

010



Prime Minister

Ref. A085/2634

PRIME MINISTER

At least we now  
have a big game  
side RIA attends  
Chogm! CDD

*[Handwritten mark]*

Anglo-Irish Relations: Northern Ireland

We had a further meeting with Mr Nally and his team in London on the evening of 13 October and on 14 October. This minute reports the outcome of our discussions.

Draft Agreement

2. On the proposed amendment to Article 2(a), we argued for "between the Republic of Ireland and Northern Ireland". This was not acceptable to the Irish side; and we agreed (ad referendum) to use the formulation adopted in Article 2(b), so that the amendment would now read: "concerned with relations between the two parts of the island of Ireland". This ensures that the reference to "Ireland" is purely geographical.

?

3. On the last sentence of Article 2(b) we persuaded the Irish side with some difficulty to accept the inclusion of the words "decisions and".

4. On the last sentence of Article 3, the Irish side sought to reinstate the word "permanent". The reason for this was that they wanted it to be clear on the face of the Agreement that the Secretariat would not exist just when the Committee was meeting but would have a continuing existence. I said that we had no authority to accept the inclusion of the word "permanent"; but I agreed to put to Ministers the suggestion that the sentence might read: "a Secretariat shall be established by the two Governments to service the Committee on a continuing basis in the discharge of its functions as set out in this Agreement".

Agree?  
*[Handwritten mark]*



5. We had a long and inconclusive discussion about the title of the new body. The Irish side maintained their objection to "Committee", and have promised to prepare a note setting out their objections in greater detail. I made it clear that "Commission" would not be acceptable to British Ministers. A number of other possibilities were floated including "Conference", "Panel" and "Group". The matter remains unresolved.

6. Some minor discrepancies between the United Kingdom text and the Irish text of the draft Agreement were resolved.

--- 7. I attach a copy of the revised draft Agreement in its present form. The only outstanding point is now the last sentence of Article 3.

Joint Press Release

8. A number of minor amendments were agreed, to bring the press release even more closely into line with the draft Agreement. The only outstanding difference is now the last sentence of paragraph 6, relating to the reference to the Secretariat: that is the same point of difference as on the draft Agreement.

--- 9. I attach a copy of the revised draft press release.

Joint Communiqué

10. Two changes were proposed to paragraph 7 of the draft communiqué:

a. For the words "in the first instance" substitute "at its initial meeting".

b. For "in the interests of all the people of Northern Ireland the two sides look for early progress in these matters" substitute "in the interests of all the people of



Northern Ireland the two sides are committed to work for early progress in these matters".

The British side made it clear that, while we were prepared to look for measures to improve confidence in the administration of justice in Northern Ireland, our position on mixed courts remained unchanged from what had been said in your message of 4 October to the Taoiseach.

--- 11. I attach a copy of the revised draft communiqué.

#### Security

12. We left with the Irish side a "non-paper" summarising the changes which we had made or were in the process of making in relation to the UDR. This note had been agreed with the Ministry of Defence and the Northern Ireland Office.

13. The Irish side left with us a "non-paper" about the increased activity of the Irish security forces in border areas.

--- I attach copies of both these notes.

14. We had a considerable further discussion with the Irish side about the role and functions of the proposed Secretariat. They did not seek to contest the suggestions put to them in the Northern Ireland Office's note of illustrative examples in the way in which the Committee and the Secretariat would work, though they stressed the need for flexibility of operation particularly in the early months.

#### Presentation

15. Considerable work has been done on the preparation of a comprehensive study of questions and answers for the use of British and Irish Ministers after the signature of an Agreement. The most difficult issue is likely to relate to the "present status of Northern Ireland". The Irish side are satisfied that Article 1 of the draft Agreement, as at present drafted,



minimises the risk of constitutional challenge in Ireland. It is accepted that the present status of Northern Ireland is that it is part of the United Kingdom, and that that will not change unless and until a majority of the people of Northern Ireland consent to a change. They will want to try to protect the Taoiseach from the risk of constitutional challenge in respect of anything that may be said in questions and answers following the signature of an Agreement. This is to be the subject of further discussion.

16. I am sending copies of this minute to the Secretaries of State for Foreign and Commonwealth Affairs and Northern Ireland.

