



10 DOWNING STREET

From the Principal Private Secretary

30 August, 1985.

ANGLO-IRISH RELATIONS: NORTHERN IRELAND

The Prime Minister held a meeting with the Northern Ireland Secretary this morning to consider the instructions for Sir Robert Armstrong's team when they meet the Irish side again on 3 September. David Goodall represented the Foreign and Commonwealth Secretary.

Mixed Courts

Given the doubts expressed in Cabinet on 25 July about the language about mixed courts presently foreseen in the draft agreement, it was decided that Sir Robert Armstrong should put an alternative formulation to the Irish, which might be on the following lines:

"The Committee shall consider, in consultation with the two judiciaries and others as appropriate, ways of giving practical expression to this aim, including the possibility of mixed courts in both jurisdictions in respect of certain offences."

Sir Robert Armstrong would tell the Irish negotiators that this formulation was subject to consideration by Cabinet in due course.

It was agreed that Sir Robert Armstrong should tell the Irish on 3 September that the United Kingdom could not enter into a "side agreement" about the future establishment of mixed courts; and that the subject of mixed courts was not appropriate for further discussion between the two Attorneys General but should be discussed in the new Intergovernmental Committee after the conclusion of the agreement.

The Northern Ireland Secretary said that he had asked the Lord Chief Justice in Northern Ireland what other measures in the judicial field might be feasible. The Prime Minister expressed interest in this line of thought.

Ulster Defence Regiment

It was agreed that Sir Robert Armstrong could tell the Irish on 3 September that British Ministers understood the sensitivity of nationalists about the UDR but that the Irish

must understand that the subject was also a sensitive one for unionists. Sir Robert could confirm that the Government would announce unilaterally, perhaps in the debate in the House of Commons on the agreement, that the initial training of part-time members of the UDR would be extended and that more non-commissioned officers from the regular army would be seconded to the UDR for training purposes. But it would be invidious to enter into private understandings with the Irish about steps which we might take in future concerning the UDR. Sir Robert could tell the Irish that we would keep under review the actual strength and the theoretical establishment of the full and part-time cadres of the UDR and the deployment of the Regiment, but it would not be appropriate to declare our intentions or to mention any figures.

Summit Communique

Certain amendments were made to the draft attached to Christopher Mallaby's minute of 28 August, as indicated by underlining in the enclosed version. With reference to the second sentence of this material, it was noted that advice should be sought on whether a debate on the agreement should be held in the House of Lords as well as in the House of Commons.

A Published Summary of the Agreement

It was agreed that the idea of a joint summary of the agreement could have certain advantages, in terms of restraining the Irish Government from placing unwelcome glosses on the agreement in their public statements and as an aid to objectivity in media reporting. The drafting of this would be difficult, since differences of substance between the summary and the agreement itself could be exploited by critics of the agreement. A summary in the form of a press release was greatly preferable to one in the much more formal context of the Summit Communique itself. The summary should where necessary say what the agreement did not include as well as what it included. Sir Robert Armstrong should explore the idea further, on these lines, with the Irish on 3 September.

The Location of a Summit

It was agreed that the best approach would be to have a two-part meeting, starting in the Irish Republic and concluding in Britain. There would be advantages of symmetry if the Irish location was near Shannon Airport and the British one was near Gatwick. Leeds Castle would be a possibility. Sir Robert Armstrong should put this proposition to the Irish on 3 September.

The Attitude of the SDLP

The importance of SDLP support for the agreement was brought out when the Cabinet discussed the subject on 25

July. It was agreed at today's meeting that the Northern Ireland Secretary should at an appropriate time tell Mr. Hume that one of the aims of an agreement was to enable the SDLP to relax its opposition to participation in the political processes in Northern Ireland. Mr. Hurd might tell Mr. Hume that he wished to be able to report to his colleagues that the SDLP would react in this way and would take some concrete step, such as agreeing to participate in another election to the Assembly. It was agreed that Sir Robert Armstrong should tell the Irish on 3 September that the Northern Ireland Secretary would be speaking to Mr. Hume on these lines.

The Secretariat of the Intergovernmental Committee

It was agreed that the secretariat, like the Intergovernmental Committee which it would serve, could not be an executive agency. It could not be empowered to take decisions or to issue press statements. Its role between meetings of the Committee would rather be that than a channel of communication, in addition to its function of servicing meetings of the Committee. This should be made clear to the Irish on 3 September.

I am sending copies of this letter to Len Appleyard (Foreign and Commonwealth Office), and Richard Hatfield (Cabinet Office).

Yours sincerely
Nigel Wicks

(NIGEL WICKS)

J.A. Daniell, Esq.,
Northern Ireland Office.