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PRIME MINISTER'S  
PERSONAL MESSAGE  
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GRS 1100SECRET AND PERSONAL  
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FM CABINET OFFICE LONDON  
TO FLASH DUBLIN  
TELNO MISC 384  
OF 041045Z OCTOBER 85  
AND TO FLASH FCO (FOR DAVID BARRIE)  
FROM: THE PRIME MINISTER  
TO: DR GARRET FITZGERALD  
MISC 384 DATED 04 OCTOBER 1985

GEOFFREY HOWE, TOM KING AND I HAVE JUST RECEIVED A REPORT ON THE LATEST STAGE OF THE DISCUSSIONS BETWEEN OUR OFFICIALS AND YOURS ON THE POSSIBILITY OF AN ANGLO-IRISH AGREEMENT.

WE HAVE OF COURSE (LIKE YOU) TO LOOK AT THE WHOLE PACKAGE, FROM THE POINT OF VIEW OF ITS ACTUAL AND PERCEIVED BALANCE AS BETWEEN OUR RESPECTIVE INTERESTS, AND FROM THE POINT OF VIEW OF THE TASK WE SHALL FACE IN PRESENTING IT, IN OUR CASE IN PARTICULAR TO THE UNIONIST COMMUNITY IN NORTHERN IRELAND AND TO THEIR POLITICAL REPRESENTATIVES. YOU WILL UNDERSTAND WHY WE ARE ANXIOUS, AS YOU WILL ALSO BE, TO DO ALL WE CAN TO MAKE IT POSSIBLE FOR THEM TO ACQUIESCE IN IT - WE CANNOT EXPECT MORE - AND TO AVOID PROVOKING THE SORT OF VIOLENT REACTION WHICH WOULD WRECK THE CHANCES OF ACHIEVING WHAT BOTH YOU AND I ARE HOPING TO ACHIEVE.

WE HAVE TWO OR THREE FURTHER DRAFTING POINTS ON THE TEXT OF THE DRAFT AGREEMENT ITSELF. WE CAN LEAVE THESE TO BE DISCUSSED AT THE NEXT MEETING OF OFFICIALS, BUT I HOPE THAT THEY NEED NOT CREATE PROBLEMS FOR YOU.

WE ALSO HAVE ONE OR TWO FURTHER DRAFTING POINTS ON THE DRAFT SUMMARY OF THE AGREEMENT WHICH OFFICIALS HAVE PREPARED FOR RELEASE TO THE PRESS. AGAIN, OFFICIALS CAN DISCUSS THESE POINTS WHEN THEY NEXT MEET. I THINK THAT THEY HAVE DONE A GOOD JOB IN PREPARING A SUMMARY WHICH REFLECTS THE AGREEMENT ITSELF AS CLOSELY AS POSSIBLE; BUT I AM APPREHENSIVE THAT IT MAY BE IMPOSSIBLE TO AVOID THE RISK THAT SOME PEOPLE WILL COMPARE THE TEXTS OF THE AGREEMENT AND THE SUMMARY IN DETAIL, AND DRAW ERRONEOUS OR MISLEADING BUT UNHELPFUL CONCLUSIONS FROM OMISSIONS OR DIFFERENCES OF WORDING. I REMAIN TO BE CONVINCED THAT OUR BEST INTERESTS WOULD BE SERVED BY GIVING THE PRESS A SUMMARY RATHER THAN LEAVING THE AGREEMENT TO SPEAK FOR ITSELF.

WE ALSO THINK THAT IT WOULD BE HELPFUL FOR THERE TO BE SOME DISCUSSION AT POLITICAL LEVEL ABOUT EXACTLY HOW THE PROPOSED COMMITTEE AND ITS SECRETARIAT WOULD WORK. I TAKE THE POINT THAT THE WORK OF SERVICING THE COMMITTEE WILL REQUIRE AN IRISH COMPONENT IN THE SECRETARIAT ON A CONTINUING BASIS; BUT THERE ARE ALREADY SIGNS THAT SUCH A COMPONENT COULD BE THE FOCUS OF UNIONIST PROTEST AND ATTACK (AND PERHAPS ALSO OF ATTENTION FROM PIRA), AND ON PRACTICAL AND SECURITY GROUNDS (APART FROM ANY OTHERS) I THINK WE SHALL HAVE TO ASK YOU TO KEEP THE IRISH COMPONENT AS SMALL AS POSSIBLE, AND PERHAPS NOT TO LEAVE IT CONTINUOUSLY IN BELFAST, AT ANY RATE UNTIL THE NEW ARRANGEMENTS HAVE SETTLED DOWN. WE ALSO HAVE TO BE CLEAR THAT THE TASK OF THE SECRETARIAT IS TO SERVICE THE COMMITTEE AND IT CANNOT OPERATE AS A SORT OF COMPLAINTS COMMISSION IN ITS OWN RIGHT. I BELIEVE IT WOULD BE USEFUL IF GEOFFREY HOWE AND TOM KING COULD DISCUSS THESE MATTERS WITH PETER BARRY, AND I AM ASKING GEOFFREY AND TOM TO GET IN TOUCH WITH PETER TO SEE WHETHER ARRANGEMENTS COULD BE MADE FOR AN EARLY MEETING FOR THIS PURPOSE.