RA

ROBERT ARMSTRONG

14 October 1985

SECRET AND PERSONAL

DRAFT AGREEMENT BETWEEN THE GOVERNMENT OF THE  
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN  
IRELAND AND THE GOVERNMENT OF THE REPUBLIC OF  
IRELAND.

As at 14 Oct

(changes from last draft underlined)

The Government of the United Kingdom of Great  
Britain and Northern Ireland and the Government of  
the Republic of Ireland;

Wishing further to develop the unique relationship  
between their peoples and the close co-operation  
between their countries as friendly neighbours and  
as partners in the European Community;

Recognising the major interest of both their  
countries and, above all, of the people of Northern  
Ireland in diminishing the divisions there and  
achieving lasting peace and stability;

Recognising the need for continuing efforts to  
reconcile and to acknowledge the rights of the two  
major traditions that exist in Ireland, represented  
on the one hand by those who wish for no change in  
the present status of Northern Ireland and on the

other hand by those who aspire to a sovereign united Ireland achieved by peaceful means and through agreement;

Reaffirming their total rejection of any attempt to promote political objectives by violence or the threat of violence and their determination to work together to ensure that those who adopt or support such methods do not succeed;

Recognising that a condition of genuine reconciliation and dialogue between unionists and nationalists is mutual recognition and acceptance of each other's rights;

Recognising and respecting the identities of the two communities in Northern Ireland, and the right of each to pursue its aspirations by peaceful and constitutional means;

Reaffirming their commitment to a society in Northern Ireland in which all may live in peace, free from discrimination and intolerance, and with the opportunity for both communities to participate fully in the structures and processes of government;

Have accordingly agreed as follows:

A

STATUS OF NORTHERN IRELAND

ARTICLE 1

The two Governments

- (a) affirm that any change in the status of Northern Ireland would only come about with the consent of a majority of the people of Northern Ireland;
- (b) recognise that the present wish of a majority of the people of Northern Ireland is for no change in the status of Northern Ireland;
- (c) declare that, if in the future a majority of the people of Northern Ireland clearly wish for and formally consent to the establishment of a united Ireland, they will introduce and support in the respective Parliaments legislation to give effect to that wish.

B

THE INTERGOVERNMENTAL [COMMITTEE]

ARTICLE 2

(a) There is hereby established, within the framework of the Anglo-Irish Intergovernmental Council set up after the meeting between the two Heads of Government on 6 November 1981, an Intergovernmental [Committee] concerned with relations between the two parts of the island of Ireland (hereinafter referred to as "the [Committee]"), to deal, as set out in this Agreement, on a regular basis and in relation to Northern Ireland with

- (i) political matters;
- (ii) security and related matters;
- (iii) legal matters, including the administration of justice;
- (iv) the promotion of cross-border co-operation.



(b) The [Committee] shall meet on a regular rather than an ad hoc basis. The United Kingdom Government accept that the Irish Government will put forward views and proposals on matters relating to Northern Ireland within the field of activity of the [Committee] in so far as those matters are not the responsibility of a devolved administration in Northern Ireland. In the interest of promoting peace and stability, determined efforts shall be made through the [Committee] to resolve any differences. The [Committee] will be mainly concerned with Northern Ireland; but some of the matters under consideration will involve co-operative action in both parts of the island of Ireland, and possibly also in Great Britain. Some of the proposals considered in respect of Northern Ireland may also be found to have application by the Irish Government. There is no derogation from the sovereignty of either the United Kingdom Government or the Irish Government, so that each retains responsibility for the decisions and administration of government within its own jurisdiction.

## ARTICLE 3

The [Committee] shall meet at Ministerial or official level, as required. The business of the [Committee] will thus receive attention at the highest level. Regular and frequent Ministerial meetings shall be held; and in particular special meetings shall be convened at the request of either side. Officials may meet in subordinate groups. Membership of the [Committee] and of sub-groups shall be small and flexible. When the [Committee] meets at Ministerial level the Secretary of State for Northern Ireland and an Irish Minister designated as the Permanent Irish Ministerial Representative shall be joint Chairmen. Other British and Irish Ministers shall attend meetings as appropriate: when legal matters are under consideration the Attorney Generals may attend. Ministers may be accompanied by their officials and their professional advisers: for example, when questions of security policy or security co-operation are being discussed, they may be accompanied by the Chief Constable of the Royal Ulster Constabulary and the Commissioner of the Garda Siochana; or when questions of economic or

social policy or co-operation are being discussed, they may be accompanied by officials of the relevant Departments. A [permanent] Secretariat shall be established by the two Governments to service the Committee [on a continuing basis] in the discharge of its functions as set out in this Agreement.

