

NATIONAL ARCHIVES

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SECRET AND PERSONAL

Northern Ireland

Taoiseach

The British and Irish delegations met on Sunday and Monday and either in plenary or smaller groups discussed -

- (1) timing and venue;
- (2) the Secretariat and [Commission];
- (3) the Fund;
- (4) extradition/courts;
- (5) prisons policy;
- (6) UDR;
- (7) task forces;
- (8) texts; and
- (9) presentation.

Timing and Venue

I will talk to you separately on this.

Secretariat/[Commission]

The British argued, with some force, that the Secretariat and the initial meetings should be located elsewhere than in Belfast. We said that we appreciated the risks and difficulties but that initial meetings and a Secretariat elsewhere than in Belfast just were not on. They seemed to accept now that the role of the Secretariat would be more or less as we have envisaged it i.e. management of meetings; communication, at the highest levels, with the different departments and agencies; and the resolution of differences, insofar as this is possible. The formal decisions of the Committee would, of course, be for Ministers. It appears to be generally accepted now that the Secretariat would, in the beginning, at any rate, be a small number of posts, so as to minimise security problems, without detriment to its effectiveness.

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Fund

Sean Donlon reviewed the outcome of his visit to New York where, he said, only Speaker O'Neill had been given a sort of "detailed broad brush" description of what was happening. The Speaker did not appear to see any great difficulty either on the idea of American support or of money but the view was expressed elsewhere that he was unlikely to get the figure of \$1 billion which had been mentioned. The figure of \$250 million - as for Cyprus - seems to be floating. There is agreement that this might be provided by way of continuing resolution. We may be able to speak of \$250 million a year (rather than a once-off capital sum of that amount) but this is, of course, by no means certain. The relevant session of Congress ends about 25th November. It would be necessary for timetable purposes to have definite word with them by 18th November, at the latest, with reasonably firm indications that an Agreement is likely not later than 18th/20th October.

Extradition/Courts

The progress of the current hearings on the proposed Extradition Treaty between the US and the UK was reviewed - mention being made of the sort of reverberations which this was causing and was likely to continue to cause here. The British said that the decision not to announce the intention to ratify the Convention, as part of the arrangements for the proposed Agreement, had "gone down big with British Ministers". This represented a very considerable change of ground. It "changed the balance of the package". In our presentation the question had been associated with the question of mixed courts. The British had never, in the negotiations, indicated that mixed courts were on. An indication that they were not on should not, therefore, have affected the Irish undertaking to ratify the Convention which had been made unconditionally. The undertaking had been a major consideration for British Ministers, in their developing strategy for dealing with the Unionists. The British asked if the revocation of the decision had to stick. It was an extremely serious change in the position as they had understood it.

We argued that the decision had not been taken lightly or from pique at the now reasonably clear British position that little or no real movement was possible on the mixed courts. The decision was taken because of the assessment here that it would be difficult, if not impossible, to get through the Dail, legislation to formalise further standards and procedures for extraditing persons to a court

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system in which, as a result of the Agreement or otherwise, no worthwhile change was proposed or in contemplation. This was not simply a reflection of the sort of opposition which was building up in America as a result of British actions on the Extradition Treaty there - which could not have come at a worse time - or of the way in which recent cases, like that of McGlinchey, had been handled. It was simply a reading of the likely domestic mood. The Government here wanted to ratify the Convention but were taking a realistic view of the possibilities. There would seem to be some possibilities in a form of parallelism, without conditionality. In other words, if something happened in relation to the Northern courts which was judged here to be of sufficient substance like, for example, a fully blown mixed courts system - then it was quite possible that the whole situation on the Convention would change; and the possibility was that the Government could find themselves in a position to ratify.

An attempt is made to describe this position in the revised paragraph 9 of the draft communique which would now read somewhat as follows:-

"In its discussion of the improvement of cross-border co-operation on security and legal matters, the meeting of the Intergovernmental /Commission/ will consider how the two Governments can most effectively implement their joint commitment to combat terrorism, giving particular attention to: the policing of border areas: measures to improve the confidence of the minority community in Northern Ireland in the administration of justice, considering inter alia the possibility of introducing in both jurisdictions mixed courts for the trial of certain offences: and the arrangements for extradition and extra territorial jurisdiction /policy aspects of extradition and extra territorial jurisdiction/, considering inter alia the possibility of Irish accession to the European Convention of the Suppression of Terrorism."

Both sides agreed that the present position should be carefully and specifically brought to the attention of Ministers.

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Prisons Policy

Mr Ward made three points, as outlined in his earlier note, on the use of the words "overriding", "real" (for which something like "substantial" or "major" might be substituted) and the specification of a period (which should not be excessive) during which violence was seen to drop to a very low level or cease altogether. These points have been taken on board by the British, who still have some hesitation on the word "overriding".