I COME NOW TO THE QUESTION OF IRISH ACCESSION TO THE EUROPEAN CONVENTION ON THE SUPPRESSION OF TERRORISM. OUR OFFICIALS HAVE MADE IT CLEAR TO YOURS THAT WE WERE MUCH DISMAYED TO LEARN THAT YOU FELT OBLIGED TO WITHDRAW YOUR COMMITMENT TO ACCEDE TO THE CONVENTION. YOUR OFFICIALS HAVE EXPLAINED THE REASONS FOR THIS, AND OF COURSE I UNDERSTAND THE DIFFICULTIES CREATED FOR YOU BY THE ISSUE THAT IS BEING MADE BY THE IRISH NATIONAL CAUCUS IN THE UNITED STATES ON THE SUBJECT OF OUR PROPOSED SUPPLEMENTAL TREATY WITH THE UNITED STATES ON EXTRADITION. BUT I HAVE TO SAY THAT WE FIND IT DIFFICULT TO ACCEPT THE PARALLEL THAT IS BEING DRAWN WITH OUR POSITION ON MIXED COURTS. WE HAVE ALL ALONG MADE IT CLEAR TO YOU THAT WE COULD GO NO FURTHER THAN UNDERTAKING TO CONSIDER THE POSSIBILITY OF MIXED COURTS. WE REMAIN PREPARED TO UNDERTAKE TO CONSIDER THE POSSIBILITY, BUT IN ALL HONESTY IT HAS TO BE WITHOUT COMMITMENT, SINCE, THOUGH WE DO NOT EXCLUDE THE POSSIBILITY OF MIXED COURTS BEING FEASIBLE AND ACCEPTABLE AT SOME FUTURE TIME, WE CANNOT SEE ANY EASY OR EARLY WAY ROUND OR THROUGH THE POLITICAL AND OTHER DIFFICULTIES WHICH WOULD BE INVOLVED. THAT WAS IN ESSENCE THE POSITION THAT TOM KING PUT TO YOU WHEN HE WAS IN DUBLIN ON 17 SEPTEMBER. THE IRISH GOVERNMENT ON THE OTHER HAND VOLUNTEERED THE COMMITMENT TO ACCEDE TO THE CONVENTION, AS ONE OF A NUMBER OF WHAT WERE AT ONE TIME DESCRIBED AS CONFIDENCE-BUILDING MEASURES ASSOCIATED WITH ANY AGREEMENT. WE WARMLY WELCOMED IT, AND HAVE SINCE REGARDED IT AS FROM OUR POINT OF VIEW AN INTEGRAL PART OF THE QUOTE PACKAGE UNQUOTE THAT WAS EMERGING. APART FROM THE INTRINSIC CASE FOR YOUR ACCESSION, WE KNOW THAT IT IS A POINT BY WHICH UNIONIST OPINION IN NORTHERN IRELAND SETS GREAT STORE. SO ITS INCLUSION IN THE QUOTE PACKAGE UNQUOTE ASSOCIATED WITH THE AGREEMENT IS VERY IMPORTANT INDEED TO US, BOTH AS A SIGNIFICANT ELEMENT IN THE BALANCE OF THE PACKAGE AS A WHOLE AND AS A SELLING POINT WITH UNIONIST OPINION. I VERY MUCH HOPE THAT YOU WILL BE ABLE TO RECONSIDER YOUR DECISION ON THIS, AND TO RE-INSTATE THE COMMITMENT TO ACCEDE TO THE CONVENTION.

FINALLY, I SHOULD LET YOU KNOW THAT I HAVE JUST LEARNT THAT THE LORD CHIEF JUSTICE OF NORTHERN IRELAND IS ON THE POINT OF WRITING TO THE LORD CHANCELLOR TO PROPOSE THAT, IN VIEW OF THE PRESSURE OF WORK IN THE HIGH COURT, THE SO FAR UNFILLED SIXTH SEAT ON THE COURT SHOULD BE FILLED BY AN EARLY APPOINTMENT. I AM SURE THAT THE LORD CHANCELLOR WILL (SUBJECT TO TREASURY AGREEMENT) BE READY TO CONSIDER THIS PROPOSAL QUICKLY AND SYMPATHETICALLY.

ON POSSIBLE DATES FOR SIGNING AN AGREEMENT, ASSUMING THAT BOTH OUR CABINETS AGREE, I AM AFRAID THAT, AS PRESIDENT REAGAN HAS INVITED ME AND OTHER HEADS OF GOVERNMENT TO MEET HIM IN NEW YORK ON 24 OCTOBER, THE LAST HALF OF OCTOBER HAS BECOME IMPOSSIBLE. THE PROROGATION AND OPENING OF PARLIAMENT WILL MEAN THAT, IF AN AGREEMENT IS NOT SIGNED BEFORE 25 OCTOBER, IT COULD NOT BE DEBATED HERE UNTIL MID-NOVEMBER. I HAVE A GREAT MANY COMMITMENTS IN THE FIRST FORTNIGHT OF NOVEMBER: SO I THINK THAT WE SHOULD HAVE TO LOOK FOR A DATE TOWARDS THE MIDDLE OF THE MONTH AS A BASIS FOR PLANNING. I SHOULD OF COURSE EXPECT TO BE ACCOMPANIED BY GEOFFREY HOWE AND TOM KING.

