



10 DOWNING STREET

From the Private Secretary

29 June 1985

Dear Jim,

PRIME MINISTER'S MEETING WITH THE TAOISEACH
IN THE CASTELLO SFORZESCO, MILAN ON 29 JUNE

The Prime Minister had an hour's discussion with the Taoiseach on the morning of the second day of the European Council in Milan. The Taoiseach was accompanied by Mr. Nally.

The Taoiseach began by congratulating the Prime Minister on the police success in detaining an IRA Active Service Unit. The Irish authorities were ready to help in any way they could. They had been looking for McGee for a long time. They would be interested to know whether we thought the ASU was the only one active on the mainland. The Prime Minister said that she had no precise information on this.

The Taoiseach said that he also wanted to thank the British Government for its help in the search and recovery operations following the crash of the Air India jet.

Anglo-Irish Agreement

The Taoiseach said that a certain amount of progress had been made on the draft agreement. The Prime Minister interjected that it would be more accurate to say that a lot of progress had been made. The Taoiseach continued that, in his view, it ought to be possible to reach agreement on the basis of the document now under discussion. The Irish side still had some points to raise and there was a lot of detailed work to be done. But the basis for agreement existed. The major issue was that of the associated measures which would be needed to create confidence in the agreement on both sides of the border. The Irish Government had put their proposed measures on the table. The first was public acceptance of the self-evident position that there could be no change in the status of Northern Ireland without the consent of the majority of the people and the fact that this consent did not exist. The second was a commitment to send a task force to the border. This would be difficult for the Irish Government to implement. There was intense concern about the level of crime in Dublin and diversion of police resources to the border would be highly unpopular. The third measure would be signature of the European Convention on Terrorism to

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which the Irish Government were now in a position to agree. What was required of the British Government were measures to help the minority community in Northern Ireland support the agreement. He wanted to stress what a difficult position the Irish Government would be in without such associated measures. The agreement under discussion depended on good faith. The Irish Government would be accepting responsibility without power. If once the agreement was in force the British Government decided to ignore Irish advice the Irish Government would be left high and dry. It was for this reason that they needed specific evidence of the improvements for the minority which would accompany the agreement. They had therefore put forward suggestions for joint courts, and for the changes in the RUC and the UDR which they considered essential. He would like to add one additional measure, that was the possibility of a major review of sentences if the violence was brought to an end. If some commitment on these lines could be given, it would be possible to get families of those in jail to bring pressure to bear on the IRA to halt terrorism.

The Prime Minister said that she and the Taoiseach both had the same problem in mirror image. He was worried that he had gone too far in the negotiations and would lose support. She was fearful of the reactions of the Unionists to the proposed agreement. They would say that the Government had conceded a permanent foot in the door to the Irish Government in Northern Ireland without receiving anything worthwhile in return. Equally it would be very damaging now not to go ahead with the proposed agreement. She very much wanted the agreement to go into effect and the British Government would implement it fully. But the concept of associated measures to be announced at the same time as the agreement were bound to alienate the Unionists. She would like the Taoiseach to go through the specific suggestions which he had to make.

Joint Courts

The Taoiseach said that he had known Lord Lowry all his life. Lord Lowry had consistently taken the position that all the judges in Northern Ireland would resign if joint courts were introduced. However, the Irish Government's information was that one of the Northern Ireland judges had called a meeting last week to confront Lord Lowry with his alleged view and that subsequently it had been agreed unanimously to write to the Lord Chancellor saying that the Northern Ireland judges would accept whatever Parliament decided. The Prime Minister said that she had no knowledge of any such letter though she knew that Northern Ireland judges had earlier expressed misgivings about bringing the courts into politics. The Taoiseach said that his worry was that Lord Lowry was not informing the British

Government correctly of the views of Northern Ireland judges. The Prime Minister countered that her discussions with the Taoiseach would run into acute difficulties if he purported to tell her what went on in judges' meetings in part of the United Kingdom.

