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Ref. A085/1844

PRIME MINISTER

Anglo-Irish Relations: Northern Ireland

My next meeting with Mr Nally is planned for Tuesday 9 July in Dublin. The purpose of this minute is to seek Ministers' agreement to the line I should take. Given the possibility that the Anglo-Irish agreement might be concluded in the Recess, we have made provisional arrangements for a meeting of OD(I) on 15 July, to take stock of the position reached and consider the outstanding points on the draft of which Dr FitzGerald gave you notice in Milan on 29 June. You told the last meeting of OD(I) on 23 May that you would arrange for the Cabinet to be given an opportunity to be informed about the negotiations and offer comments; this would be possible on 18 or 25 July.

Our Means of Resisting "Associated Measures"

2. My main purpose, when I see Mr Nally on 9 July, will be to follow through the case you made to the Taoiseach in Milan that "associated measures" taking effect at the same time as the agreement would antagonise the unionists are unacceptable, and that the right alternative is for the agreement to be implemented rapidly and visibly. I have discussed with the Northern Ireland Office and the Foreign and Commonwealth Office what we might offer to the Irish which would go some way to meet their concerns without imperilling the hope of unionist acquiescence in an agreement. We seek authority to propose that, when an agreement is signed, and subject, of course, to circumstances in Northern Ireland at the time, a communiqué announcing the agreement should also say that a first meeting of the new Standing Intergovernmental Committee would take place in

a matter of days; and that, on that occasion, the two sides would be giving positive consideration to a stated agenda of topics which would include a number of those on which the Irish side wished to see changes. It would be important, so that the "balance" of the agreement was seen to be maintained, and so as to blunt unionist criticism, that such a publicly announced agenda should include discussion of improved cross-border security. I attach as Annex A a first draft of the sort of passage a communiqué might include. I would propose, if you agree, to discuss this with Mr Nally on 9 July.

3. An essential approach would be that we should aim, before such an initial meeting, to have reached broad agreement with the Irish side on a number of measures that could be announced immediately after it. More work is needed on these, but they could include, for example, the suggested code of conduct for the security forces; improved training for the part-time UDR; filling the four outstanding vacancies on the Police Authority for Northern Ireland; and (subject to the state of tension in Northern Ireland at the time) repeal of the Flags and Emblems Act. We could also announce the establishment of machinery to consider harmonisation of areas of the criminal law and improve judicial co-operation. On the Irish side we would expect them to announce the return of their task force to the border and their intention to accede to the European Convention on the Suppression of Terrorism.

4. We believe that, if it is possible in this way both to demonstrate that the agreement is being positively and rapidly implemented by holding an early meeting of the Standing Intergovernmental Committee and to reassure the Irish that the agenda for that meeting will include the sort of items listed above and that we are prepared for positive conclusions on those items, that may be just enough to satisfy the needs of the Irish Government and the SDLP. In order to establish the credibility of this approach, I shall need to tell Mr Nally on 9 July, at



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that stage without commitment, that we are considering the subjects indicated in paragraph 3 above as possible items for inclusion in the agenda for the first meeting of the Committee.

5. There are, I believe, positive advantages for us in this approach. It would transform the concept of "associated measures", to take effect at the time of an agreement's signature, into an agenda of measures which we were willing to consider favourably once the agreement had come into force but without being committed in advance on their precise form or timing. This approach would also ensure that the new machinery was operational before opponents of an agreement had had much time to orchestrate a campaign against it. And it would enable us to press the Irish side from the start for delivery of their side of the bargain in the security field. But - on the supposition that an agreement may be concluded within a matter of weeks - it would mean reaching early agreement with the Irish on the machinery and the procedures of the new body, including the arrangements for a Secretariat. Officials are working on this with a view to producing proposals that we could put to the Irish side. I shall take soundings at my next meeting with Mr Nally, to see whether the Irish side have had any thoughts on these matters.