WITH BEST WISHES,  
YOURS SINCERELY,  
MARGARET THATCHER.

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CYLNAN 0163

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FILE

cc: FE0  
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Ref 6

10 DOWNING STREET

THE PRIME MINISTER

4 October, 1985

*Dear Aunt,*

Geoffrey Howe, Tom King and I have just received a report on the latest stage of the discussions between our officials and yours on the possibility of an Anglo-Irish agreement.

We have of course (like you) to look at the whole package, from the point of view of its actual and perceived balance as between our respective interests, and from the point of view of the task we shall face in presenting it, in our case in particular to the unionist community in Northern Ireland and to their political representatives. You will understand why we are anxious, as you will also be, to do all we can to make it possible for them to acquiesce in it - we cannot expect more - and to avoid provoking the sort of violent reaction which would wreck the chances of achieving what both you and I are hoping to achieve.

We have two or three further drafting points on the text of the draft agreement itself. We can leave these to be discussed at the next meeting of officials, but I hope that they need not create problems for you.

We also have one or two further drafting points on the draft summary of the agreement which officials have prepared for release to the press. Again, officials can discuss these

points when they next meet. I think that they have done a good job in preparing a summary which reflects the agreement itself as closely as possible; but I am apprehensive that it may be impossible to avoid the risk that some people will compare the texts of the agreement and the summary in detail, and draw erroneous or misleading but unhelpful conclusions from omissions or differences of wording. I remain to be convinced that our best interests would be served by giving the press a summary rather than leaving the agreement to speak for itself.

We also think that it would be helpful for there to be some discussion at political level about exactly how the proposed Committee and its Secretariat would work. I take the point that the work of servicing the Committee will require an Irish component in the Secretariat on a continuing basis; but there are already signs that such a component could be the focus of unionist protest and attack (and perhaps also of attention from PIRA), and on practical and security grounds (apart from any others) I think we shall have to ask you to keep the Irish component as small as possible, and perhaps not to leave it continuously in Belfast, at any rate until the new arrangements have settled down. We also have to be clear that the task of the Secretariat is to service the Committee and it cannot operate as a sort of complaints commission in its own right. I believe it would be useful if Geoffrey Howe and Tom King could discuss these matters with Peter Barry, and I am asking Geoffrey and Tom to get in touch with Peter to see whether arrangements could be made for an early meeting for this purpose.

I come now the question of Irish accession to the European Convention on the Suppression of Terrorism. Our officials have made it clear to yours that we were much dismayed to learn that you felt obliged to withdraw your commitment to accede to the Convention. Your officials have explained the reasons for this, and of course I understand the difficulties created for you by the issue that is being

made by the Irish National Caucus in the United States on the subject of our proposed supplemental treaty with the United States on extradition. But I have to say that we find it difficult to accept the parallel that is being drawn with our position on mixed courts. We have all along made it clear to you that we could go no further than undertaking to consider the possibility of mixed courts. We remain prepared to undertake to consider the possibility, but in all honesty it has to be without commitment, since, though we do not exclude the possibility of mixed courts being feasible and acceptable at some future time, we cannot see any easy or early way round or through the political and other difficulties which would be involved. That was in essence the position that Tom King put to you when he was in Dublin on 17 September. The Irish Government on the other hand volunteered the commitment to accede to the Convention, as one of a number of what were at one time described as confidence-building measures associated with any agreement. We warmly welcomed it, and we have since regarded it as from our point of view an integral part of the "package" that was emerging. Apart from the intrinsic case for your accession, we know that it is a point by which unionist opinion in Northern Ireland sets great store. So its inclusion in the "package" associated with the agreement is very important indeed to us, both as a significant element in the balance of the package as a whole and as a selling point with unionist opinion. I very much hope that you will be able to reconsider your decision on this, and to re-instate the commitment to accede to the Convention.

Finally, I should let you know that I have just learnt that the Lord Chief Justice of Northern Ireland is on the point of writing to the Lord Chancellor to propose that, in view of the pressure of work in the High Court, the so far unfilled sixth seat on the Court should be filled by an early appointment. I am sure that the Lord Chancellor will (subject to Treasury agreement) be ready to consider this proposal quickly and sympathetically.

On possible dates for signing an agreement, assuming that both our Cabinets agree, I am afraid that, as President Reagan has invited me and other Heads of Government to meet him in New York on 24 October, the last half of October has become impossible. The prorogation and opening of Parliament will mean that, if an agreement is not signed before 25 October, it could not be debated here until mid-November. I have a great many commitments in the first fortnight of November; so I think that we should have to look for a date towards the middle of the month as a basis for planning. I should of course expect to be accompanied by Geoffrey Howe and Tom King.

With best wishes.

Yours sincerely  
Margaret Thatcher

Dr. Garret FitzGerald, T.D.