

NATIONAL ARCHIVES

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Uimhir.....

SECRET & PERSONAL

Northern Ireland

Taoiseach

The meeting in Barretstown on 21st. and 22nd July between the British and Irish delegations was concerned with -

- (1) the Fund,
- (2) the RUC,
- (3) the UDR,
- (4) the courts,
- (5) the documentation handed over by the British i.e. a draft agreement, in legal language, a draft passage for a communique, suggestions for a British public line on an agreement and a note on release of prisoners convicted of terrorist offences in Northern Ireland.

This is a summary of the discussions. Ambassador Dorr's fuller note will follow.

On the Fund, Mr Donlon summarised the outcome of his recent visit to the United States where he met Speaker O'Neill, Senator Kennedy, Bill Clarke, and Richard Burt as well as aides. The conclusions emerging are -

- (1) the principle of a Fund is apparently accepted, with questions remaining as to its amount (\$250million to \$1 billion?) and as to how to have the money transferred from Washington to Ireland. The precedent of Cyprus, for which \$250 million have been provided by the U.S. for a reconstruction fund, for projects approved of by the President, is cited;
- (2) if a Fund is to go ahead, we will need to develop criteria by which its distribution is to be governed - or alternatively some idea of the projects on which it is to be spent. The Americans, as well as the British and ourselves are, naturally, interested in this. The British are sensitive to the idea that American money could be seen as bribe to achieve agreement. We have emphasised that the moral support of the American Congress and administration for an agreement is the prime factor: any money would be part of that moral backing;

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- (3) it would be extremely important in working for a Fund to ensure that the proposal does not give rise to conflict between Congress and administration - or Reagan and Kennedy/O'Neill, etc.;
- (4) the timing of any statement by the Americans will need consideration. The Americans may be thinking of a statement after Dail ratification. We believe that it should preferably come, if it is to be made, as soon as any agreement is signed;
- (5) the procedures for disbursement should as far as possible avoid the necessity for annual review or periodic checking by House committees - a continuing resolution would appear to be what is required;
- (6) a reply will have to be considered to the American question of how much the Governments would be contributing to any Fund. Both sides were negative on this.

There was some brief discussion on the question of joint follow-up with the American administration and of EEC involvement.

Following this, there was some brief discussion of UDR and of the main topics likely to arise on the following day. The British papers were handed over at this point - approximately 12 midnight.

During the discussion on the RUC, on the following morning we stressed again the concern that it should be legitimate to be a nationalist and at the same time to be able to support the RUC. In return, there must be a plain and open readiness to respect and recognise and safeguard the rights of both unionist and nationalist communities, on the part of the RUC. There is agreement that the proposed code of conduct, to apply and to be seen to apply to each member of the force individually, should cover this point, and be seen to do so, in that it could be used evidentially in any disciplinary action, in relation to the everyday work of the RUC.

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On the UDR, we stressed again the need for more radical change than the British appear to have been contemplating - particularly that the force should be deployed only in support of the civil power and in unionist areas or in areas - like the Border - where the unionist community is seen to be under extreme threat. The British are contemplating -

- (1) improvement in training;
- (2) possibly the application of a code of conduct incorporating appropriate elements from the proposed police code;
- (3) an improved complaints procedure;
- (4) something on part-timers - though not the elimination of this element in the force - because of the extreme increase in cost likely to be involved; and
- (5) moving totally towards the force's acting only in aid of the civil power, as in a normal democracy, depending on the needs of the security situation.

They appeared to consider, perhaps favourably, our suggestion on territorial redeployment - so as to move the UDR out of the most sensitive nationalist areas and allow policing there to be the responsibility of the RUC (with a full time army, if necessary).

On the courts, we repeated your strong emphasis, as in Milan, on the necessity for either the setting up of the courts at the time of the agreement or a firm commitment to do so within a limited time afterwards. The British side stressed, again, the difficulties. They came forward with a suggestion for substantially increasing the contact between the legal professions in the two parts of Ireland, which we described as less than minimal. Their basic difficulty is that they do not know if the judges will work the system and, even if they did, whether it would, in fact, enhance confidence on the part of the minority in the system. They say that even if a judge from our jurisdiction sat on the bench in Northern cases, the argument would be made that he had been persistently over-ruled and that his presence there did not, in fact, mean anything. They came up with a suggestion for joint judicial conferences which we said was insufficient. They said that they were willing to pursue the difficulties, at other levels and that their Attorney General had been "jacked up" to expect an approach from our Attorney, which had not yet been made. If they are to know whether the system can or cannot work, with legal advice on the point, they say that they must have this parallel investigation made.

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On the texts, which we looked at following these discussions on substance, we emphasised the basic necessity, so far as we were concerned, to end alienation or estrangement from the security forces and the judicial system, on the part of the minority. The documents did not appear to address this point at all. They were concerned almost exclusively with security. Much of this was, admittedly, concerned with relations between the community and the security forces in the North but the overall impression was overwhelmingly that the whole arrangement was aimed simply and solely at improving the security situation in Northern Ireland. That, so far as we were concerned, was a totally unacceptable approach. The British side agreed to withdraw the documents and redraft them - letting us have copies by tomorrow.

Other actions required are -

- (1) the preparation of an Irish text on presentation of the agreement, if there is one;
- (2) the drawing up of a message to President Reagan (and Speaker O'Neill?) from the Taoiseach, on the question of the Fund;
- (3) consideration of early approaches by the Attorney to his British counterpart. (We have emphasised that the whole agreement is still ad referendum and that it could break on any point, including the RUC, the UDR, the courts, or anything else.);
- (4) detailed work on the criteria or projects to qualify for Fund disbursements.

Further consideration will also have to be given to the question of -

- (1) venue. Without ruling it out, we have told the British that we are not too keen on the idea of a two place signing;-
- (2) timing of any Summit. The British indicated strongly that their Ministers were not in favour of an early recall of the Commons, which will be due to re-assemble on 28th October. They will not hold the first meeting of the commission/committee until after the agreement, if any, has been debated in the Commons.

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The next meeting of the group is fixed, tentatively,
for Tuesday and Wednesday next, 30th/31st July.

SM

23 July 1985

Copy to:

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| (1) Tanaiste | Ambassador Dorr and |
| (2) Minister for Foreign Affairs | Messrs Ward, Donlon, |
| | Lillis and Quigley. |
| (3) Minister for Justice | |
| (4) Attorney General | |