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cc Chequers
cc Sir P. Cragock
CMLK

PRIME MINISTER

ANGLO-IRISH NEGOTIATIONS

1. It is not easy to comment at this distance on Tom King's minute, which has reached me overnight in Ottawa. I am of course without access to basic texts but I think it important to let you have my initial reaction.
2. You will recall that only a month ago when Tom King was appointed, I telephoned Barry at your express request, to assure him, and through him Fitzgerald, that our purpose and policy had not changed. Since then we have had one discussion together which led us to instruct our negotiators to suggest two or three limited but important changes to the text which, as Tom acknowledges, has emerged from many months of negotiations, and has been scrutinised in great detail at both ends.
3. For some weeks now discussion has focussed on so-called confidence-building measures, our approach to joint courts and, subject to those points, on timing and arrangements for conclusion of the Agreement for which we have been working for so long. The last round of official talks showed that we were not yet out of the wood on all those points and for the first time suggested possible Irish unwillingness to accede to the European Convention on the Suppression of Terrorism. I agree of course that we need to press hard to prevent them backsliding on this. But, subject to that, the negotiations have seemed to be on course within the framework of the long established basic text. When I saw Barry in New York this week, he said that both he and the Taoiseach had been greatly reassured by their meeting with Tom King and had no doubt about the sincerity of the assurance which I gave them on your behalf a month ago.
4. We must judge the points made in Tom King's latest minute against that background of continuing Irish good faith in our determination to strike, if possible, a bargain that will stand the test of time.
5. I do not propose here to comment on the detail of Tom King's minute. The proposed shift in the balance of constitutional arrangements for Northern Ireland has been implicit and carefully explicit in the negotiations for a long time. We have been successful in shifting the Irish

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from virtually all their initial positions and bringing them, in all important respects, to accept our basic requirements. If at this late stage we propose further significant or unexpected adjustments, either on timing or in the basic text, the Irish may well withdraw from the negotiations and the Agreement will be lost. I have no doubt that that would be seen both at home and abroad as a major missed opportunity, and one that had been missed as a result of a last minute switch of policy on our part.

6. This does not mean that I am unwilling to look in detail at the textual points which Tom has now raised. But we must keep in mind the impact of any changes that we now suggest on the Irish view of our good faith. In the same way, we must press them to screw up their courage once again on the Suppression of Terrorism Convention and we need to be sure that there is no misunderstanding of our position on joint courts. As I put it to Barry, if we are to enter this study on joint courts with an open mind, then they too must do so, acknowledging the real possibility that this study may result in a nil return.

7. As to the Secretariat, my impression is that the gap between the Irish and ourselves was significantly narrowed in the last round of Armstrong/Nally talks, and my New York discussion with Barry certainly did not suggest any insuperable difficulty on this point. We are all agreed that Belfast is the logical place for the Secretariat in the longer term and that some action is necessary for the Secretariat to be seen to be operational in some form once the Agreement has entered into force.

8. On timing, I believe that a proposal for postponement risks being seen by the Irish as signalling a major change of policy on our part which would undermine the whole process so far. Public opinion in the UK has already been prepared for the prospect of an Agreement soon. The Irish are having difficulty in holding the position in Dublin against the leaks and accompanying speculation, not all of which have come from their side of the Irish Sea. But they might perhaps be brought to acquiesce in a short postponement - say to the middle of November - which could be explained in terms of the difficulties of our Parliamentary timetable. I think I had at least some success in getting these across to Barry. But about two weeks would be the limit. I should however like to have an opportunity of discussing the implications of this with you and Tom King before anything is said to the Irish about a possible postponement.

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9. If a postponement does prove to be necessary and negotiable, I see considerable merit in Tom King's suggestion that we should use the additional time to have a further meeting with the Irish at the political level. In view of our joint interest, as well as of Barry's responsibilities, I think it would be appropriate if Tom King and I were to see Barry together. Meanwhile I think it is important that the Armstrong/Nally negotiations should continue on the basis of the existing agreed guidelines.

10. I am copying this minute to Tom King and Robert Armstrong.

CBudd (Private Secretary)

28 September 1985

JP

Geoffrey Howe

(Drafted by the Secretary of State,
but signed before his return to
the UK.)