

NATIONAL ARCHIVES

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Northern Ireland

Taoiseach

1. The British and Irish delegations met in Chevening on 30th and 31st July and discussed -

- (1) The timing of a meeting between yourself and the British Prime Minister;
- (2) The text of the proposed agreement and of a Communique which might accompany it;
- (3) The implementing measures on -
 - (a) the RUC
 - (b) the Ulster Defence Regiment
 - (c) the courts
 - (d) sentence review;
- (5) Miscellaneous other matters.

2. On timing, the British gave a fairly detailed description of Cabinet discussions last Thursday on the proposed agreement. They said that there had been a clear decision to go forward to work for an agreement on the lines we have been discussing. Subsequently a member of the British delegation who had been at the Cabinet meeting said that all but one Minister present had been fully in favour of this line of action. There was, however, considerable fear of Unionist reaction. The general conclusion was that this would be negative but would be containable. This view was held but not with absolute conviction.

3. The Cabinet had the same view of political needs in regard to Parliament as we have in regard to the Dail, that is, that there must be a debate before action is taken under the agreement, including the holding of the first meeting of the [Commission]. They are very anxious to avoid recalling Parliament for the purpose of the debate. They say that this "may not be possible" in September. Even though there are risks, this, they say, would mean waiting for another month. Parliament will come back anyway on 21st October. They would envisage the debate taking place very shortly after that in both the Commons and the Dail. They regard it as essential that the voices of the two Parliaments be heard. The agreement would, in their present view, be entered into force on an exchange of notifications between the two Governments that it had been accepted. In other words it would be signed when the debate was over and the letters had been exchanged saying that each Government had accepted the proposals. The way would then open for the first meeting of the [Commission].

4. They regard it as extremely important to channel any Unionist reaction into Parliamentary fora and not into extra-Parliamentary activities. For this reason they strongly argue for the debate in the Commons to be very soon after signing. Their reasons for wishing to avoid recalling Parliament are -

- (1) They do not wish to heighten the drama unnecessarily;
- (2) They think that the extra hype that this would give could only be damaging and heighten Unionist apprehensions;
- (3) That if there were a recall in or about mid to late September this would be before the Labour Party Conference.

5. They would, in fact, find it impossible to recall for one or two days but would inevitably be drawn into a three or four day session, if not longer. This they regard as highly undesirable, purely in domestic Parliamentary terms. They say that all this leads to the conclusion that the signing should be after or near 21st October. The Prime Minister will be at the Commonwealth Conference in the Bahamas and will be coming back on the night of 22nd October.

6. The Cabinet did not like the description of the new body as a Commission and would prefer the word "Committee".

7. We argued strongly that commentaries by political figures and by the media, following deliberate or inadvertent leaks would make the possibility of holding an agreement for the next two or three months unthinkable. The British side are very much seized of our views on these dangers. They say there is a balance to be considered - and they are doing this. My personal expectation is, however, that they will conclude that October is the best practicable timing for the meeting. We will find it very hard to shift them off this. There is for example, no Cabinet meeting scheduled for the month of August.

8. We put on record our strong views as to the possibilities for organisation of splinter or opposing groups which the delay would provide. We instanced the new Unionist Federation. The British do not, however, appear to regard these threats as being very serious. They described this particular body as being a very loose-type of organisation.

9. On the text of the agreement the British agreed -

- (1) to the deletion of the word "combat" on page 2, as being too aggressive, and the insertion of alternative phraseology;
- (2) the insertion of a further phrase on page 7 to the effect that when questions of social or economic policy or cooperation are being discussed the Ministers may be accompanied by officials from the relevant Departments;
- (3) the insertion of a change on page 10, referring "a Bill of Rights in some form" for the present phraseology;
- (4) to an appropriate reference to the Police Authority on page 14;

- (5) to a drafting change on pages 16 and 17 to make the references to the Chief Constable and the Commissioner of the Garda Siochana comparable;
 - (6) to the omission of the side headings under the generic heading "Cross Border Cooperation" which will now read "Cross Border Cooperation - Security, Economic Social and Cultural Matters"
10. There will be certain other drafting changes in the legal text.
 11. On the Fund, it was agreed that both sides should consider the text of a message from you and the Prime Minister to President Reagan setting out what was intended and what is required, as a preliminary to a visit to Washington by joint emissaries, sometime in September.
 12. The basic approach will be that the Trust should be administered by trustees appointed by the two Governments, with, perhaps an American representative as well; that the Trust should act independently of the Governments; and that the projects on which the money should be spent should have economic worth. The essential point, on which both sides agreed, was that an American statement of support, with an indication of the magnitudes of the Fund involved, would be an extremely important part of the agreement.
 13. On the RUC, the British indicated their intention of going ahead with the proposed Code of Conduct, applicable, in a disciplinary sense, to individual members of the force. We asked that a copy of the part of the Code dealing with the question of respect for the different identities and traditions in Northern Ireland be provided. The British agreed.
 14. On the UDR, the British said that there was no intention of increasing the size of this force as a proportion of the total army in Northern Ireland. They propose certain measures in the field of training and that there should be an increase in the number of non-commissioned officers. We emphasised the extreme importance of changes in this force, to obtain nationalist acceptance of the agreement as a whole - in particular, the need to deploy the force sensitively and to ensure that it acts in support of the civil power.
 15. On the Courts, we summarised the discussion between the Attorneys General, as we have understood it. We said that it was essential that the technical or legal difficulties be investigated. So far as we could see, these did not seem to be an obstacle to the sort of proposals we were making. We emphasised again how essential it was that there should be agreement to a mixed court either immediately on the agreement, or within a defined period afterwards. The British are still slow on this - but have agreed that the two Attorneys should discuss the matter further with colleagues to see what further progress can be made in this particular area. The British are suggesting, anyway, a system of judicial conferences and also arrangements to bring the Bar, North and South, more closely together.

16. On sentence review, they are inclined to omit references from this from the Communique and to make a statement in the Commons on the lines of the text they have already handed over. Mr Ward suggested an amendment to this text which was accepted.

17. On all these matters - the RUC, UDR, the Courts and sentence review - the British have agreed to give us a non-paper setting out what precisely it is that they propose to do. This will be fairly close to what is summarised in this note.

18. It now looks as if the scenario will be -

- (1) signing of agreement;
- (2) issue with it of a Communique on the lines of the drafts now available;
- (3) debate in Dail and in Commons;
- (4) first meeting of the [Commission] -

all of these taking place within a very short space of time. If the agreement is to go ahead, careful consideration will have to be given as to what is to be said at each stage.

19. Work is now going ahead on -

- (1) the text of a composite Communique to accompany the agreement;
- (2) the tidying-up of the legal text of the agreement;
- (3) a British non-paper summarising what they propose to do on the implementing measures;
- (4) a draft letter to President Reagan, apprising him of intentions.

20. A copy of the latest British passage of a Communique is attached to this note.

Ad

31st July 1985

c.c.: Tanaiste,
Minister for Foreign Affairs,
Minister for Justice,
Attorney General

Ambassador Dorr and Messrs Ward, Donlon Lillis and Quigley