ARTICLE 4

- (a) In relation to matters coming within its field of activity, the [Committee] shall be a framework within which the United Kingdom Government and the Irish Government work together
  - (i) for the accommodation of the rights and identities of the two traditions which exist in Northern Ireland; and
  - (ii) for peace, stability and prosperity throughout Ireland by promoting reconciliation, respect for human rights, co-operation against terrorism and the development of economic, social and cultural co-operation.
  
- (b) It is the declared policy of the United Kingdom Government that responsibility in respect of certain matters within the powers of the Secretary of State for Northern Ireland should be devolved within Northern Ireland on

a basis which would secure widespread acceptance throughout the community. The Irish Government support that policy.

- (c) Both Governments recognise that devolution can be achieved only with the co-operation of constitutional representatives within Northern Ireland of both traditions there. If full devolution has not taken place, the [Committee] shall be a framework within which the Irish Government may put forward views and proposals on the modalities of devolution in Northern Ireland, in so far as they relate to the interests of the minority community.

C

POLITICAL MATTERS

ARTICLE 5

- (a) The [Committee] shall concern itself with measures to recognise and accommodate the rights and identities of the two traditions in Northern Ireland, to protect human rights and to prevent discrimination. Matters to be considered in this area include measures to foster the cultural heritage of both traditions, changes in electoral arrangements, the use of flags and emblems, the avoidance of economic and social discrimination and the advantages and disadvantages of a Bill of Rights in some form in Northern Ireland.
- (b) The discussion of these matters shall be mainly concerned with Northern Ireland, but the possible application of any measures pursuant to this Article by the Irish Government in their jurisdiction shall not be excluded.

(c) If it should prove impossible to achieve and sustain devolution on a basis which secures widespread acceptance in Northern Ireland, the [Committee] shall be a framework within which the Irish Government may, where the interests of the minority community are significantly or especially affected, put forward views on proposals for major legislation and on major policy issues, which are within the purview of the Northern Ireland Departments and which remain the responsibility of the Secretary of State for Northern Ireland.

ARTICLE 6

The [Committee] shall be a framework within which the Irish Government may put forward views and proposals on the role and composition of bodies appointed by the Secretary of State for Northern Ireland or by departments subject to his direction and control including

the Standing Advisory Commission on Human Rights

the Fair Employment Agency

the Equal Opportunities Commission

the Police Authority for Northern Ireland

the Police Complaints Board.



D

SECURITY AND RELATED MATTERS

ARTICLE 7

(a) The [Committee] shall consider

(i) security policy;

(ii) relations between the security forces and  
the community;

(iii) prisons policy.

(b) The [Committee] shall consider the security  
situation at its regular meetings and thus  
provide an opportunity to address policy  
issues, serious incidents and forthcoming  
events.

(c) The two Governments agree that there is a need  
for a programme of special measures in  
Northern Ireland to improve relations between

the security forces and the community, with the object in particular of making the security forces more readily accepted by the nationalist community. Such a programme shall be developed, for the [Committee's] consideration, and may include the establishment of local consultative machinery, training in community relations, crime prevention schemes involving the community, improvements in arrangements for handling complaints, and action to increase the proportion of members of the minority in the Royal Ulster Constabulary. Elements of the programme may be considered by the Irish Government suitable for application within their jurisdiction.

- (d) The [Committee] may consider policy issues relating to prisons. Individual cases may be raised as appropriate, so that explanations can be given or inquiries instituted.

## E

LEGAL MATTERS, INCLUDING THE ADMINISTRATION OF  
JUSTICE

## ARTICLE 8

The [Committee] shall deal with issues of concern to both countries relating to the enforcement of the criminal law. In particular it shall consider whether there are areas of the criminal law applying in the North and in the South respectively which might with benefit be harmonised. The two Governments agree on the desirability of ensuring that there is public confidence in the administration of justice. The [Committee] shall seek, with the help of advice from experts as appropriate, measures which would give substantial expression to this aim, considering inter alia the possibility of mixed courts in both jurisdictions for the trial of certain offences. The [Committee] shall also be concerned with policy aspects of extradition and extra-territorial jurisdiction as between North and South.

