

44
Prime Minister
CDP
26/6

Ref. A085/1753

MR POWELL

Anglo-Irish Relations: Northern Ireland

--- I attach a brief for the Prime Minister's meeting with the Taoiseach in Milan on 29 June.

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

3. Annex A to the brief contains a holding line on the Taoiseach's suggestion (Dublin telegram No 400) that we announce when an agreement is signed that the Police Authority will be reconstituted. I understand that the Foreign and Commonwealth Secretary may shortly address a minute on this to the Prime Minister.

4. I have made recommendations in a separate minute about the timing, manner and place of conclusion of an agreement.

Rosaleen Armstrong

for ROBERT ARMSTRONG
(dictated by Sir Robert Armstrong
and signed in his absence)

26 June 1985

Brief for the Prime Minister's meeting with Dr Garret
Fitzgerald in Milan on Saturday, 29 June 1985

Introduction

The Taoiseach will seek to review with the Prime Minister the progress made in the negotiations for an Anglo-Irish agreement. He will want to stress the importance of accompanying the announcement of any agreement with the announcement of associated measures designed to improve the confidence of the minority community in the security forces.

Progress of the Talks

2. We have not yet had the comments of Irish Ministers on the latest British proposal for a draft agreement. The Irish may be waiting for us to let them have an indication whether the minor points which they made at their last meeting are acceptable to British Ministers. But, unless there is some major new snag which we cannot foresee, it looks as if we are well within sight of an acceptable agreement which could be presented as a useful, if modest, contribution to the improvement of peace and stability in Northern Ireland for this generation. The problem lies in this modesty. It will need to be reasonably modest if we are to have any chance of persuading the Unionists to acquiesce in it (they would never welcome it). The opposite danger, of which the Taoiseach will be acutely sensitive, is that it will be condemned by the opposition in Ireland and particularly by Mr Haughey, as being totally inadequate. If he is to be able to meet that opposition, the Taoiseach must be able to count on the support of the SDLP. In order to do that, he will state his need to accompany the agreement with associated measures on our part to improve the confidence of the minority community in the administration of law and order in Northern Ireland. The danger of announcing any such measures, even if there were some which we could take, at the same time as

the agreement, would be that they would be seen by the Unionists as part of the "price" paid by the British Government and as undermining their confidence in the security forces; and that that could lead to outright and possibly violent unionist opposition to the whole process.

Our Objective

3. To convince the Taoiseach that, though we are already taking or considering some measures in relation to the security forces which would be desirable in themselves and would (we believe) help to make them more acceptable to the minority community, and we should be ready to consult the Irish Government on such measures once an agreement on the lines proposed had been concluded, we should needlessly antagonise the Unionists and seriously prejudice our chances of bringing them to acquiesce in an Anglo-Irish agreement if, at the same time as announcing the agreement, we announced associated measures which they could affect to see as undermining the effectiveness of the security forces.

Arguments to use

4. The proposed agreement would bring significant change: for the first time the Irish Republic would be able to advance views and proposals on a range of Northern Ireland matters in a forum specially created for the purpose.

5. We want the new Standing Intergovernmental Committee to work well. We are not thinking in terms of purely formal consultation: we shall listen carefully and pay great attention to Irish views. The Committee's discussion can lead to further changes, including new measures designed to increase the Roman Catholics' confidence in the security forces. Important not to jeopardise this whole process by going for too much at the start. Simultaneous announcement of changes regarding the

security forces could prevent Unionists acquiescence, which is essential to the agreement's effectiveness. Much better to work for changes over time and without great fanfare. (Detailed arguments about what is possible in the security field and what is not are at Annex A).

[Defensive]

[6. Dr Fitzgerald may tell the Prime Minister that he has heard that at a recent meeting other members of the Northern Ireland judiciary refused to endorse Lord Lowry's opposition to joint courts, taking the view that it would be their duty to undertake any functions or charges laid upon them by Parliament.] We cannot commit ourselves at this stage to establish joint courts. Many difficulties of principle and practice. Not just opposition of Lord Lowry. For example, only enough judges in Northern Ireland to man present system on one-Judge courts and very hard to recruit more. Doubtful that minority community's confidence in judicial system would be increased. For instance, when a verdict went against a member of the minority community in a controversial case in the north, it might automatically be assumed that the Southern Judge had not agreed with the verdict. This difficult subject eminently suitable for discussion in the new Standing Intergovernmental Committee, as our joint text foresees. There may also be other ideas in the judicial field which we should consider.