The Taoiseach said that he had consulted judges in the Republic who saw no constitutional or other problems with joint courts and would be ready to serve on them. The Prime Minister said it must be absolutely clear that she could not agree to do more than consider the possibility of such courts. The Taoiseach said that he could not put his name to this unless he had an assurance in advance that the outcome of that consideration would be the establishment of joint courts. The Prime Minister said that she must make absolutely clear that there was no possibility of her agreeing to this. If the Taoiseach stuck to his view then we were in very real difficulty. The Taoiseach said that he needed to be confident there were no inherent obstacles to such courts. There would be complete reciprocity, with joint courts in the Republic as well. The Prime Minister commented that the Taoiseach greatly underestimated the sensitivity in the North about bringing in judges from an alien jurisdiction. Verdicts would be regarded as political. The Taoiseach said that he thought the Prime Minister exaggerated the difficulties. There was concern about the views and attitudes of certain judges in Northern Ireland. But no-one seriously questioned or criticised the judgements reached in Northern Ireland courts and there were no grounds to suppose that the addition of judges from the Republic would change this. The Prime Minister repeated, with great emphasis, that she could do no more than agree to consider the possibility of joint courts without any guarantee about the outcome.

UDR

The Taoiseach said that the Irish Government also wanted to see changes announced in the UDR. There should be British officers down to company level and better NCOs. Part-timers should be abolished: many of them indulged in freelance harassment of Catholics. The UDR should operate only in support of the police and not on their own. The Prime Minister said that the UDR was now British officered. The Taoiseach should remember how exposed many of its members were, the risks they ran and the many murders of UDR members which had taken place.

RUC

The Taoiseach said that his officials had put forward some suggestions for changes in the RUC. In general they were a highly professional force. But their reputation could be spoiled

by a few incidents or insensitive appointments. He wished to draw a particular point to the Prime Minister's attention. Many years ago he had been assured by Sir Frank Cooper that only about 20 RUC officers involved in the events in 1969 remained and they would all be out of the force within a year. He had been angered and distressed to discover very recently that a member of the RUC whose conduct had been censured in the Scarman Report (though not by name) had been appointed an Assistant Chief Constable. How could the system allow such appointments to be made without the Northern Ireland Secretary or the Prime Minister being aware of the background? He was bound to wonder whether the Northern Ireland Office kept Ministers properly informed. The Prime Minister said that she knew nothing of the appointment but would enquire into it.

The Taoiseach said that he was not happy with the reply he had received to his representations on the Police Authority but agreed that this should be pursued separately.

Associated Measures

Taking up the general discussion of associated measures again, the Prime Minister said that announcing such measures at the same time as an agreement would jeopardise the agreement itself by causing a sharp Unionist reaction. Rather than talk of associated measures or announcements, she would prefer to concentrate on the pace at which the agreement would be implemented. The Taoiseach said that he had to have more than this. Unless there was a simultaneous announcement of certain measures to provide reassurance to the minority community, he and the Prime Minister were wasting their time. The SDLP had to be persuaded to fight for the agreement against the IRA. His Government had been putting forward their suggestions for confidence-building or associated measures for six months without any adequate response. His colleagues were becoming increasingly sceptical of the value of an agreement. Unless there could be a simultaneous announcement of associated measures it would not be possible to go on. The Prime Minister said that the Taoiseach should try to see things from her point of view. We were giving the Irish Government an institutional right of consultation and we knew how ardently that right would be used. There were quite a number of areas in which changes could be considered in their own right: an improved police complaints procedure, a new code of conduct for the RUC, restrictions on parades, increased recruitment of Roman Catholics into the RUC. These were steps which could be taken without fanfare and over time. But it would be fatal to link them with the agreement.