F

CROSS-BORDER CO-OPERATION ON SECURITY, ECONOMIC,  
SOCIAL AND CULTURAL MATTERS

ARTICLE 9

- (a) With a view to enhancing cross-border co-operation on security matters, the [Committee] shall set in hand a programme of work to be undertaken by the Chief Constable of the Royal Ulster Constabulary and the Commissioner of the Garda Siochana and, where appropriate, groups of officials in such areas as threat assessments, exchange of information, liaison structures, technical co-operation, training of personnel, and operational resources.
- (b) The [Committee] shall have no operational responsibilities; responsibility for police operations shall remain with the heads of the respective police forces, the Chief Constable of the Royal Ulster Constabulary maintaining his links with the Secretary of State for

Northern Ireland and the Commissioner of the  
Garda Siochana his links with the Minister for  
Justice.

ARTICLE 10

- (a) The two Governments shall co-operate to promote the economic and social development of those areas of both parts of Ireland which have suffered most severely from the consequences of the instability of recent years, and shall consider the possibility of securing international support for this work.
  
- (b) If it should prove impossible to achieve and sustain devolution on a basis which secures widespread acceptance in Northern Ireland, the [Committee] shall be a framework for the promotion of co-operation between the two parts of Ireland concerning cross-border aspects of economic, social and cultural matters in relation to which the Secretary of State for Northern Ireland continues to exercise authority.
  
- (c) If responsibility is devolved in respect of certain matters in the economic, social or cultural areas currently within the responsibility of the Secretary of State for Northern Ireland, machinery will need to be

established by the responsible authorities in the North and South for practical co-operation in respect of cross-border aspects of these issues.

G

ARRANGEMENTS FOR REVIEW

ARTICLE 11

At the end of three years from signature of this agreement, or earlier if requested by either Government, the working of the [Committee] shall be reviewed by the two Governments to see whether any changes in the scope and nature of its activities are desirable.



H

INTERPARLIAMENTARY RELATIONS

ARTICLE 12

It will be for Parliamentary decision in Westminster and in Dublin whether to establish an Anglo-Irish Parliamentary body of the kind adumbrated in the Anglo-Irish Studies Report of November 1981. The two Governments agree that they would give support as appropriate to such a body, if it were to be established.

I

FINAL CLAUSES

ARTICLE 13

This Agreement shall enter into force on the date on which the two Governments exchange notifications of their acceptance of this Agreement.

In witness whereof the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement.

Done in two originals at.... on the..... day of  
..... 1985

For the Government  
of the United Kingdom  
of Great Britain  
and Northern Ireland

For the Government of  
the Republic of  
Ireland

(Note: each original would be signed on behalf of both Governments. In the Title, in the names of parties at the start of the Agreement, and in the signature blocks above, the original retained in London would be as typed, whereas, in the original retained in Dublin, "of Great Britain and Northern Ireland" and "the Republic of" would be omitted, and the Irish signature block would be on the left side.)

Draft as of 14 October 1985  
(changes from last draft underlined)

Summary of the Anglo-Irish Agreement

Joint Press Release

(Note: This summary has no legal status)

1. The Agreement begins with a Preamble incorporating a joint statement of objectives.

The Status of Northern Ireland

2. The Agreement commits the two Governments to the view that any change in the status of Northern Ireland would only come about with the consent of a majority of the people of Northern Ireland; that the present wish of a majority there is for no change in that status; and that, if in the future a majority there clearly wished for and formally consented to a united Ireland, the two Governments would introduce and support legislation in the respective Parliaments to give effect to this.  
(Article 1)

Framework and Objectives of the Intergovernmental  
[Committee]

3. The Agreement establishes, within the framework of the Anglo-Irish Intergovernmental Council, an Intergovernmental [Committee] which, subject to the terms of the Agreement, will deal on a regular basis and in relation to Northern Ireland, with:

- political matters;
- security and related matters;
- legal matters, including the administration of justice;
- the promotion of cross-border co-operation.

