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ROINN AN TAOISIGH

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Misc.
F. 2.

Uimhir.....

SECRET & PERSONAL

Northern Ireland

Taoiseach

The meeting in the Cabinet Office, London, began at 3 p.m. on 12th September, went on until late that night and continued next day from 10.15 a.m. until approximately 3 p.m. It was attended by Armstrong, Goodall, Andrew, Stephens and Mallaby. On the Irish side were Messrs Dorr, Ward, Donlon, Lillis, Quigley and the undersigned.

Courts

The British say that their agreement to examine the possibility of mixed courts is an agreement without commitment one way or the other. They are not saying that mixed courts are an impossibility, neither are they saying that they are definitely on. This would emerge from the proposed examination of the issue.

We argued that this made our position difficult, if not impossible. We were arguing that measures were needed to increase confidence in the Northern courts. Nothing was, apparently, happening, in this respect. In these conditions, we could hardly be expected to "improve" extradition procedures. It would be totally untenable for us to argue, on the one hand, that steps were needed to increase confidence in the courts and, on the other hand, to improve extradition procedures to those courts, if they were to remain unchanged.

We were suggesting a system of mixed courts to improve confidence. Other measures might be possible. For example, there could be a three court system or something could be done in relation to judicial appointments.

On the suggestion for a three court system, the British said that the Baker Report had ruled this out and they could not see the Government, which had accepted that Report, changing its mind again so soon.

On the question of judicial appointments, we mentioned our understanding that two vacancies existed. The British, after checking with Belfast, said that the two vacancies had been filled. We expressed consternation at this. (The matter is being checked fully by Mr Lillis at present.) The British are sensitive on the disproportion of Catholics - four out of thirty six judgeships, as against twenty-two out of the thirty four Queens Counsel. They have taken the whole issue away and may come up with something else at the next meeting.

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UDR

The British will be increasing the number of patrols, particularly Vehicle Check Points in which there is an RUC presence. They say the signs of this will be visible by the time of any agreement. They are making the changes in particularly sensitive areas like Aughnacloy, Claddy, and Strabane/Lifford. There will be an RUC presence for a full 24 hours in some areas and for 15 hours in other areas. They are extending this system as resources permit - in pursuance of the understanding that the military, including the UDR, act only in support of the civil power. We will check further with them that it is the RUC who will make the actual contact with the public in these cases.

We pressed again that there should be redeployment so as to clear the UDR from sensitive areas, leaving these areas to be patrolled by the RUC and Army, in whatever combination the British saw fit. After some resistance, they agreed to consider the matter further when we provide them with a list of the areas where we would like to see this form of redeployment. We mentioned, in particular, parts of Armagh and of Tyrone. The list of areas is being compiled and will be transmitted to them.

On the phasing out of part-timers, we again pressed this issue but without getting any firm commitment. It looks as if this is a matter which will have to be pursued by the new Commission, if it comes into operation.

RUC

Progress is being made with the code of conduct, which, on present indications, will contain a suitable passage about respect for the two identities. (Measures would also be taken to apply a similar code to the military, including the UDR.)

The British said that the ^{four}~~two~~ vacancies in the membership of the Police Authority remain open.

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3.

Fund

It was agreed that, if the necessary authority is forthcoming on both sides, Mr Donlon should approach Speaker O'Neill, asking him to contact the President on the proposals being considered and seeking support both from the White House and Congress for the agreement, with an indication, later, of funds to be made available for reconstruction and reconciliation in Ireland. The British will approach the White House (McFarlane) at or about the same time. Both approaches will be on the understanding that there is, as yet, no final commitment to an agreement. The Ambassador in Washington will be briefed on developments confidentially and Mr McKernan will approach the White House in confirmation of the British approach.

Task Forces

The British asked that some indication be given of the resources to be put into this area. We said that, as a matter of policy and practice, we did not publicise numbers of security forces operating in Border areas - for very obvious reasons. It could be damaging domestically and could lead to endless arguments. The British will, however, I imagine, continue to press for some indication of what they might say in relation to our intentions on this point.

