



CCPC

10 DOWNING STREET

6 November 1985

*From the Private Secretary*

## ANGLO-IRISH NEGOTIATIONS

The Prime Minister has considered the Northern Ireland Secretary's minute of 5 November setting out points on the draft Anglo-Irish Agreement which he proposes that he and the Foreign Secretary should pursue with Mr Barry today. She has some reservations.

The Prime Minister points out that Cabinet has decided to accept the draft Agreement essentially in its present form. This must limit the extent to which we should re-open issues or push them to the point of serious dispute with the Irish Government.

With this general consideration in mind the Prime Minister would want the point about signature of the European Convention on the Suppression of Terrorism and, even more, that about mixed courts to be pursued with great caution and without presenting them as make-or-break demands. (I understand that the first point has already in fact been broached with the Irish at official level.) She sees no reason for the Northern Ireland Secretary to tell Mr Barry that we shall reaffirm publicly that Northern Ireland is part of the United Kingdom. Of course we shall say it but there is no need to offer the Irish Government a gratuitous opportunity to complain. She agrees that the points about improved security cooperation, location of the Secretariat and of meetings of the Intergovernmental Conference and SDLP participation in the Assembly could all be usefully pursued with Mr Barry.

I am copying this letter to Len Appleyard (Foreign and Commonwealth Affairs) and to Sir Robert Armstrong.

JP

C D POWELL

Jim Daniell, Esq.,  
Northern Ireland Office

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PRIME MINISTERANGLO-IRISH RELATIONS

Mr King's minute attached lists the points he wants to raise with Mr Barry tomorrow.

If he goes about it in the way proposed, at this very late stage, he risks throwing a large spanner in the works. To take his points as summarised in para. 9 in order:

(a) there's no point in telling the Irish that we are going to say that Northern Ireland is a part of the United Kingdom. Of course we shall <sup>also</sup> say it, but telling them in advance just encourages them to complain about it.

✓ (b) encouraging them to accept stronger wording on security cooperation is worth a try; but

(c) reopening the question of signature of the European Convention on Suppression of Terrorism and

(d) reopening mixed courts would really be pushing our luck and goes beyond what Cabinet agreed. There must be a limit to what we can try to claw back at this late stage.

✓ (e) and (f) location of the Secretariat and pressure on the SDLP to join the Assembly - are legitimate points.

We have to strike a balance between getting the most we can out of the negotiations and pushing the Irish right off the log.

Agree that I should urge Mr King not to raise point (a) and to approach (c) and (d) with great caution and without making them into firm demands?

C.D.P.  
C D POWELL

5 November 1985

Yes - we now have to remember Cabinet's decision to accept w/ principle - subject only to detailed points



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PRIME MINISTER

ANGLO-IRISH NEGOTIATIONS

On 31 October the Cabinet decided in principle to conclude in the next few weeks an Anglo-Irish Agreement on the lines proposed in the memorandum (C(85)25) circulated by the Foreign and Commonwealth Secretary and myself, but invited us in further negotiation to seek to secure the maximum possible improvements in the texts of the draft Agreement and Communique. A meeting with the Irish Minister for Foreign Affairs has been arranged for 6 November at which the Foreign and Commonwealth Secretary and I will pursue possible improvements. It may be helpful if I set out, in advance of the meeting, my views on the issues to be raised.

2. If the Agreement is to achieve its primary purpose of bringing greater political stability to Northern Ireland, at least in the longer term, it must secure the eventual acquiescence of moderate Unionists. If we are to be in a position to argue that, taken as a whole, the Agreement will secure benefits for the majority as well as the minority, its positive features as perceived by Unionists must include the preservation, and if possible strengthening of the constitutional guarantee to which they attach such importance. We shall want to make the most of this and other potential selling points. At the same time, we must, as far as possible, avoid negative features of a symbolic nature which will become a focus for attack on the new arrangements.

3. As far as the constitutional issue is concerned, I am convinced that at the Summit press conference, in Parliamentary debate and on other occasions, both you and I must say firmly and

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without qualification that Northern Ireland is part of the United Kingdom and will remain so while the majority wish it.

I recognise, that, because of Articles 2 and 3 of their constitution which they have not felt able to change, the Irish are in difficulty if they are asked to agree to this statement; but I fear that if we appear to hesitate or equivocate on this vital point we shall be in even greater difficulty on our own side.

This is not something we can fudge with ambiguous wording, however ingeniously drafted by officials, which will not stand up to the cut and thrust of parliamentary debate; and I think the Irish have to be warned of this.

4. As regards other positive features which we might offer the Unionists the prospect of a sustained improvement in cross-border co-operation against terrorism is most desirable. I am disturbed by the reports of recent official exchanges which suggest that the Irish do not even accept the case for making a greater and sustained effort, and are not prepared to devote the necessary resources to it. They are evidently thinking mainly of short-term measures to counter Loyalist paramilitary activity in the immediate aftermath of an Agreement. They could not accept our proposal that the Communique should record that the two sides would be seeking "a significant and lasting improvement in the policing of border areas". Sir Robert Armstrong's suggestion that we should, instead, refer to "durable" implementation of the joint commitment to combat terrorism is of some help; but I propose to urge Mr Barry to go further. Article 9(a) of the Agreement already refers to the need to enhance cross-border co-operation on security matters, and envisages that there will be a programme of work undertaken by the two police forces which will cover, among other things, operational resources. I believe that we should echo this approach in the Communique - for example by saying that the Intergovernmental Conference will "give particular attention to the importance of continuing and enhanced co-operation, as envisaged in Article 9(a) of the Agreement, in the policing of border areas". I would also put Mr Barry on notice that we interpret improved co-operation between the Garda and the RUC as including questions of the resources needed

[There are risks in telling them we are going to say this. Why give them the chance to complain? Better just to say it]

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for a long-haul strategy against terrorism, and that we shall press the Irish hard about this in the Ministerial Conference. The Conference must not merely be a forum in which we listen to complaints from the Irish; we must make sure that they play their part in those areas of co-operation to which we attach particular importance.