The Time, Place and Manner of the Conclusion of the Agreement

6. Following your exchange on this aspect with the Taoiseach on 29 June, I shall need to discuss it further with Mr Nally. The assumption that the agreement would be signed at a bilateral Summit exists on both sides, and I suggest that I should not question it. As to timing, the Taoiseach in Milan spoke of late August and you spoke of mid-October. When you discussed this with the Secretary of State for Northern Ireland on 3 July, it was felt that early to mid-September might prove the most

favourable time, but that the date could not be fixed until quite shortly beforehand. I shall be guided by this when I see Mr Nally.

7. As to the place of the Summit, the Taoiseach has expressed a preference for signing the agreement "on his side of the Irish Sea": ie either in the Irish Republic or in Northern Ireland. It is true that the last two Anglo-Irish Summits have taken place in this country, and it is arguably the Taoiseach's turn to host a Summit. But we think that for you to go to Dublin, or anywhere else in the Republic, to sign the agreement which the unionists will in any case regard with deep suspicion would be unnecessarily provocative. I think that we should seek to persuade the Irish accordingly. The Taoiseach has said that he would be prepared to go to Northern Ireland for this purpose. It would be possible for you and the Taoiseach to sign the agreement at Hillsborough. The Northern Ireland Office are prepared to accept this, if it is essential to do so; but they consider that the security implications of having you and the Taoiseach together at Hillsborough for this purpose would be very severe.

8. If the Taoiseach could be persuaded to come over to this country, the choice would appear to lie between London (Downing Street, Lancaster House, or the Banqueting House in Whitehall), Chequers, Chevening, Leeds Castle (if it is available) and Cardiff. Presumably the Taoiseach would feel the same sort of difficulty about coming to London to sign the agreement that you might feel about going to Dublin for the purpose. The overtones of Chequers may not perhaps be ideal, given what followed the last Chequers Summit. I think Chevening or Leeds Castle would be suitable in practical terms: both are reasonably close to Gatwick, and could be protected. So far as I know neither Chevening or Leeds Castle has any Irish overtones. If it was felt that Chevening or Leeds Castle were too close to London, and that you and the Taoiseach should "meet in the middle", then

the Temple of Peace at Cardiff would be a possible venue. The Provisional IRA have no known presence in Cardiff and the police force concerned is a good one. But that would of course be rather more of a expedition for you than going to Chevening or Leeds Castle.

9. Subject to any preference you may indicate, I will discuss the question of location with Mr Nally on these lines.

10. I propose, if you agree, to tell the Irish side that we see no need for the agreement to provide for ratification by the two Parliaments. Given that we are proposing to move fast to a meeting of the Standing Intergovernmental Committee we do not want to have to wait for the process of ratification. If the agreement is signed in the Recess, there would inevitably be some weeks' delay until Parliament met again and there would be a risk of creating demands for the recall of Parliament. Any delay would give hard-line unionists more time to whip up opposition. In any case it has never been the practice to submit Anglo-Irish agreements for ratification. If Mr Nally demurred on this, I should undertake to consult Ministers again.

? Example please

11. I shall also begin to discuss with Mr Nally the preparations for the presentation of an agreement, on the lines which you indicated in your talk with the Secretary of State for Northern Ireland on 3 July (the fourth paragraph of Mr Powell's letter of 3 July refers).

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

RtA

ROBERT ARMSTRONG

5 July 1985

ANNEX A

Anglo-Irish Agreement: Draft Passage for a Communique

The first meeting of the Committee will take place on [ ] October 1985. The British side will be led by the Secretary of State for Northern Ireland and the Irish side by . The two Governments do not envisage that, in the normal course, the meetings and agenda of the Committee will be publicly announced but they wish it to be known that on this occasion priority will be given to the questions of criminal justice and security that fall within the Committee's remit. The improvement of security co-operation between the two countries will be discussed, as will relations between the security forces in Northern Ireland and the minority community there. The ~~role and~~ management of the security forces will be reviewed, and preliminary consideration will be given to the programme of action set out in paragraph [15] of the agreement. The meeting will also discuss how best to pursue matters of common interest in the administration of justice as set out in paragraph [17] of the agreement.