Speaking with considerable emotion the Taoiseach said that he wanted the Prime Minister to understand that the Irish Government and people did not want a role in Northern Ireland. He was regarded as eccentric because of the time and effort which

he was devoting to reach an agreement. He was the only person willing to take risks and force the Irish people to face up to the need for an agreement. He did so because he believed that otherwise the Sinn Fein would gain the upper hand amongst the minority in the North, and provoke a civil war which would drag the Republic down as well. There were people on the sidelines like Colonel Gaddafi ready to put up millions of pounds to achieve this aim. For 800 years Britain had occupied Ireland to protect its flank. There was now a serious risk of ending up with what we had always tried to avoid, an Ireland under hostile and sinister influence. All he wanted were minimal steps to protect the minority. The Nationalists wanted to abolish the UDR but he knew perfectly well that this was out of the question. He was asking only that it should be made into an efficient and disciplined force. He believed that fundamental changes were required in the police. But he was prepared to settle for much less and recognised that the Oath of Allegiance could not be abolished. He was no less interested than the Prime Minister in avoiding a Unionist revolt. He and the Prime Minister were the only two people able to reach an agreement. If they failed the opportunity would be lost, possibly forever. He was ready to take the risk whatever it might cost him personally and politically.

The Prime Minister said that of course she shared the Taoiseach's aim of preventing Ireland from coming under hostile and tyrannical forces. She understood his need for some visible measures to demonstrate that the agreement was being implemented from the very first day, measures which would reassure the Nationalist minority and not provoke the Unionists. These should not be associated measures so much as prompt implementation of the agreement itself. She would give further consideration as to how this could be achieved. But she did not want to mislead the Taoiseach into thinking that publicly announced steps of the sort he had described were in any way feasible.

Timing of a possible agreement

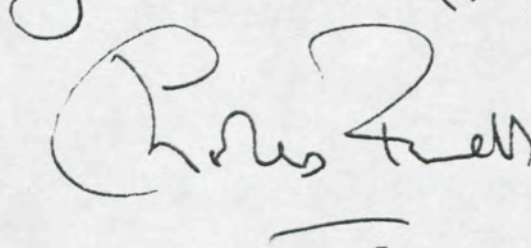
The Taoiseach said there would be advantages in trying to complete an agreement by the end of July: otherwise there was a risk that leaks would lead to its unravelling. Equally he realised the difficulties of moving so fast. His preferred option was therefore the end of August. People would not be expecting an agreement at that time and there was a great deal to be said for an element of surprise. The Prime Minister said that she had been thinking more in terms of mid-October. She was already heavily committed in September. The Taoiseach said that this was too late. He did not think the position could be held until then. The Prime Minister said she would discuss the matter further with the Northern Ireland Secretary.

The Prime Minister asked if the Taoiseach had any views on where an agreement might be signed. The Taoiseach said that he naturally hoped it would be Dublin. The Prime Minister said that this would go down very badly with the Unionists. The Taoiseach said that he was perfectly prepared to go to Belfast. The important thing for him was that it should be on the Irish side of the sea. The Prime Minister said that she had been thinking more in terms of a place with no particular connotations. She would reflect.

Summing up the discussion the Prime Minister said that the main point she retained was that the Taoiseach needed to be able to demonstrate that the proposed agreement was being implemented from day one. This would of course heighten the profile of the agreement and increase the risk of a hostile and possibly violent Unionist reaction. She would consider with her colleagues whether prompt implementation of the agreement offered some scope for meeting the Taoiseach's need for reassurance to the minority community. But she must repeat that she could not agree to associated measures. The Taoiseach said that the important thing was to have visible progress: he did not mind what it was called.

The Prime Minister and the Taoiseach agreed the enclosed statement for the Press which was subsequently released.

I am sending copies of this letter to the Private Secretary to the Foreign and Commonwealth Secretary and to Sir Robert Armstrong.

Yours sincerely,


(Charles Powell)

Jim Daniell, Esq.,
Northern Ireland Office.

The Prime Minister, Mrs. Thatcher, and the Taoiseach, Dr. FitzGerald, today met for about an hour in Milan immediately before the European Council resumed.

The meeting was part of the continuing contacts between the two Prime Ministers. They reviewed the progress being made in the talks between the two countries under the aegis of the Anglo-Irish Intergovernmental Council.

The two Prime Ministers reaffirmed their commitment to make progress in relation to the Northern Ireland situation through their continuing contacts, their condemnation of all forms of terrorism and their determination to do everything possible to defeat it.