(Article 2(a))

The Agreement provides for a review of the working of the [Committee] after three years, or earlier if either side desires. (Article 11)

4. The [Committee] will proceed on the basis that:-

- the United Kingdom Government accepts that the Irish Government will put forward within the [Committee] views and proposals on certain matters relating to Northern Ireland as provided for in the Agreement;
- in the interest of promoting peace and stability, determined efforts will be made in the [Committee] to resolve any differences;
- there will be no derogation from the sovereignty of either Government, so that each retains responsibility for the decisions and administration of government within its own jurisdiction. (Article 2(b))

5. The [Committee] will be a framework within which the two Governments work together for the accommodation of the rights and identities of the two traditions in Northern Ireland and for peace, stability and prosperity throughout Ireland by promoting reconciliation, respect for human rights, co-operation against terrorism and the development

of economic, social and cultural co-operation.  
(Article 4(a))

Procedures and Membership of the Intergovernmental  
[Committee]

6. There will be regular and frequent meetings of the [Committee] at Ministerial level as well as meetings at official level, and in particular special meetings may be convened at the request of either side. The Irish Government will be represented by a Minister designated as the Permanent Irish Ministerial Representative and the United Kingdom Government by the Secretary of State for Northern Ireland. Other Ministers and advisers will participate as appropriate. There will be a [permanent] Secretariat to service the [Committee] [on a continuing basis]. (Article 3)

7. The Irish Government declare their support for the United Kingdom Government's policy of seeking devolution in Northern Ireland on a basis which would secure widespread acceptance throughout the community. (Article 4(b)). The [Committee] will be a framework in which the Irish Government can put forward views and proposals on the modalities

of devolution, in so far as they relate to the interests of the minority community. (Article 4(c)). Should a devolved administration be established, the devolved matters would not be for consideration by the [Committee]. (Article 2)

#### Political Matters

8. The [Committee] will concern itself with measures to recognise and accommodate the rights and identities of both traditions in Northern Ireland in such areas as cultural heritage, electoral arrangements, use of flags and emblems, the avoidance of economic and social discrimination and the advantages and disadvantages of a Bill of Rights for Northern Ireland. (Article 5(a))

9. Should it prove impossible to achieve and sustain devolution, proposals for major legislation and major policy issues where the interests of the minority community are significantly and especially affected and which come within the administrative responsibility of the Northern Ireland Departments will be for consideration by the [Committee]. (Article 5(c))



10. The [Committee] will be a framework within which the Irish Government may put forward views on the role and composition of certain bodies appointed by the Secretary of State for Northern Ireland. (Article 6)

Security and Related Matters within Northern Ireland

11. The [Committee] will consider security policy issues as well as serious incidents and forthcoming events. A programme of action will be developed with the particular object of improving the relations between the security forces and the nationalist community. Some of the proposals in these areas may be considered by the Irish Government for application in the South. It may also consider policy issues relating to prisons, and individual cases may be raised. (Article 7)

Legal Matters including the Administration of Justice

12. Both Governments recognise the importance of ensuring that there is public confidence in the system of administering justice in Northern

Ireland. The [Committee] will seek measures that would give substantial expression to this aim, considering among other things the possibility of mixed courts in both jurisdictions for the trial of certain offences. The [Committee] will also consider whether there are areas of the Criminal Law in both jurisdictions which might with benefit be harmonised and will be concerned with policy aspects of extradition and extra-territorial jurisdiction as between North and South. (Article 8)

Cross-border Co-operation on Security, Economic, Social and Cultural Matters

13. The [Committee] will set in hand a programme of work to be undertaken by the Chief Constable of the Royal Ulster Constabulary and the Commissioner of the Garda Siochana with a view to enhancing co-operation between the security forces of the two Governments in such areas as threat assessments, exchange of information, liaison structures, technical co-operation, training of personnel and operational resources. The [Committee] will have no operational responsibilities. (Article 9)

14. The two Governments undertake to co-operate to promote the economic and social developments of those areas in both parts of Ireland which have suffered most severely as a result of the instability of recent years. The two Governments will consider the possibility of securing international support for this work. (Article 10(a))

15. The [Committee] will, in the absence of devolution, be the framework for the promotion of cross-border economic, social and cultural co-operation. In the event of devolution, machinery would be needed to deal with co-operation in respect of cross-border aspects of devolved matters. (Article 10(b) and (c))

Inter-Parliamentary Body

16. The two Governments agree that they would give appropriate support to any Anglo-Irish Inter-Parliamentary body established by the two Parliaments. (Article 12)

As at 11 October 1985

(changes from last draft underlined)

Anglo-Irish Agreement

Joint Communiqué (Draft)

1. The Prime Minister, the Rt Hon Margaret Thatcher FRS MP and the Taoiseach, Dr Garret FitzGerald TD, met at ..... on ..... It was the third meeting of the Anglo-Irish Intergovernmental Council to be held at the level of Heads of Government.

