADMINISTRATIVE JUDICIAL POST UNDER THE LORD CHIEF JUSTICE. I ASKED WHETHER THE PUBLICATION OF THE CODE OF CONDUCT FOR THE RUC WOULD NOT MEET THEIR NEEDS. HE MADE IT CLEAR IN REPLY THAT THEY WANTED SOME CHANGE ATTRIBUTABLE TO ARTICLE 8 OF THE AGREEMENT.

4. FCO PLEASE ADVANCE COPY TO BELL SIL NIO (L).

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PRIME MINISTER

MEETING WITH ENOCH POWELL

You will be aware that Mr Molyneaux and Dr Paisley called off their proposed meeting with NIO officials, alleging that Tom King had made a meeting impossible by saying that the Anglo-Irish Agreement would not be suspended. This is a rather transparent excuse: the reality is that once again they have been held back by the hard men in the Unionist parties, who want to step up opposition to the Agreement.

Mr King will try to take up contacts with them again discreetly when he returns from the United States.

There is some suggestion that Molyneaux and Paisley may now change tactics and propose suspension of the 1974 Northern Ireland Act, leaving Northern Ireland to be governed in exactly the same way as the rest of the United Kingdom. Enoch Powell is no doubt instrumental in this.

C.D.P.

mb

Charles Powell

14 May 1986

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FM DUBLIN
TO IMMEDIATE FCO
TELNO 253
OF 121130Z MAY 86
INFO PRIORITY NIO (BELFAST)

CALL ON MR HAUGHEY

SUMMARY

1. I FOUND MR HAUGHEY IN GOOD FORM ON 9 MAY. HE KEPT ALL HIS OPTIONS OPEN ON THE ANGLO-IRISH AGREEMENT. HE DOES NOT EXPECT AN ELECTION HERE BEFORE APRIL 1987 AND HE THEN EXPECTS TO WIN. HE IS TREATING THE SUBJECT OF DIVORCE CAUTIOUSLY. HE DENIED THAT HE WOULD SEEK TO INFLUENCE NATIONALIST POLITICS IN NORTHERN IRELAND.

DETAIL

2. WHEN I CALLED ON MR HAUGHEY ON 9 MAY HIS TONE WAS SOBER AND FRIENDLY AND HE SEEMED TO BE SPEAKING VERY FRANKLY.

3. HE EXPRESSED CONCERN ABOUT NORTHERN IRELAND. HIS UNIONIST CONTACTS HAD MADE IT CLEAR TO HIM THAT OPPOSITION TO THE ANGLO-IRISH AGREEMENT WENT VERY DEEP AND HE THOUGHT IT WAS UNLIKELY TO CHANGE. HE HAD BEEN CONSULTED BY A PROMINENT NORTHERN IRELAND INDUSTRIALIST WHO WAS VERY WORRIED ABOUT THE PROSPECTS FOR THE NORTHERN IRELAND ECONOMY. HE ADVISED THIS MAN THAT HE HAD NO HOPES OF PERSUADING DR FITZGERALD TO PROPOSE TO HMG THAT WE SHOULD SUSPEND THE WORKING OF THE ANGLO-IRISH AGREEMENT. HE HAD TOLD HIM THAT HE HAD NO PRACTICAL ADVICE TO GIVE HIM. IN ANSWER TO QUESTIONS, I SAID THAT I THOUGHT THAT DESPITE CONTINUING STRONG OPPOSITION TO THE AGREEMENT AMONG UNIONISTS THERE WERE SOME SIGNS OF GROWING PRAGMATISM. HMG WERE NOT TRYING TO IMPOSE ANY CAREFULLY ELABORATED PROPOSALS ON THE UNIONISTS. BRITISH MINISTERS WERE GOING TO ABIDE BY THE AGREEMENT BUT WERE GOING TO CONTINUE TO HANDLE THE UNIONISTS WITH PATIENCE AND SENSITIVITY. I MYSELF HOPED THAT THERE MIGHT BE A BREAKTHROUGH AFTER THE MARCHING SEASON. MEANWHILE SUCH STRAWS IN THE WIND AS THE ACTION OF SOME BELFAST CITY COUNCILLORS WERE ENCOURAGING. I ASKED HIM WHAT HE WOULD DO IF HE WERE SOON TO BECOME TAOISEACH. HE SAID THAT THIS MUST DEPEND VERY MUCH ON THE CIRCUMSTANCES THEN. I LATER REVERTED TO THIS IN ORDER TO MAKE SURE THAT HE WAS NOT GOING TO GIVE ME ANY OF THE SLOGANS HE HAS MOUTHED IN PUBLIC ON THE TOPIC OF THE AGREEMENT. THOUGH HE HAD PLENTY OF OPPORTUNITY HE DID NOT ATTACK THE AGREEMENT IN ANY WAY. HE SAID THAT HE WOULD JUST HAVE TO WAIT AND SEE HOW THINGS WERE GOING AT THE TIME. HE SAID HE UNDERSTOOD OUR CURRENT TACTICS IN DEALING WITH THE UNIONISTS WERE ESSENTIALLY SHORT-TERM AND HE LEFT ME WITH THE IMPRESSION THAT HE THOUGHT THIS WAS THE ONLY COURSE OPEN TO US.