UDR

The British gave us, without commitment, a paper on military deployments in Northern Ireland, which is attached to this note. In brief, they say they are speeding up implementation of the policy of including a police presence in operations involving contact with the public; making limited adjustments in military deployments; and circumscribing the military power of arrest.

They are also taking a number of steps in relation to training, which they say, should reduce objections to part-timers in the force. We said that the more that could be done in this area, the better for the Agreement. The UDR was the abrasive edge of Unionism in many areas in Northern Ireland and its operations caused continuing hassle and resentment in those areas.

Task Forces etc.

At a restricted meeting involving only Armstrong, Andrew, Stephens, Ward and the undersigned, the size of the extra security effort being made, in terms of personnel, finance, and equipment, was mentioned in broad detail with an indication that this type of deployment would continue at least until Christmas and would then be reviewed in the light of the situation then obtaining. The British side expressed appreciation of the size of the effort. It was agreed that work would be done by the Irish side on a text to be used by the British in describing what is happening - as a form of assurance to the Unionists.

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Texts

In the Agreement the British asked that in Article 7 the reference "(e.g. parades and processions)" should be deleted. They fear that specific references of this sort in the aftermath of Portadown, could be too much for Unionist susceptibilities. They said that they would have no objection to this sort of reference being made by the Taoiseach, in explaining the text, at or about the time of an Agreement, by way of gloss. We said that we could not agree then to the omission but would bring the matter back for consideration - particularly in the knowledge that comments on the Agreements could contain specific reference to parades and processions, etc.

The British also suggested changes in Article 7(c) which now reads:-

"The two Governments agree that there is a need for a programme of special measures in Northern Ireland to improve relations between the security forces and the community with the object in particular of making the security forces more readily accepted by the Nationalist community. Such a programme shall be developed, for the [Committee's] consideration, and may include the establishment of",

continuing, as in the present text, with drafting changes.

In Article 5(c) the reference "where the interests of the minority community are significantly and especially affected" is now changed by the substitution of "or" for "and".

Article 6 is now changed to bring from Article 7(c) the reference to the Police Authority and to read:-

"The [Committee] shall be a framework within which the Irish Government may put forward views and proposals on the role and composition of bodies appointed by the Secretary of State for Northern Ireland including"

Article 12 now reads:

"It will be for Parliamentary decision in Westminster and in Dublin whether to establish an Anglo-Irish Parliamentary body of the kind adumbrated in the Anglo-Irish Studies Report of November 1981. The two Government agreed that they would give support as appropriate to such a body, if it were to be established."

In other words, the Article now contains a positive promise of support from the Governments should parliaments decide to establish this body.

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Presentation

There was considerable discussion on an outline timetable prepared by the British, with emphasis on the need not to brief too widely particularly in the US and the Community, too far in advance of an Agreement. The British proposal that Ministers brief a very few selected media editors on the day before the Agreement was strongly questioned. Their intention is that they should speak to the editors of the Times, Guardian, Telegraph, and Financial Times. Comment was made that this group omitted altogether people in Belfast and that if the British were to do this, word would be out in Dublin, London, Belfast and everywhere else a long time before the two Prime Ministers met. It was indicated also that if the British briefed in this way we would have no option but to do likewise.

A number of questions (and answers) prepared by both the Irish and British sides were discussed briefly. It was agreed that an attempt should be made to concentrate on four or five major headings, on which each side anticipated particularly hard questions. A sample list is:

- (1) status of Northern Ireland (is the Irish Government now recognising Northern Ireland as being de jure part of the United Kingdom?);
- (2) extradition/courts (how can the Irish Government continue extradition arrangements for courts in which they have said they have no confidence?);
- (3) UDR/RUC (the package of "reforms" is altogether insufficient!);
- (4) "consultative" (the Irish Government is accepting an Agreement which purports to give it a right to put forward its views on Northern Ireland. It has this right anyway! And it is beefing up security, at great cost to the taxpayer, to get this right!);
- (5) NATO (is American money buying Irish neutrality?);
- (6) sovereignty (no matter what is said, the Agreement infringes sovereignty!);
- (7) process/progress (the Agreement is not final. It is a step on the way to Irish unity!).

A small group is working on a reducing process for these questions and answers in the hope of producing a composite text after the next full meeting of the group, due next Monday night/Tuesday.

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General

I should like to speak to you about the position if court action is taken to question the legality of the Agreement before the Dail debate.

The British cabinet will not now be deciding, as had originally been intended, at their meeting on 3 October. A date has not yet been fixed for the decision.

1 October 1985

Copies to:

Tanaiste
Minister for Foreign Affairs
Minister for Justice
Attorney General

Ambassador Dorr
Messrs Ward, Donlon, Lillis
and Quigley.