2. The Prime Minister was accompanied by ..... and the Taoiseach was accompanied by .....

3. The Prime Minister and the Taoiseach signed a formal and binding Agreement between their two Governments, with the aims of promoting peace and stability in Northern Ireland; helping to reconcile the two major traditions in Ireland; creating a new climate of friendship and co-operation between the people of the two countries; and improving co-operation in combatting terrorism.

4. The Agreement deals in particular with the status of Northern Ireland and the establishment of an Intergovernmental [Committee] in which the Irish Government will put forward views and proposals concerning stated aspects of Northern Ireland affairs; in which the promotion of cross-border co-operation will be discussed; and in which determined efforts will be made to resolve any differences between the two Governments.

5. The Prime Minister and the Taoiseach committed themselves to implementing and sustaining the measures set out in the Agreement with determination and imagination and undertook to encourage people of both the unionist and nationalist traditions in Ireland to make new efforts to understand and respect each other's concerns with a view to promoting reconciliation.

6. The Agreement provides for entry into force as soon as each Government has formally notified the other of acceptance. This exchange of notifications will not be completed until the Agreement has been approved the British Parliament 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 designated as the Permanent Irish Ministerial Representative

7. 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 competence. It will concentrate at its initial meeting on:

- relations between the security forces and the minority community in Northern Ireland;
- seeking measures which would give substantial expression to the aim of ensuring that there is public confidence in the administration of justice; and

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

In the interests of all the people of Northern Ireland the two sides are committed to work for early progress in these matters. Against this background the Taoiseach said that it was the intention of his Government to accede as soon as possible to the European Convention on the Suppression on Terrorism.

8. In addressing the improvement of relations between the security forces and the minority community, the [Committee] at its first meeting will consider:

- a. the application of the principle that the Armed Forces (which include the Ulster Defence Regiment) operate only in support of the civil power, with the particular objective of ensuring as rapidly as possible that, save in the most exceptional circumstances, there is a police presence in all operations which involve direct contact with the community;

b. ways of underlining the policy of the Royal Ulster Constabulary and of the Armed Forces in Northern Ireland that they discharge their duties even-handedly and with equal respect for the unionist and nationalist identities and traditions.

9. In its discussion of the improvement of cross-border co-operation on security, the first meeting of the Intergovernmental [Committee] will consider how the two Governments can most effectively implement their joint commitment to combat terrorism, and will give particular attention to the policing of border areas.

10. In addition to concluding the new Agreement, the Prime Minister and the Taoiseach reviewed the wide range of work being done under the auspices of the Anglo-Irish Intergovernmental Council to develop further the unique relationship between the two countries. The fact that in the past year there have been more than twenty meetings between Ministers of the two Governments demonstrates the closeness of co-operation. Among the areas where progress has been made in the past year is the planning of new areas of co-operation in education,



notably in curriculum development between schools. The Prime Minister and the Taoiseach decided that the work under the Council's auspices in these various fields should be actively continued, in the interests of friendship between all the people of both countries.

11. The Prime Minister and the Taoiseach held a full and friendly discussion of current international issues, including matters concerning the European Community. They paid particular attention to .....

12. The Prime Minister and the Taoiseach agreed to meet again at an appropriate time to take stock of the development of relations between the two countries and of the implementation of the Agreement which they have signed.

UDR

Strength and Role

The British Government has no plans for further reducing the regular Army presence in Northern Ireland in the foreseeable future, or for increasing the strength or role of the UDR in relation to the regular Army.

2. At its inception, the UDR was intended to be mainly a part-time force: the role of the relatively small full-time element being confined to guard and administrative duties. Subsequently the introduction of an operational role for the full-time element caused its increase to its present size, with a consequent decrease in the size of the part-time element from 8117 in 1972 to 3754 today.
3. The strengths of both the full-time and part-time elements are kept under review, to reflect changes in the requirement for military support for the RUC. But it is neither politically nor operationally possible to give advance undertakings as to when or on what scale the strengths might alter on these grounds.

