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B.07096

PRIME MINISTERANGLO-IRISH RELATIONS: NORTHERN IRELAND

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

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



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

#### MIXED COURTS

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

#### ULSTER DEFENCE REGIMENT

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

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

## SUMMIT COMMUNIQUE

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

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

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

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

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

#### THE PROPOSED FUND FOR EXPENDITURE IN IRELAND

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

#### LOCATION OF AN ANLO-IRISH SUMMIT

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



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

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

*C L G Mallaby*

C L G MALLABY

28 August 1985

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

MIPT: ANGLO/IRISH TALKS

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

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

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

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

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

REMEMBER

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

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

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

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

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



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

STIMSON

NORTHERN IRELAND  
LIMITED  
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PS  
PS/LADY YOUNG

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

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

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

28 August, 1985

*Dear Mallaby,*

ANGLO/IRISH TALKS ABOUT NORTHERN IRELAND: JOINT COURTS

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

*Yours ever,*

*Richard Gardiner*

R K GARDINER

IRELAND : Relations : Pt 9.

Anglo-Irish Agreement: Draft Passage for a Communiqué

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

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

? is that Police and army?

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

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

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

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

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

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

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