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4. I ASKED HIM ABOUT THE REPORT IN THE IRISH TIMES OF 8 MAY THAT HE WAS IN TOUCH WITH THE IRISH INDEPENDENCE PARTY AND WAS ENCOURAGING THE FORMATION OF A NEW CATHOLIC PARTY IN THE NORTH. HE SAID THIS WAS MERE CORRIDOR GOSSIP. HE GAVE ME TO UNDERSTAND THAT IT CAME FROM PASCAL O'HARE. HE SAID THAT DE VALERA HAD ALWAYS REFUSED TO INTERFERE IN INTERNAL NATIONALIST POLITICS IN THE NORTH AND THAT HE PROPOSED TO FOLLOW THAT EXAMPLE. THERE WAS NO QUESTION OF FIANNA FAHL TRYING TO GET ITSELF INVOLVED.

5. I ASKED HIM WHETHER BEFORE THE POPULAR VOTE ON DIVORCE WE WERE GOING TO SEE HIM AND THE ARCHBISHOP OF DUBLIN HAND IN HAND BEFORE THE ALTAR. HE REPLIED RATHER RUEFULLY THAT HE HAD THOUGHT THAT A VOTE FOR DIVORCE WOULD DEFINATELY BE LOST BY A NARROW MARGIN UNTIL HE HAD SEEN THE LATEST OPINION POLL. HE WAS NOT VERY UNCERTAIN WHAT THE RESULT OF THE VOTE WOULD BE AND HE GAVE ME TO UNDERSTAND THAT HE WAS NOT INCLINED TO STICK HIS NECK OUT TOO FAR ON THIS. HE WAS QUITE CLEAR THAT THERE WAS NO POLITICAL MILEAGE TO BE GAINED FROM OPPOSING A REFERENDUM ON THE TOPIC.

6. I ASKED HIM HOW HE SAW THE CURRENT POLITICAL SCENE AND IN PARTICULAR THE PROGRESSIVE DEMOCRATS. HE SAID THAT ALTHOUGH GOOD RELATIONS BETWEEN FINE GAEL AND THE LABOUR PARTY WERE DEAD HE THOUGHT THE COALITION WOULD STAGGER ON UNTIL ABOUT APRIL NEXT YEAR AFTER AN ELECTION BUDGET. THE GOVERNMENT WOULD BE SUPPORTED AS NECESSARY UNTIL THEN BY THE PROGRESSIVE DEMOCRATS. IT WAS ALREADY CLEAR IN THE DAIL THAT THE LATTER WERE NOT GOING TO LET IT FALL. WHENEVER THEY FELT IT NECESSARY TO OPPOSE THE GOVERNMENT THEY WERE CAREFUL TO REDUCE THEIR NEGATIVE VOTES TO NOT MORE THAN TWO OR THREE. HE SPOKE OF THE PROGRESSIVE DEMOCRATS THEMSELVES WITH SCORN AND ENTIRELY DISMISSED MY REFERENCE TO STORIES THAT THEY HAD A NUMBER OF POTENTIAL DEFECTORS STILL TO BE REVEALED.

7. HE SPOKE SERIOUSLY AND AT LENGTH ABOUT HIS OPPOSITION TO ALL THINGS NUCLEAR. HE DID NOT THINK THE TOKYO SUMMIT COMMUNIQUE WENT FAR ENOUGH ON THIS TOPIC. I SAID I THOUGHT IT WAS EASIER FOR THE LEADER OF A SMALL COUNTRY TO TAKE THIS VIEW THAN FOR A LEADER OF A BIG ONE. HE SAID THAT NO-ONE IN THE WEST WOULD EVER LOOK AT NUCLEAR ENERGY IN THE SSAME LIGHT AGAIN

AFTER THE CHERNOBYL DISASTER. ALTHOUGH HE HAD THE OPPORTUNITY TO GO ON TO COMPLAIN TO ME ABOUT SELLAFIELD IT WAS NOTEWORTHY THAT HE DID NOT DO SO BUT KEPT THE CONVERSATION ON A BROADER PLANE.