Training

4. With a view to improving the professionalism and the community awareness of the Regiment, and especially of the part-time members, the following new measures are being introduced which in aggregate are expected to have a substantial effect:

- (a) the initial training for part-time soldiers is to be increased from 8 to 14 days;
- (b) the number of regular Army non-commissioned officers serving with the UDR is to be increased in order to strengthen the supervision of training;
- (c) a new post for a regular Army Lieutenant Colonel in UDR Headquarters is being established, specifically to oversee training;

(d) eligible UDR officers of the Permanent Cadre (i.e. the full-time element) will in future attend the standard military course at Sandhurst. This is a six-month course which is attended by all regular officers and the attendance of UDR officers will help to bring the Regiment into even closer alignment with regular Army operating practice and methods;

(e) there will be increased opportunities for UDR NCOs to be attached on a voluntary basis to regular battalions in Great Britain for training;

(f) there is to be a marked increase in the involvement of the RUC in UDR training: at the UDR training centre at Ballykinler, in local training in battalion areas and with each battalion during its annual camp;

(g) when the RUC's Code of Conduct becomes available, consideration will be given to incorporating relevant aspects of it into Army (including UDR) training and standing instructions.

#### Deployment

5. Whilst the UDR is not debarred by law from operating in any area of Northern Ireland, in practice it does not normally operate at all in the largely nationalist areas of the cities - i.e. in West Belfast or in Londonderry West of the Foyle - and there are no plans to change this.

6. For the rest, in those areas where a degree of military support for the police remains necessary, the practice is to use regular units where the threat is greatest (because that is where their military skills are most needed) and the UDR where the threat is relatively less great. Thus the military task is undertaken wholly or mainly by regular troops in southern County Armagh and eastern Fermanagh and south-east Tyrone (as well as in the city areas mentioned above).

7. Under the doctrine of police primacy, it has for some years been the universal practice that all military operations - including those of the UDR - are undertaken at the direct request of the RUC. Furthermore, it is established policy that whenever possible there

should actually be a police presence with those military operations which are inherently likely to involve contact with the public on a significant scale: for example, vehicle checkpoints (whether permanent or temporary) and patrols in populated areas. A major effort is being made to speed up the implementation of this policy and this should become increasingly evident on the ground: as much so in Fermanagh and Tyrone as anywhere else.

8. The scope for any changes in the existing pattern of military deployments is severely circumscribed by operational and other practical factors. Nevertheless, we have been able to make some limited adjustments, and we may be able to make a few more, which should be helpful in community terms. In Belfast, Kennedy Way, including the roundabout with the M1 motorway, is the tactical responsibility of a regular battalion, with UDR operations taking place to the East of that point and excluding the roundabout. For the city centre, we are looking again at how we could dispense with the UDR guard at the Castle Street entrance to the segment area. In Armagh city, patrolling of predominantly nationalist housing estates will be conducted either by the RUC alone or, when that is not practicable, by joint RUC and UDR patrols. Every opportunity will be taken to extend the same arrangement to patrolling in mainly nationalist areas of other towns, consistent with the local security situation and with the availability of police manpower.

#### Arrests by soldiers

9. The increasing frequency with which there is a police presence in military operations (paragraph 7 above) will, of course, mean that the military power of arrest has to be invoked even less frequently than it has been in recent times. In these circumstances the military authorities have issued administrative instructions that, except in extreme conditions such as a physical emergency, the power of arrest is in future to be exercised only by soldiers who have completed their initial training and have more than six months' service.

#### Complaints

10. Action is in hand to produce a leaflet for the public which explains how complaints against the Army are dealt with and gives guidance on how they should be made.

Announcements

11. The majority of the above measures have already been decided upon. For those which are also already being put into effect, we would hope that they will come to public notice in the normal course of events. We see no reason, subject to circumstances at the time, why in the following cases they should not also be mentioned, as things that are happening, in the course of the Westminster debates on the Anglo-Irish Agreement:

- para. 3: strengths kept under review
- para. 4a: longer initial training
- para. 4f: more RUC involvement in training
- para. 5: normally no deployment in West Belfast, etc.
- para. 7: accompanying police presence.

But we would not wish to draw attention in the debates to the deployment modification in paragraph 8 or the curtailed use of arrest in paragraph 9.

12. We also envisage making some mention in the debates of those measures which have been decided upon but may not by then have been put fully into effect:

- para. 4b: more regular NCOs
- para. 4c: new training officer post
- para. 4d: UDR officers to Sandhurst
- para. 4e: UDR NCOs to regular battalions
- para. 10: new complaints pamphlet.

