



Prime Minister
CJP
12/7.

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From the Secretary of the Cabinet and Head of the Home Civil Service

Sir Robert Armstrong GCB CVO

Ref. A085/1884

ATTORNEY GENERAL

We cannot agree
to this
not

Anglo-Irish Talks about Northern Ireland: Joint Courts

At the most recent meeting of the Anglo-Irish talks on 9 July Mr Nally, my Irish opposite number, said yet again that he could not depart from the Irish position that there must be a commitment, before any Anglo-Irish agreement could be concluded to the establishment of joint courts within a defined time.

I argued, as before, that we could agree to discuss the possibility of establishing joint courts in the new Standing Intergovernmental Committee to be set up under the agreement but could enter into no prior commitment. I said that the difficulties in the way of establishing joint courts were numerous and many of them were of a practical nature; they were in no way diminished by the recent letter from the Lord Chief Justice in Northern Ireland to the Lord Chancellor in which he had assured the Lord Chancellor that the Bench in Northern Ireland would abide by whatever Parliament decided on this matter.

2. Mr Nally suggested that it might be helpful if you and the Irish Attorney General were to have a talk on this subject. He said that the Irish Attorney General anyway had other (unspecified) matters which he wanted to discuss with you before long. A meeting in July might cover these and also address the subject of joint courts.

3. I said that I could hold out no hope that a meeting of the kind proposed would dispose of the difficulties in the way of establishing joint courts before the time when an Anglo-Irish agreement might be concluded. But I thought that a meeting between you and the Irish Attorney General could well be useful, since it would enable you to explain the difficulties concerning joint courts directly to the Irish Government. I also thought that you might wish to have a word with the Irish Attorney General about his Government's decision, conveyed to us in the Anglo-Irish talks but not yet announced, to adhere to the European Convention on the Suppression of Terrorism. I therefore did not reject the suggestion of a meeting between yourself and the Irish Attorney General. It was therefore left that the latter might get in touch with you to suggest a meeting.

4. It occurs to me that you might also wish, if the Irish Attorney General should come to London to see you, to arrange a call on the Lord Chancellor since the question of joint courts would fall within his specific area of responsibility. I did not mention this idea to Mr Nally.

5. I am sending copies of this minute to the Prime Minister, the Lord Chancellor, the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland.

Robert Armstrong

12 July 1985