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PRIME MINISTER

ANGLO-IRISH RELATIONS: NORTHERN IRELAND

The points for decision in Sir Robert Armstrong's minute attached are:-

i. agree to brief Cabinet on progress of discussions on 18 or 25 July? Yes

ii. agree, as a basis for discussion with Irish officials, the draft communique, annexed to Sir Robert's minute announcing the holding of the first meeting of the Standing Committee? This would be the substitute for 'associated measures'? As amended

iii. agree the list of issues which might be discussed at the first meeting of the Standing Committee, set out in paragraph 3 of Sir Robert's minute? It is quite ambitious. Yes

iv. agree that Sir Robert should tell Mr. Nally that mid-September would be a possibility for concluding the agreement, but that we shall not be able to reach any final judgement until much nearer the time?

I fear there will be a demand to recall Parliament

v. agree that Sir Robert can trawl Chevening, Leeds Castle or Cardiff as possible places for signing an agreement?

Not happy with these venues.

vi. agree that we should tell the Irish that there is no need for the agreement to provide for ratification by the two Parliaments? (though there will of course have to be debate).

C.D.P.

5 July, 1985

SECRET AND PERSONAL

SECRET AND PERSONAL

# 10 DOWNING STREET

*From the Private Secretary*

SIR ROBERT ARMSTRONG

ANGLO-IRISH RELATIONS: NORTHERN IRELAND

The Prime Minister has considered your minute of 5 July about the line which you should take at your meeting with Mr Nally on 9 July.

To take the points in that minute in order:

(i) The Prime Minister agrees that Cabinet should be informed of the course of the negotiations with the Irish Government and would like this to be done on 25 July.

(ii) The Prime Minister agrees that you may use the draft passage for a communique attached to your minute as a basis for discussion with Irish officials, although she would prefer the phrase "the role and management of the security forces will be reviewed" to be omitted. If you thought some reference to the activities of the Security Forces was essential, it should be directed towards the way in which they carry out their responsibilities rather than at the responsibilities themselves.

(iii) The Prime Minister agrees that you could put forward the various measures listed in paragraph three of your minute as an illustration of the sort of steps which could be announced immediately after the initial meeting of the Standing Committee. However, since speaking to her, I have seen the Northern Ireland Secretary's minute proposing the omission from the list of repeal of the Flags and Emblems Act. I feel sure that the Prime Minister would agree with the Northern Ireland Secretary on this.

(iv) As regards possible dates for the conclusion of an agreement, the Prime Minister would wish you to say that she cannot reach any firm conclusion on this for the time being but the most likely options appear to be mid-September or mid-October, (though the Prime Minister foresees that there will be a demand for the recall of Parliament if it is mid-September). We might keep both in mind for planning purposes.

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(v) The Prime Minister is not keen on any of the places suggested in paragraph 8 of your minute for signature of the agreement and does not wish to be rushed into a decision on this. Your discussion with Mr Nally should therefore be without commitment and it will be interesting to see what suggestions you are able to elicit from him. If you are able to obtain an indication that the Taoiseach would be ready for the meeting to take place on the mainland, that would be a step forward.

(vi) The Prime Minister is content for you to tell Mr Nally that there is no need for the agreement to provide for ratification by the two Parliaments if this is indeed the legal advice. But she agrees with the Northern Ireland Secretary that there would have to be an early opportunity for parliamentary debate of an agreement.

I am sending a copy of this minute to Len Appleyard (Foreign and Commonwealth Office) and Jim Daniell (Northern Ireland Office).

C D P.

C D POWELL

8 July 1985