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PRIME MINISTER

ANGLO-IRISH NEGOTIATIONS

Sir Robert Armstrong has kept you informed of the progress of these negotiations since we discussed them in Cabinet on 25 July. My predecessor and the Foreign and Commonwealth Secretary reported then on the advantages they would be looking for from an Agreement on the lines that were emerging. They saw it not as an end in itself but as an aid to the long-term stability of Northern Ireland. It would be an important step in reconciling the minority to their position in the United Kingdom, and offered the only prospect of unfreezing the attitude of the law-abiding nationalist minority towards the institutions of Northern Ireland. It would offer a prospect of much better co-operation with the Republic in combatting terrorism; and it could bring real benefits in our international relations. They rightly stressed the potential damage in the United States if the negotiations failed.

2. I am sure that we are right to seek an Agreement that will bring us these benefits. But we must satisfy ourselves that both the Agreement and the arrangements for implementing it will do this without unwelcome or unmanageable consequences particularly in handling the unionist reaction. I have now had the opportunity to look in detail at the present state of play, and I have had my first meetings with Mr Hume, Mr Molyneaux and Mr Cushnahan. (Dr Paisley has been away and Mr Robinson refused to see me). And I have talked in Dublin with the Taoiseach and Mr Barry. I want to let you know my views on how we should carry matters forward and to do this before the next round of Armstrong/Nally talks, which start on Sunday.

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3. I have to say, with some reluctance - since I recognise that the wording of the draft has emerged from many months of negotiation - that the Agreement as it now stands strikes me as offering considerably more to the Irish than it does to us. It will certainly be so perceived by the unionists.

4. The imbalance seems to me to lie in the following: the Irish are being given an unprecedented foothold in the internal affairs of a part of the United Kingdom. This must be balanced by some comparable benefit to the advantage of the UK generally and of the majority community. The Irish have not been able to surrender their constitutional claim on the North. The most direct advantage for us will be in better security co-operation, but so far we have only a rather vague indication that the Republic will redeploy their Task Force to Border areas to help combat terrorism - and they have now indicated that, if we are not prepared to move on Mixed Courts they are not prepared to ratify the European Convention on the Suppression of Terrorism. This is not, perhaps, important in real terms, in view of recent judgements in the Irish courts, but it loses us a powerful weapon with the unionists; Dr Paisley, in particular, is on record as seeing Irish subscription to the Convention as a test of their sincerity in security co-operation. The other direct benefit, of an improvement in international goodwill particularly in the USA, is not one which would carry great weight with the unionists. Naturally, if an Agreement would, in the short or medium term, facilitate the re-establishment of devolved government in the Province, this would change the balance. But my preliminary talks with the parties have convinced me, and my advisers in the NIO are unanimous on the point, that there is no prospect of this in the foreseeable future.

5. Unionists are bound to feel that there is an imbalance in the fact that the Irish Government is to represent the nationalist minority while there will be no corresponding representation for the unionist majority, since the British Government must consider the interests of both communities even-

This could be the end of the agreement

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where? { handedly. And they will see the Agreement as infringing the undertaking that any arrangement for the internal government of Northern Ireland must command widespread acceptance, since their consent has not been sought. The position will be made more difficult if we cannot say categorically that the Agreement does not give the Irish Government any executive role in the North. I know that the Irish do not like words like "consultative"; but I think we shall have to speak plainly on this point - we cannot afford to "fudge" it. There are some phrases in the current text where the advisory/consultative role might be interpreted as an executive role and as such in some way undermine our assertion over sovereignty. I list these and certain other points below.

6. If these points can be met, I still believe it right to seek an Agreement; but the balance of advantage is a fine one. There are some points where I consider that we should press the Irish further - eg on ratification of the Convention which they should be prepared to do without a political quid pro quo if they are serious about combatting terrorism. Above all, I am concerned to eliminate any suggestion that the Intergovernmental Standing Conference (ISC) - a name with which I would be content - has any executive responsibility in Northern Ireland, especially in regard to the Security Forces. It is also essential, in my view, that we share a common understanding among ourselves and with the Irish, before we sign any Agreement, as to what the precise nature and role of the proposed Conference and its Secretariat is going to be. I revert to this below.

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7. So far as the text of the draft Agreement is concerned, I have four points particularly in mind:

{ (a) Article 7(c) allows the ISC to "review the structure, composition and powers of the Police Authority for Northern Ireland". This could imply an executive role in regard to the Authority. Article 6 already is a perfectly acceptable statement of the role of the ISC as "a framework within which the Irish Government

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may put forward views on appointments to be made by the Secretary of State" to a wide range of bodies. I suggest we should build on this. I would delete the reference to the Police Authority in Article 7 and say in Article 6: "The ISC shall be a framework within which the Irish Government may put forward views on the role and composition of bodies appointed by the Secretary of State for Northern Ireland."