CONFIDENTIAL

Note on increased activity of the Garda Síochána in Border  
areas and in related activity elsewhere

1. The increased resources that are being made available in the Border areas may be described under two heads -

A. Increased man-hours and support facilities (mainly cars) in the local Divisional and District organisation.

B. Task Force units.

A : Increases in local effective strength

2. Those increases are provided in part through the allocation of increased overtime and in part through the assignment of additional members to the relevant local Divisions (an arrangement which, in turn, has to be balanced by increased overtime in the other areas from which the members are withdrawn). The allocation of cars to Border-related duty is being doubled.

3. The increased Garda activity, which includes vehicle check-points as well as general patrolling and associated work, is in the main equally directed at (and, it is hoped, equally effective against) paramilitary groups on both sides though some of the Garda activity (especially information-gathering) is likely to be mainly relevant to PIRA/INLA and

some (mainly certain foot patrols in some towns) is likely to be mainly relevant to the UVF. The Garda Siochana are conscious of the fact that, apart from the more "direct" dangers, extremists on either side may set out to act in such a way as to provoke extremists on the other side or to engage in outrages for which they know the public would be disposed to blame extremists on the other side.

4. There is also increased Garda activity of a related kind in certain "non-Border" areas. This mainly falls under two heads, viz.
  - (a) vehicle check-points and
  - (b) increased work by way of information-gathering.

There is an increased financial allocation for this particular additional work (as well as for the work referred to earlier).

B : Task Force Units

5. What is proposed under this heading is an arrangement of the same kind and with the same level of resources as obtained a few years ago. That arrangement is described in the following paragraphs.
6. In the present context, the term "Task Force" is meant to apply to a group of members of the Garda Siochana of various ranks whose permanent "base" is Dublin. From that Task Force, "units" of (usually) 15, headed by an Inspector, may be detached and assigned as required for special (usually "mobile") duties in any part of the State. Where there is a continuing need in a particular area, the particular unit is replaced by another rather than being retained for an extended period

in the same area. A Task Force Unit might, if circumstances so indicated, sub-divide so as to provide a "half-strength" service round-the-clock in a particular area.

7. As regards Border duties, the extent to which Task Force Units were assigned depended very much on the situation "on the ground" at any particular time; but it was never the practice to have several Units deployed simultaneously for extended periods. On the other hand, additional units were assigned to the Border to cope with unusual short-term needs. The same approach will be adopted now.
  8. Additional recruitment to and training for members of the Task Force are at present proceeding and will have been completed shortly but if in the meantime a need were to arise already-trained personnel could be re-deployed immediately.
  9. The Garda Siochana are satisfied, having carried out a full review, that the use of Task Force Units in the way and to the extent now envisaged is a cost-effective way of making the kind of contribution that they will be able to make but, beyond that point, in present circumstances at all events, they have concluded that the other arrangements they have made - those referred to in paragraphs 2 to 4 - represent the best use of resources.
- Temporary nature of arrangements
10. The arrangements described above are very costly and it is strongly hoped that circumstances will permit their being scaled-down in the



not-too-distant future. On the other hand, it is recognised that there will be a period of high risk not only just before but for some time after the signature of any Agreement that may emerge.

Confidentiality

11. From the point of view of the authorities here, there are serious problems in any great emphasis on the commitment of increased resources to Border areas. It is recognised, however, that some references to it need to be made from the British side and, despite the Garda view that the importance of Task Force Units has in the past been given a disproportionate emphasis, it is also recognised that a suitable reference to them is important in the presentation of the position to the Unionist sector.
  
12. Accordingly, no objection would be raised from our side if it were said that -
  - A. The Irish Government clearly recognise that an Agreement designed to achieve progress towards peace and stability could provoke reaction from extremists on both sides and have assured [the British side] that important increases in Garda resources, both in terms of manpower and transport, have already been provided in Border Divisions.
  
  - B. In addition to the increases in the local strength of the Border Divisions, special arrangements have been made for the deployment of Task Force Units to be available to deal

with particular outrages or threats or other special problems.

- C. More frequent meetings are now taking place between officers of the RUC and of the Garda Siochana at various levels with a view to maximising co-operation in the common fight against terrorism and, in particular, in the common determination to defeat any attempt, from whatever source, to disrupt the effective working of the Agreement.