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ROINN AN TAOISIGH

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SECRET AND PERSONAL

Northern Ireland

Taoiseach

The British and Irish delegations met on Monday night and on Tuesday for most of the day. The main items discussed were:-

- (1) the Fund;
- (2) Secretariat;
- (3) status;
- (4) name of the joint body;
- (5) UDR;
- (6) texts;
- (7) venue/timing of Summit; and
- (8) other arrangements.

Fund

It was agreed that an approach should be made soon to the administration in Washington to outline the substance of the Agreement and seek an immediate statement of support, with an indication of future funding. Armstrong is to speak to McFarlane with a view to a meeting, accompanied by Mr Donlon, in Washington, on 6th November. If this arrangement works out, Mr Donlon will make similar arrangements for meeting Speaker O'Neill and seeking the support of Congress - in association with Armstrong.

Particular attention was drawn to the fact that as the Geneva Summit with Gorbachev on 19/20 November approaches, it will be next to impossible to engage the attention of the American administration or Congress in anything other than that particular Summit.

It was agreed that the approach to the Community member states might best be done at a meeting of political directors to be held on 7th and 8th November. At that meeting the British and Irish political directors would together make a presentation to their colleagues, with a view to getting agreement for statements of support from each of the member governments on the day of an Agreement or very soon^x

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ROINN AN TAOISIGH

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afterwards. This presentation would indicate the possibility of a trust fund for reconstruction and development in Northern Ireland and the possibility that the United States would be contributing. It would refer to the possibility of an historic reconciliation as between Britain and Ireland, emerging, in time, from the Agreement. This approach would be followed up, if agreed, at Ministerial level at a subsequent meeting of the Council of Ministers.

Approaches would be made to the Canadians and the Australians by the two Ambassadors, together, seeking the same sort of support from the governments there - referring, in each case, to the earlier indications of support obtained in these countries.

Secretariat

The British, Andrew in particular, continue to make difficulties. They say that the Unionists are now describing the Secretariat as "the physical embodiment of the threat to sovereignty" and say that they do not see it continuing in existence. We argue that under present arrangements the main part of the new body is the Ministerial meeting and operations and that the Secretariat exists to service and facilitate the functioning of the Ministerial Group. Arrangements must be such that the Secretariat has a continuing presence in Belfast at a level which will enable it to discharge these responsibilities. The British accept this but are saying that, initially at least, the programme must provide for the contingency that it just may not be physically possible to maintain the operation in Belfast. We, on the other hand, maintained our position.

The British are talking about Portloman accommodation on part of the Stormont estate and point to the need to obtain planning permission for a more permanent building. (Personally, I have doubts as to whether a Government agency requires planning permission at all. If the situation is the same as here the only requirement is one of "consultation".) In all this, we are, unfortunately, very much in British hands.

I spoke separately to Armstrong, stressing the extreme importance as we saw it, of having someone from the Foreign Office or the Cabinet Office to head the Secretariat. British plans at present are that Merifield, an Under Secretary from the Northern Ireland Office, should head the Secretariat, to be succeeded in about six months time by a man called Elliot, from the Foreign Office. I pressed for Elliot's immediate assignment - if necessary on promotion - but have the feeling that even more pressure will be needed if this is to be sorted out.

ROINN AN TAOISIGH

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Status

The discussion on the first two questions and answers in the draft text was long and difficult. In the end, general agreement emerged that possibly the best way of approaching the subject would be to include a statement in the communique indicating the position of the two Governments. If questions were asked at a press conference or elsewhere on the meaning of the Agreement, reference would then be made to this statement. The draft text, as it now stands, is appended to this note.

Name of Body

The British have accepted the word "conference" as the title to the new organisation.

UDR

The British proposed moves which would get the UDR out of Armagh City and its environs but would mean that they would, in effect, appear in South Armagh (and ~~at~~ Ballykinlar). We indicated that there did not seem to be much purpose in this type of operation which would not meet the real needs of the situation.

We have also sought facts and figures on the way in which the UDR are now being deployed "in support of the civil power".

Texts

In the draft Agreement, in Article 2 the passage dealing with the remit of the Conference now reads "concerned with Northern Ireland and with relations between the two parts of the island of Ireland, to deal, as set out in this Agreement, on a regular basis with". The first sentence of paragraph 2(b) - The Conference shall meet on a regular rather than on an ad hoc basis - is deleted as superfluous. In Article 3 the second sentence from the end of the page now reads "Within the framework of the Conference, other Irish and British Ministers shall hold or attend meetings". This is not an objectionable change.

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The reference to "permanent" Secretariat is gone. Instead the sentence will read "A Secretariat shall be established by the two Governments to service the Conference on a continuing basis". In Article 4(a)(ii) the reference to "throughout Ireland" is now a reference to "throughout the island of Ireland". In 4(c) the words "If full devolution has not taken place" are omitted. The sentence now provides that the Irish Government may put forward views and proposals on the modalities of bringing about devolution".

In Article 7(d) the words "so that explanations can be given" are changed to "so that information can be provided".

In Article 8 the words "the two Governments agree on the desirability of ensuring that there is public confidence in the administration of justice" are changed to "the two Governments agree on the importance of public confidence in the administration of justice".

In the draft questions and answers, on which further work has to be done, we conveyed the changes you considered desirable.

In the communique the British wished to have inserted a reference to "significant and lasting improvement" in policing on the Border. We resisted this suggestion strongly and said that the implications were totally unacceptable. A form of words now exists referring to the durable development of security co-operation by both Governments.

Venue/Timing

There are complications about which I should like to speak to you.

An official level meeting has been tentatively fixed for 12/13 November.

Miscellaneous

Armstrong mentioned to me that the Prime Minister had postponed her meeting with President Mitterand so as to facilitate a statement in the House following her meeting with you. He said this indicates the degree of importance she now attaches to the proposed Agreement.

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Towards the end, the meeting was very rushed, as the British delegation had to leave to catch a plane. During the last few minutes of our contact, Armstrong mentioned to me that if the question of mixed courts was raised, the Prime Minister would use the text of her letter of 4th November to you on the subject. He asked if we would find it possible to say in the communique reference to the Convention on the Suppression of Terrorism "Against this background the Taoiseach said that the Government would introduce legislation to enable them to accede"- instead of the present reference to "it was the intention of his Government to accede". I said that my feeling was that you would prefer to leave the text as it is.

I mentioned during the meeting that you would be meeting Prime Ministers Lubbers, Martens, Santer, Kohl and Minister Andreotti at the meeting of the European People's Party in Brussels on 9th November.

The British Government are meeting today to decide on their attitude to the Agreement. I will try to find out this afternoon how things went.

A draft memo is being prepared for Government here, with a view to a decision on 7th November.

BN

31 October 1985

Copies to:

Tanaiste,
Minister for Foreign Affairs,
Minister for Justice,
Attorney General,

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