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PRIME MINISTERAnglo-Irish Relations

1. The Secretary of State for Northern Ireland and I went to Dublin on 22 March for talks with Mr Spring and Mr Barry. Dr FitzGerald joined us for lunch. For part of the time we met Irish Ministers alone: there was also a discussion in the presence of the officials who have taken part in the Armstrong/Nally exchanges.
2. On timing, I think that we persuaded the Irish that it would not be possible to finalise an agreement or hold another Summit before the local elections in May. Dr FitzGerald was anxious to press ahead with the negotiations quickly and if possible see them successfully completed by mid-June, with a Summit before the end of that month: we were careful to make no commitment on this, arguing that the negotiations should proceed without delay but at their own pace.
3. On substance, we made the points in (a) - (d) of paragraph 4 of my minute to you of 19 March. We made it clear that we wanted progress to be made simultaneously on two tracks: devolved government in Northern Ireland (on which Douglas Hurd explained the background to Christopher Patten's nomination as intermediary) and the intergovernmental agreement which has been the subject of our exploratory talks. The Irish while accepting this also stressed the importance of what have come to be known as "confidence building measures" which might accompany or follow such an agreement. They defined these as measures which each side would take unilaterally, and which would not form part of the agreement itself.
4. On the Irish side, they gave as examples of such measures action to safeguard the constitutional status of Northern Ireland

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(of which more below), and the possibility of redeploying elements of the special task force to border areas. As to action from the British side, they were still hoping for a reorganisation of the RUC sufficient to make it more palatable to the Nationalists; some release of prisoners convicted of terrorist offences, or at least a review of sentences; and major changes to limit the size and areas of operation of the UDR (with of course a preference for its complete disbandment). In response, we made it clear that radical changes in either the RUC or the UDR would be quite unacceptable on both security and political grounds. Any swift or dramatic changes in these areas would indeed threaten the whole operation. We pointed out that the agreement itself was intended to promote confidence, and that this would gradually strengthen as the agreement was seen to work effectively: meanwhile the measures outlined in the British proposal of 21 January were the limit of what we had so far identified by way of initial steps to improve relations between the security forces and the Community. We agreed, however, that if the Irish had specific proposals to make, it would be sensible for officials to consider them.

5. On the constitutional issue, Messrs Spring and Barry emphasised that in their view the sort of consultative arrangements now under discussion would not be sufficient to enable the Irish Government to seek to amend their Constitution. Dr FitzGerald, by contrast, did not altogether dismiss the possibility; but it was clear that the view of the Irish Government as a whole is that constitutional amendment would be achievable only on the basis of an agreement which gave the Irish a share in decision making in the North as distinct from a right to be consulted. While acknowledging that the decision on this was a matter for the Irish Government's judgement, we left them in no doubt of the importance we attach to the constitutional issue and the need for an entrenched declaration of some kind by the Irish Government accepting the present constitutional status of Northern Ireland. The Irish indicated that they were considering something on the lines of the 1974

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Cosgrave Declaration. Dr FitzGerald himself volunteered that this might be embodied in an international agreement to be registered at the United Nations. They undertook to give further thought to the possibilities on this front.

6. The Irish also pressed hard for the inclusion of economic and social matters in the range of topics to be covered by the proposed intergovernmental arrangements. While not wholly excluding the possibility of doing something to meet this request, we made it very clear that it would depend on the extent to which the Irish could go in providing sufficient and durable guarantees of the existing constitutional status of Northern Ireland. We explained the very serious difficulties which the inclusions of economic and social matters would cause, and we pointed to the existing references in the current British text which would already give the Irish Government some of the substance of what they wanted.

7. One point on which we agreed there could usefully be further discussion was the possibility of creating some form of "economic reconstruction" fund for both parts of Ireland, to which the United States and perhaps European countries would contribute. It was agreed that the modalities and purposes of such a fund should be examined further by officials, with a view to including the possibility of an appropriate provision in the eventual agreement. This kind of arrangement is of course already foreshadowed in both the British and the Irish drafts (para 5 of the text attached to my minute of 19 March).