Convention of Terrorism

The British asked if we could give them an idea of the derogations or other changes we would be making when ratifying this Convention. We said we would consider the request - but that in view of what had been said in relation to the courts this entire matter had now become more doubtful than it had been when we had the impression that substantial movement in relation to the courts was possible.

Secretariat

We argued the necessity for a high level Secretariat and our arguments appeared to be coming to be accepted on the British side - despite strong objection from the Northern Ireland Office. The British are also talking in terms of a hot-line to Dublin to provide quick and secure communication.

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BIA

Sir Robert Armstrong gave a brief report, which was matched by a report from Ambassador Dorr on recent contacts with the Association about the conference they were to have held in mid-September.

Texts, etc.

The draft passage for the communique is now as indicated in Appendix A attached. That for the agreement on mixed court is as in Appendix B. (Our passage in square brackets indicating the intention to set up mixed courts also stands, in square brackets.) The text of Article 8 of the draft agreement has been changed, to read, in the last sentence:

"It (the Committee) shall also be concerned with policy aspects of extradition and extra territorial jurisdiction, as between North and South".

- instead of the previous passage which referred to the Committee having "oversight" of these arrangements.

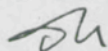
The draft joint press release is now as amended in Appendix C.

There is agreement that an agreed timetable for the Summit if it is to take place, signing the agreement, press interviews, statement to the Dail etc. should be drawn up for consideration, without reference to specific dates.

The British say that it would be most uncharacteristic of the Prime Minister not to make herself available to the media following the signing of an agreement of the importance they attach to the present document. They are envisaging a joint press conference.

There is one further point about the venue and timing which I should like to mention to you.

A memorandum for Government is being prepared by Mr Lillis for Thursday's meeting. It will be submitted to you as soon as possible.



16 September 1985

Copies to:

Tanaiste
Minister for Foreign Affairs
Minister for Justice
Attorney General

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

13/9.
As at 13 SeptemberDRAFT BAnglo-Irish Agreement: Draft Passage for a Communiqué

1. 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 by Dail Eireann and by the British Parliament. The two Governments intend that action to implement the provisions of the agreement should begin once the exchange of notifications had been completed. The first meeting of the Intergovernmental [Commission] 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.

2. The two Governments envisage that the meetings and agenda of the [Commission] will not normally be announced. But they wish it to be known that at its first meeting the [Commission] will consider its future programme of work in all the fields - political, security, legal, economic, social and cultural - which come within its remit, and will concentrate in the first instance on:

relations between the security forces and the minority community in Northern Ireland; and

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

The two sides intend that progress should be made quickly in these fields, in the interests of all of the people of Northern Ireland.

3. In addressing the improvement of relations between the Security forces and the minority community, the meeting will consider:

a. how the principle that the military (which includes the UDR) operate only in support of the civil power can be further implemented in the operations and deployment of the security forces in Northern Ireland, with the particular objective of achieving as rapidly as circumstances permit the full implementation of this principle in operations which involve direct contact with the community, save in the most exceptional circumstances;

b. ways of underlining the established policy of the Royal Ulster Constabulary that they discharge their duties even-handedly and with equal respect for the unionist and nationalist identities and traditions; and the extension of such measures, as appropriate, to the military.

4. In considering the improvement of security co-operation between the two Governments, the meeting of the Intergovernmental [Commission] will give particular attention to the policing of border areas and also consider the implications of the Irish decision, of which the Taoiseach has informed the Prime Minister at the present meeting, to accede to the European Convention on the Suppression of Terrorism.

Blended over by the British at meeting on
12/19/85
ANNEX C

MIXED COURTS

Suggested new sentence for the draft agreement:

"The Committee shall seek, with the help of advice from
experts as appropriate, ^{measures which will give} ~~ways of giving~~ ^{substantial} practical expression
to this aim, considering inter alia the possibility of mixed
courts in both jurisdictions ~~in respect of~~ terrorist ^{certain}
offences."

for the trial