COMMENT

8. MR HAUGHEY WAS AT HIS BEST. MY FRENCH COLLEAGUE WAS RECENTLY TREATED TO SOMETHING MUCH NEARER MR HAUGHEY'S PARTY SPEECHES.

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HE BELIEVES THAT BRITISH AND IRISH MINISTERS HAVE TAKEN GREAT RISKS IN SIGNING THE ANGLO-IRISH AGREEMENT. BUT HE SAID HE ACCEPTED THAT IN POLITICS IT IS NOT ALWAYS POSSIBLE TO FORECAST ACCURATELY THE PUBLIC REACTIONS TO DECISIONS. HE CONCLUDES THAT HE DOES NOT SEE THE WAY FORWARD IN THE NORTH AND IS WELL CONTENT TO LEAVE THE CHOICES TO OTHERS. HE IS NOT TRYING TO SABOTAGE OUR EFFORTS (THOUGH HE WILL OF COURSE SCORE ON MINOR POINTS AGAINST THE IRISH GOVERNMENT WHERE HE CAN). HE IS NOT EXPECTING ANY EARLY DOMESTIC CRISIS HERE AND IS CONTENT TO WAIT, CONFIDENT AT PRESENT THAT HE CAN WIN THE NEXT ELECTION WHEN IT COMES.

9. FCO PLEASE ADVANCE TO BELL NIO(L)

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10 DOWNING STREET

From the Private Secretary

SIR ROBERT ARMSTRONG

NORTHERN IRELAND

I have discussed with the Prime Minister the idea in your minute to me of 9 May that there should be a Ministerial meeting fairly soon to discuss the handling of "talks about talks" with the leaders of the two Unionist parties in Northern Ireland.

The Prime Minister is being kept closely informed by the Northern Ireland Secretary. There are delicate contacts going on through a number of channels. But at the moment they are dealing with procedure rather than substance. She sees no need therefore for a wider meeting until we know the outcome of these preliminary contacts.

CHARLES POWELL

9 May 1986

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CPC

Ref. A086/1410

MR POWELL

Northern Ireland

I have an uneasy feeling that we are rather drifting with events at the moment, so far as Northern Ireland is concerned.

2. We are of course waiting for the "talks about talks" - the preliminary discussions between Northern Ireland Office officials on the one hand and Mr Molyneaux and Mr Paisley on the other - to get underway; but I do not get the impression that the Northern Ireland Office have a very clear idea of what they want to get out of the talks and therefore in what direction they want to lead the talks, if they have a chance to do so.

3. I wonder if it would be useful if the Prime Minister were to hold a meeting fairly soon, at which she could talk through with the Secretary of State for Northern Ireland and other colleagues concerned what the objectives of policy should be and what the strategy should be to pursue them. This could be done at a meeting of OD(I); or if the Prime Minister preferred a slightly smaller meeting, the Secretary of State for Northern Ireland could be invited to prepare a paper or write a letter which could then be discussed with the Lord President, the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland - and perhaps the Secretary of State for Defence, who has an important interest in how things go in Northern Ireland.

MS

for

ROBERT ARMSTRONG

9 May 1986



PRIME MINISTER

NORTHERN IRELAND

There is some unhappiness among your colleagues, principally I think the Foreign Secretary, that Mr King is apparently intending to embark upon talks about talks with the Unionist Party leaders without any prior consultation with his colleagues apart from you. Given the political importance of what is happening in Northern Ireland for the Government's overall position I think it would be a good idea to hold a meeting of the small group of Ministers - the Lord President, the Foreign Secretary, the Home Secretary, the Defence Secretary, the Lord Privy Seal and the Chief Whip - in order to establish a rather broader consensus about the objectives of these talks, in case they later go wrong.

Agree to suggest such a meeting, with a short note from Tom King setting out what he hopes to achieve?

C.D.P.

Charles Powell

8 May 1986

He is only talking
about talks about talks.

What are they worried
about?

not

PART 15 ends:-

NIO to CDP 30.4.86

PART 16 begins:-

CDP to PM 8.5.86