3 8. Over lunch, Dr FitzGerald raised the question of a joint parliamentary body, to include representatives from Westminster and Dublin and members of the European Parliament and the Northern Ireland Assembly. We counselled caution about this, drawing attention to the difficulties the idea would cause for the Northern Ireland Assembly and the ineffectiveness in practice

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of bodies like the WEU Assembly. Mr Barry proved to be more sceptical than Dr FitzGerald about the merits of a joint parliamentary body; but the Taoiseach himself is clearly very keen on it and may raise it when he sees you. (The NIO will provide a separate brief on this.)

9. Dr FitzGerald also raised the possibility of establishing joint courts for the trial of terrorist offences North and South of the border. We explained in some detail the political and practical difficulties. Dr FitzGerald showed some understanding of these and is of course aware of Lord Lowry's views. But he made it clear that this was an idea which could, in his view, be of considerable value in winning the support of the Nationalist minority for an eventual agreement. We judge that Dr FitzGerald's understanding of the difficulties could well lead him eventually to accept something like our text on this point.

10. To sum up, there is still a significant gap to be bridged. If the Irish come up with something sufficiently attractive on the constitutional front, it is possible that we might be able to go some way towards accommodating them on economic and social matters. But the difficulties here are very real; and the Irish still need to be brought down to earth about the "confidence building measures" which might be contemplated on the British side. We shall have to continue to make this clear to them. On the positive side, the idea of an "economic reconstruction" fund (which we know that the US Government would be willing to support) has its attractions and might usefully be discussed when you see Dr FitzGerald in Brussels this weekend.

11. More generally, the Secretary of State for Northern Ireland and I suggest that when you meet Dr FitzGerald this weekend you might make the following points:

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- (a) there can be no Summit until we are in sight of an agreement. Dr FitzGerald takes the same view on this point. In the light of the Dublin meeting it looks doubtful whether an agreement is sufficiently close to think in terms of a Summit as early as June. But we, like they, are certainly ready to continue the discussion;
- (b) the constitutional issue is of real importance. There can be no question of giving the Irish Government a decision-making role in Northern Ireland in order to facilitate an amendment of the Irish Constitution. We shall be very interested to see what alternative ways the Irish can suggest of meeting our requirement for a clear and entrenched declaration about the constitutional status of the North. Without a challenge-proof undertaking of this kind by the Irish Government, any agreement will have to be narrowly drawn and exclude economic and social questions other than possibly cross-border aspects;
- (c) an agreement of the kind which we are envisaging will in itself be a major confidence building measure. We certainly could not consider adding to it any measures which would undermine the morale or effectiveness of the security forces and produce a Unionist backlash. This would be in the interests of neither side. But we are willing to consider any suggestions they might make which would not have this effect.

12. Since the meeting we have had Dr FitzGerald's London speech (drafted before our meeting) which together with our visit has fuelled newspaper speculation that some dramatic agreement is in sight. This has produced predictable Unionist reactions. You may wish to mention this to Dr FitzGerald as illustrating vividly the need for great caution if our dialogue

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is not to create more problems in Northern Ireland than it solves.

13. Subject to the outcome of your meeting with Dr FitzGerald, the Secretary of State for Northern Ireland and I believe that the next step should be for us to put a paper to OD(I) reporting to colleagues the stage reached in our negotiations and circulating the text annexed to my minute of 19 March. There would then need to be a further round or two of talks with the Irish at official level, followed by a further Ministerial meeting. Only if we were by then within sight of substantial agreement on all the issues would it be appropriate to think in terms of a Summit meeting between yourself and Dr FitzGerald to set the final seal on the process.

14. I am sending copies of this minute to Douglas Hurd and to Sir Robert Armstrong.

CR Budd (Private Secretary)

GEOFFREY HOWE

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

Foreign and Commonwealth Office

28 March 1985