5. In this connection I should also like to press them further on the Convention for the Suppression of Terrorism. We do not yet know whether Irish Ministers will accept the amendments to which Sir Robert Armstrong refers in his minute of 31 October. However, there is a further important point which has just emerged. At an earlier stage our officials suggested to the Irish that they should sign the Convention now (which is no more than a statement of intent to ratify in due course). They could then proceed to ratification in their own time. The Irish responded that the Convention was no longer open for signature, and they therefore suggested their alternative approach of indication that they would accede as soon as possible. However, we have now established that the Convention is in fact still open for signature. I feel strongly therefore that we should press the Irish to sign the Convention now, leaving parliamentary processes and ratification to follow later. The Unionists attach great importance to facilitating the extradition of suspected terrorists, and actual signature of the Convention would carry more weight than a reference in the Communique to an intention to accede to it. This will be especially so if our treaty with the USA on extradition falls because of Mr Haughey's latest intervention.

6. Symbols are of the utmost importance in Northern Ireland. Some of the phrases which might have taken on a symbolic importance and caused particular difficulty have now been removed from the draft texts. There will no doubt be criticism even of the limited references to the RUC and UDR in the Agreement and Communique; but I do not think that it can reasonably be argued that we are handing over the control of the security forces to Dublin. However, I have to say that the reference to mixed courts still bothers me, in spite of the much weaker formulation now

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used. I believe that it will significantly add to our problems in presentation, and that it may well boomerang on the Irish themselves. Having said that, I recognise that Geoffrey Howe feels strongly about this as an issue of good faith, and I accept that, in the final analysis, if the Irish insist, then we are obliged to leave it in. Nonetheless, I do feel that it is worth one further, and quite frank, word with Mr Barry to ensure that the Irish have thought it through and to check that they, on reflection, might not see it as in both our interests for the reference to be omitted.

7. The other item which I fear will take on a symbolic importance in Unionist eyes is the idea of having Irish officials working in Belfast as part of a Secretariat. This will be seen as, in Jim Molyneaux's words (coined, I suspect, by Enoch Powell) "a physical manifestation of an infringement of sovereignty". I understand that on 30 October Irish officials rejected our proposal that the first meeting of the Ministerial Conference should be held in London, with the Secretariat only coming into being in Belfast at a later meeting when the security situation permits. I intend to return to the charge with Mr Barry on this point, emphasising that a Secretariat in Belfast will provide a focus for physical attack and that officials' lives could be put at risk. I shall also go over with him our understanding of the role of the Secretariat. The fact that the Irish apparently intend to appoint a Deputy Secretary to lead their team in Belfast suggests to me that they are still some way from accepting our concept of the Secretariat as the servant of the Ministerial Conference, and that they mean it to develop into something more and possibly to secure some element of joint authority by the back door. Continuing ambiguity as to the precise role and standing of the Secretariat is all too likely to lead to friction and recrimination when the arrangements are put into effect.

8. I should also like to raise with Mr Barry one other point associated with the Agreement, which seems to have got lost sight of in recent discussions. One of our primary objects in seeking an Agreement was to bring the SDLP to play a sensible part in the

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Province and in particular to get them to participate in a system of devolved government. I hope that after an Agreement the SDLP will be more willing to discuss political development; but there is no prospect of their dropping their insistence on power-sharing - something that the Unionists, in the aftermath of an Agreement with Dublin, will be in no mood to concede. Thus, in the short term at least, we are unlikely to get any substantive progress towards the restoration of devolved government. In these circumstances we may have to set our sights lower and think in terms of the possible continuation of the Northern Ireland Assembly in its present limited role, so that there is some representative machinery to accompany a continuation of direct rule. I should like to explore with Mr Barry the extent to which the Irish Government would be prepared to put pressure on the SDLP to enter the Assembly, either as at present constituted, or after a new election in October 1986, even if it has to remain for the foreseeable future limited to a consultative and advisory role.

9. To sum up, in talking to Mr Barry I propose:

- He knows - no need to give extra warning*
- a. to warn him that after an Agreement the British Government will have to say clearly and without equivocation that Northern Ireland is part of the United Kingdom and will remain so while the majority wish it;
  - b. to emphasise the importance which we attach to cross-border security co-operation and to put him on notice that in the Ministerial Conference we shall be pressing the Irish hard not only for closer co-operation but for a sustained increase in the resources devoted to counter-terrorism;
  - c. to press the Irish Government to sign the European Convention on the Suppression of Terrorism, instead of merely stating their intention to accede;
- Yes - but do no trade on this - it has to come before Parliament*

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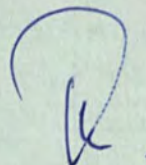
✓ d. to ensure that the Irish have fully thought through the implications of including the present weak reference to mixed courts;

✓ e. to rehearse the reasons why we believe that the first meeting of the Ministerial Conference should take place in London; why the Secretariat should not be established in Belfast until a later date; and why it should be kept to a low profile appropriate to its role;

✓ f. to explore the possibility of the Irish Government putting pressure on the SDLP to join the Assembly following an Anglo-Irish Agreement.

10. The Foreign Secretary and I will report the outcome of our meeting with Mr Barry in readiness for the meeting we are to have with you on Saturday 9 November.

11. I am copying this minute to the Foreign and Commonwealth Secretary and to Sir Robert Armstrong.



5 November 1985

T.K.

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