(b) Similarly, the reference to a programme of action in Article 7(c) needs to be changed in order to remove any flavour of executive direction on the part of the ISC.

(c) Article 7(b) refers to consideration by the ISC of forthcoming events and quotes as an example "parades and processions". As you know, in spite of categorical denials by my predecessor and the Chief Constable, it was widely believed that in excluding the marchers from certain Catholic areas, the police were acting under orders from Dublin. To refer directly to parades and processions in the Agreement will be taken as confirmation that Dublin called the tune over Portadown. This would have a serious effect on the already strained relations between the RUC and the majority community. This is a highly emotive issue in Northern Ireland and the words will act as a red rag to the unionists. We should get them dropped. ↗

(d) The other thing that I find difficult is the suggestion that the two signed copies of the Agreement should have different titles: the copy held in London being entitled "Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Ireland" while the Dublin copy would be headed "Agreement between the Government of the United Kingdom and the Government of Ireland". I appreciate that this may be international practice but the difference is bound to come to light and will aggravate our presentational difficulties.

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8. In addition to these detailed points my other main concern is my impression that there is a wide gulf between the present understanding between the Irish and ourselves on what the exact role of the permanent Secretariat will be. I believe our intention was that this should fulfill the classic secretarial role of setting the Agenda (with the agreement of the Ministerial members of the Conference), circulating papers, and taking minutes. It would also act as a channel of communication between the two Governments when the ISC was not sitting. But it is clear to me from my meeting with Mr Barry and from other exchanges that the Irish envisage the Secretariat as a much more high-powered body, with a distinct decision-making role of its own. This cannot be acceptable and we must get a clearer understanding of its role and status.

9. There is also the question of where the Secretariat should be located. I know that the Irish believe that it would be "disastrous" for this to be anywhere other than Belfast since they have set their hearts on an early achievement of a presence in the North. But I have a responsibility to see that, so far as possible, we limit the difficulties to which the Agreement is to give rise in Northern Ireland. I believe, and all my advice confirms, that to locate the Irish element of a permanent Secretariat in Belfast from the outset would be asking for trouble. It would be the tangible evidence of Dublin's involvement in the North, and as such, would be the focus of unionist anger. The building which housed the Secretariat would be a target for attack, and the staff would be at risk. I believe therefore that initially the meetings of the ISC should not be in Northern Ireland and that probably London is the best choice with the Secretaries remaining located in Belfast and Dublin between meetings. I accept that Belfast is the logical permanent home for both the ISC and the Secretariat but, above all, I wish to remove the possibility of allowing unionists, by demonstrating in strength in Belfast, to have the opportunity to impede physically the working of the new machinery and whip

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up feeling against it so that it will get off to a very bad start. I attach great importance to this issue if the Agreement is to be successfully implemented. It is the carrying through of the arrangements, after the signature of the document, which will determine success or failure.

10. On the question of timing, it is obviously desirable to settle this issue as soon as possible. The present plan is for a paper to Cabinet next Thursday; but this looks very difficult since the next Armstrong/Nally round is on Sunday and Monday and there are difficult points still remaining. We need to press ahead without unnecessary delay, but before we can do that we need to resolve, quite apart from the textual changes, the uncertainties both among ourselves and between us and the Irish. Otherwise we run the risk of immediately encountering basic disagreements about what rights and responsibilities were intended to flow from the Agreement, leading to possible allegations of bad faith and dangerous confusions that the extremists in Northern Ireland will be quick to exploit.

11. We need to clarify these points and the changes to the supporting measures before the Agreement is taken by the Cabinet. I would see considerable advantage also in my discussing it with Peter Barry, as the two Ministers who will have the responsibility for making it work. When I saw him in Dublin on 17 September, he laid great emphasis on our needing to develop a relationship of trust if the Agreement was to succeed. That must be right but it will be much more difficult unless we sort out in advance a clear understanding of the way in which we should proceed. I may be optimistic but I believe it may be possible to persuade him that the prospects of progress are very much greater if we do not start too ambitiously. I would then report on the outcome of that meeting to yourself, Geoffrey and Robert Armstrong and at that stage we could discuss how best to put this before colleagues with a view to an early announcement. I therefore propose, with your agreement, and subject to anything that emerges from this weekend's round of Armstrong/Nally, to

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invite him to London as soon as possible for a full discussion of the implications of the Agreement and of the way in which we should conduct our meetings after it is signed and ratified. The negotiators could continue to meet in the meantime in order to resolve as many as possible of the textual points and the administrative arrangements and to identify the points of difference on which Mr Barry and I should concentrate when we meet.

12. I am copying this minute to the Foreign and Commonwealth Secretary and to Sir Robert Armstrong.

27 September 1985



TK

Dictated by the
Secretary of State
but signed in his
absence in Belfast

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