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IRELAND



Reference Code:	2015/89/52
Creation Date(s):	4 September 1985
Extent and medium:	5 pages
Creator(s):	Department of the Taoiseach
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ROINN AN TAOISIGH

Uimhir.....

SECRET AND PERSONAL

Northern Ireland

Taoiseach

Yesterday's meeting with the British delegation started at approximately 10.30 a.m. and concluded about 5 p.m. It concerned -

- (1) UK Cabinet changes and leaks, etc.
- (2) substance -
 - (a) courts
 - (b) UDR
 - (c) RUC
 - (d) prison review
 - (e) British/Irish association
- (3) texts
- (4) timing, venue, etc. for Summit
- (5) DUP/OUP/SDLP attitudes, and
- (6) future arrangements.

In private conversation before the meeting, Sir Robert Armstrong conveyed three messages to me which I will mention to you.

Cabinet Changes etc.

The British side stressed that recent changes did not imply any change in the British approach to the negotiations. They were made for purely domestic reasons. The Prime Minister's personal interest and concern were as firm as ever.

We mentioned the danger that leaks, on the scale and of the sort which have been occurring recently, could wreck the talks. In particular, we said that the use of the word "consultative" as an adjective was the kiss of death. Commentaries in British papers to the effect that the British side had won on this point or that, in particular on the issue of courts, made it impossible for the Irish to deviate from the line they had been taking, even if this were desirable, which it was not. Some time was spent trying to devise a word or words to describe the role of the Irish Government, under the proposed arrangements.

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"Conciliation" was tried but did not run. The British emphasised the scale of what they were proposing. In particular, they stressed that if the agreement came into effect, Northern Ireland would be totally unlike any other part of the United Kingdom. There could, if the agreement operated, be no question, in the future, of its being a fully integrated part of the United Kingdom.

Courts

The British side said that they could not give a firm commitment on the setting up of mixed courts immediately on the commencement of the agreement or that such a system would come into effect in a fixed time after the agreement. They did say however that they were firmly behind the idea of achieving an improvement in attitudes to the judiciary and were fully sympathetic to the idea of giving practical expression to this aim. Their objection is threefold: first, on sovereignty, which is the Lord Chancellor's basic argument. The Prime Minister is not totally convinced as to the validity of this, arguing that if two judges out of three in a court are British then sovereignty is not imperilled. They are fully aware of our argument that even if sovereignty were in question, then something equal and opposite is proposed for this country.

Their second argument is that the system just would not work. They are fearful that another institution in which ~~the~~ minority would always be in a minority would, by definition, lead to further trouble. They are, again, aware of our counter arguments.

Their third basic objection is best summarised as the Lowry factor, which they admit has lost much of its force.

We enquired as to the possibility of further technical examination of these questions so that you and the Prime Minister could have the fullest possible information, on which to base a decision. They said that the Lord Chancellor is the responsible official in the U.K. They did not favour involving him personally in the talks but will think of whether it is possible that somebody from his office might be involved. They are to come back on this.

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They left the text as in Annex A attached with us as an improvement, in their view, on what is already there. We suggested to them, without commitment, the manuscript change indicated in the draft. As the Prime Minister herself has agreed the text as it stands, they are not sure as to whether this change can be agreed.

UDR

We stressed again and again that visible changes on this were a sine qua non. While the force in many areas has much to commend it, and its members are obviously under considerable strain, it remains in other areas as the abrasive edge of unionism so far as the minority is concerned. We argued that steps should be taken to stop interception by the force of people - or to mollify their methods. We suggested that -

- (1) part-timers be phased out;
- (2) the force be redeployed out of sensitive areas; and
- (3) arrangements be made that on every occasion where it is used that it should be accompanied by RUC personnel, so that it always acts in support of the civil power.

The British argument is, in a sense, the obverse of ours. They say the force is an extremely sensitive issue so far as unionists are concerned. A wrong step in relation to it could lead to outright rebellion - or, at the minimum, considerable violence. They are proposing improvements in training, bringing more British Army personnel in as Non commissioned Officers, and some measures on redeployment - but they stress that these changes must be part of a continuing process and should not be seen as radical departures arising from the agreement. They will not increase the strength of the force and will not increase its operations or deployments. As at present, they are thinking of announcing what they will be doing, in the Commons debate, following an agreement.

We stressed that if the arrangements on the courts and the UDR were not satisfactory, then it was unlikely that there would be an agreement.

The detailed changes on the UDR and the RUC are summarised in the speaking note used by Sir Robert Armstrong at the Chevening meeting at the end of July - of which a copy is attached at Annex B.

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RUC

They are continuing their work on a code of conduct and have drafted a passage which requires individual members of the RUC, as a personal obligation, to observe the Chequers formula as to respect for the two traditions in Northern Ireland. Breaches of this obligation would be a disciplinary matter.

Prison Review

A draft passage on this is available, if the principle is accepted.

British/Irish Association

There was a consensus that it would have been better if the meeting due to take place about the middle of the month were not to happen; but that Governments should not be seen as trying to prevent it. The decision to go ahead or to defer should be left with the Association (the dangers involved in having large contingents of media people, with politicians of different persuasions meeting and discussing in a forum of this sort, at the present stage of the negotiations are obvious.)

Timing, venue, etc.

The British are now thinking of dates for the meeting which I will mention to you. They have proposed venues which I will also mention. We have put our suggestions to them and they are bringing them back to the Prime Minister on the question, in particular, of venue and form of presentation.

Their next full Cabinet meeting after 16th September is due to be held on 3rd October. This would be too late for approaches in Washington, if the other parts of the timetable are to be observed. We said that on present thoughts you would probably be thinking of going to Government on 19th September for their views as to whether or not a Summit should go ahead on the basis of the negotiations as they will then be. If the go-ahead is given, then the approaches, on a reasonably authoritative basis could be made to the Americans and some form of commitment obtained from them, further to what has been mentioned by Mr Schultz to the Minister in Helsinki. The next official meeting, on this programme, would take place on 12th and 13th September in London to deal with -

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- (1) a joint message from you and the Prime Minister to President Reagan;
- (2) the text of a draft communique - for which there is an unexamined passage in Annex C;
- (3) a draft joint press release - for which an unexamined text is in Annex D;
- (4) secretariat arrangements - I have conveyed your views direct to Armstrong who is sympathetic. The NIO difficulties should not be underestimated;
- (5) other implementation arrangements;
- (6) presentation etc. The British are thinking in terms of a joint press conference. They say that it would be "very uncharacteristic" of the lady not to answer questions on an occasion of this type. They have taken our suggestions away for consideration.

DUP/OUP/SDLP attitudes

The British said that Paisley and Molyneaux had been studiously moderate at their meeting with the Prime Minister last Friday. They said that their concern was about "the uncertainty". They had no objection to any arrangement which would bring about better relations between the United Kingdom and Ireland. They said that the "territorial claim" must be resisted. They left a document with the Prime Minister which, in the British description, said all the usual things. We indicated that, on present information, the SDLP would back the agreement as a low profile exercise, not purporting to be a final settlement but rather an indication of progress.


4 September 1985

P.S.

We also conveyed to the British the drafting changes discussed in your office on Monday including in particular the suggestion for a single text for the agreement.

Copy to:

Tanaiste
Minister for Foreign Affairs
Minister for Justice
Attorney General

Ambassador Dorr,
Messrs. Ward, Donlon,
Lillis and Quigley.