[Defensive]

8. Mr Hurd could not avoid the subject of Anglo-Irish talks in his meetings with Unionist leaders on 20 June. To have refused to say anything would only have fanned suspicion. But Mr Hurd spoke only in generalities and gave nothing away.

Tactical Argument

9. Now that our officials have virtually agreed the text for an agreement, it will look bad domestically and internationally if we fail to conclude it.

Irish Objectives

10. To persuade the Prime Minister that associated measures in the security field, to be announced at the same time as signature, are essential in order to secure SDLP support for an Anglo-Irish agreement [Mr Hurd's meeting with Mr Hume showed that this reflected the SDLP position], and that the Irish Government therefore cannot conclude the agreement without such measures.

11. To persuade the Prime Minister that Lord Lowry's objections to joint courts are political rather than practical, and are not supported by the Northern Ireland Judiciary as a whole.

12. To persuade us to announce, at the time of signature of an agreement, that the Police Authority for Northern Ireland would be reconstituted in consultation with the Irish Government.

26 June 1985

Measures Concerning the Security ForcesArguments to use

Many measures to increase the confidence of the minority community in the security forces are already in hand. For instance, the Royal Ulster Constabulary (RUC) are increasingly able to operate without routine support from the regular army or the Ulster Defence Regiment (UDR). This trend will continue. Roman Catholic recruitment into the RUC has been increasing; it was 12 per cent in 1984. The police complaints system is being improved. All battalions of the UDR are commanded by British regular officers, and no unit smaller than a company operates from a separate base.

2. We plan to do more. Although a declaration by existing members of the security forces recognising the validity of the two traditions in Northern Ireland would be politically very difficult, we are seriously considering a new Code of Conduct which would enshrine and spell out the need for non-discrimination and respect for both traditions.

[3. A recent telegram from Dublin suggested that the Taoiseach wanted us to drop the ^{?oath} Order of Allegiance to the Queen. There is of course a long history in Ireland of orders of allegiance to the Crown, and one can understand the sensitivity of the issue. But nothing could be better designed to excite the suspicions of the Unionists about the British Government's intentions. To combine dropping the oath with announcing an agreement would kill the agreement's prospects stone dead.]

4. The idea of unarmed neighbourhood police forces (mentioned by the Taoiseach to the Prime Minister on 30 March) is impractical under present conditions; not least because such forces would be very vulnerable to attack and might be infiltrated by terrorists.

5. The RUC have begun to impose restrictions on Parades, when this is necessary in order to keep them away from the most sensitive areas. More will probably be done in this direction. This is an example both of our desire to make progress and of how publicity would make progress much more difficult and would increase the risk of violence.

6. We look carefully case by case at the duration of life or other indeterminate sentences, especially with regard to young prisoners. When possible, we set a date for release a year or so in advance. As time goes on, there will probably be an increasing rate of release. But we are ^{deliberately} delaying with terrorists, so there are limits to what we can and should do. (Defensive: the conversion of life sentences to fixed term sentences would require United Kingdom-wide legislation).

[Defensive] We understand your concern about appointments to the Police Authority for Northern Ireland. But the Police Act requires appointments by the end of June. That cannot be overridden, except by new legislation which, if we had introduced it in a rush under complex special procedures, would have caused political controversy and damaged the prospects for our agreement. We have deliberately left three places open on the Authority, and shall be glad to hear your views in the Standing Intergovernmental Committee on nominations for these and on the successor to the present Chairman, who will stay only for eighteen months. You could also put forward views and proposals on the structure, composition and powers of the Authority which, if agreed, could lead to fresh legislation in due course.



[Defensive] Your idea of an announcement, at the time of signature of an agreement, that the Authority will be reconstituted present us with difficulties; we are examining it carefully.

CONQUEROR