



Foreign and Commonwealth Office

London SW1A 2AH

7 November 1985

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 Prime Minister
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Dear Charles,

Anglo-Irish Negotiations

As foreshadowed in Mr King's minute to the Prime Minister of 5 November, the two Secretaries of State met the Tanaiste, Mr Spring, and the Irish Foreign Minister, Mr Barry, on 6 November to take stock of the position reached in the Anglo-Irish negotiations. The usual small supporting team of officials on either side was also present.

The discussion covered the ground outlined in Mr King's minute of 5 November within the limits set by your letter to Jim Daniell of 6 November. The Irish showed no disposition to question the need for British Ministers to be able to say firmly that Northern Ireland is part of the United Kingdom and will remain so. As we had expected, however, they made it clear that they, like us, would find it difficult to have language in the communique reflecting an agreed interpretation of Article 1 of the Agreement. It was agreed that the best way forward on this might be for the two Heads of Government to make it clear that, on the question of status, the two Governments started from different historical perceptions and, so to speak, from differing title deeds; but to stress that Article 1 reflected the common ground between them: namely that there could be no change in the present status of Northern Ireland without the freely given consent of a majority of its inhabitants and a recognition that this consent did not at present exist. It was agreed that it would be useful for officials to work out comparable but not identical forms of words for use by the two Heads of Government on this point. The Irish indicated that the Taoiseach would probably wish to cover the point in his introductory statement at the joint press conference; and they gave us a preliminary draft (which they stressed had no status) for consideration at the next Armstrong/Nally meeting on 12 November.

Mr King stressed the importance for us of significant and sustained improvements in cross border security cooperation. In response, the Irish assured us that they would fully honour their commitments under Article 9(a) of the Agreement and that they recognised the need for improved cooperation: what they could not accept was language which implied that the improvement must be all on the Irish side of the border and that the Irish authorities were doing less than they should be doing to combat terrorism. They

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accepted without demur the revised language for the relevant paragraph of the communique suggested towards the end of paragraph 4 of Mr King's minute. Mr King gave notice that we would be pressing in the Intergovernmental Conference for an enhanced effort, eg on cross-border intelligence.

We made the case outlined in paragraph 5 of Mr King's minute for early Irish signature of the European Convention for the Suppression of Terrorism, stressing that this would be particularly helpful in the context of our declared readiness to retain the reference in Article 8 of the Agreement to the possibility of mixed courts. The Irish said that they were already examining the question whether they could sign the Convention instead of simply announcing their intention to accede to it. There were, however, likely to be constitutional difficulties for them in signing an agreement for which the necessary legislation had not yet been enacted by the Dail. The Irish Attorney General had been asked for his opinion on this point and they hoped to let us have this within the next few days. Meanwhile, they recognised the importance we attached to this suggestion and undertook to reflect on it. The question of mixed courts was not re-opened by either side.

There was a lengthy discussion of the role and location of the proposed Secretariat. It was common ground between us that the Conference would normally meet in Belfast and that the Secretariat would need to be located there in order to service it. The Irish recognised the legitimacy of our concern for the security of the officials involved. But they pointed out that they had abandoned their original idea of a Secretariat to which the public would have access; had accepted our view of the restricted nature of the Secretariat's role; and had agreed that it could be located within the Stormont complex where there was already maximum security protection. They insisted that some continuing Irish official presence in Belfast from the outset, plus the visible fact of the Intergovernmental Conference meeting there, would be essential to the SDLP's perception of whether the Agreement was meaningful or not; and they argued that, if it was our intention that the Conference and Secretariat should be in Belfast we should implement that intention from the start; otherwise loyalist opposition would build up and make it impossible. Mr King said that all the indications were that the Secretariat would be a principal focus of unionist resentment and there were very real practical and security difficulties about having the Secretariat located in Belfast as soon as the Agreement had been ratified. He accepted of course that the Secretariat would need to be in Belfast, but the practical problems of finding suitable premises had still to be resolved. It was moreover impossible at this stage to predict what the security situation in

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Belfast would be following ratification of the agreement and we therefore had to reserve our position on the location of the first meeting of the Conference. It was left that this question would need to be pursued further by officials. Meanwhile it was agreed that, without prejudice to the question of location, it should be publicly announced that the first meeting of the Conference would take place within a stated period of time (perhaps three or four weeks) from the date on which the agreement entered into force. Discussion of the precise role of the Secretariat was inconclusive, but the Irish accepted that its functions would be confined to servicing the Conference and that it would not have any contact with the public.

In response to our suggestion that they should encourage the SDLP to come into the assembly, or at least to participate in the next assembly elections, Mr Barry said that this was an issue on which the SDLP was divided. To press them to make a commitment at this stage would be to risk splitting the party. The Irish Government's present concern was to ensure that the SDLP were united in support of the Agreement. But although he thought it would be counter-productive to press them to join the assembly now, he did not exclude the possibility of encouraging them to do so in six months' time if the Agreement was seen by then to be working well.

The Irish also reverted to the question of the UDR, on which they said that they had as yet seen very little evidence of the increased RUC presence at UDR check-points and on UDR patrols which we had promised. We reminded the Irish that we had warned them that this policy could not be implemented overnight; but Mr King undertook to look into the situation.

At the end of the meeting it was agreed that, subject to final Ministerial scrutiny by both Governments, neither side had any further points to raise on the texts of the Agreement or the communique. The line to be taken by the two Heads of Government at the press conference could be discussed further at the Armstrong/Nally meeting on 12 November, which could also tackle the final arrangements for the Summit meeting. Meanwhile, the search for suitable premises for the Secretariat would be pursued urgently; and further consideration would need to be given to the question of diplomatic immunity for the Irish members of its staff. The Irish indicated that they were prepared to meet the cost of housing the Irish element of the Secretariat, but would expect the British Government, in accordance with normal international practice, to meet the cost of security protection.

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It was agreed that, in response to press enquiries, care should be taken to avoid indicating the stage that the negotiations had reached; it would be sufficient to say that discussions were continuing and that a number of points still remained to be settled. Guidance has been given to press officers accordingly.

Copies of this letter go to the Private Secretaries to the Secretary of State for Northern Ireland and to Sir Robert Armstrong.

Yours ever,

Len Appleyard
(L V Appleyard)
Private Secretary

C D Powell Esq
10 Downing Street

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