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PREM 19/1552

**SECRET**

Confidential Filing

Meetings with the Taoiseach

Anglo-Irish Summit.

Anglo-Irish Relations.

IRELAND

Part I: May 1979

Part II: November 1980

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
<del>7.11.85</del>							
<del>8.11.85</del>							
<del>9.11.85</del>							
<del>11.11.85</del>							
<del>12.11.85</del>							
<del>13.11.85</del>							
<del>14.11.85</del>							
PREM 19/1552							
ENDS							

PART 11 ends:-

cc(85) 32<sup>nd</sup> item 3 14.11.85

PART 12 begins:-

Pm to Mr Utley 15.11.85

TO BE RETAINED AS TOP ENCLOSURE

**Cabinet / Cabinet Committee Documents**

Reference	Date
CC(85) 32 <sup>nd</sup> Meeting, item 3	14/11/1985
CC(85) 31 <sup>st</sup> Meeting, item 3	07/11/1985

The documents listed above, which were enclosed on this file, have been removed and destroyed. Such documents are the responsibility of the Cabinet Office. When released they are available in the appropriate CAB (CABINET OFFICE) CLASSES

Signed J. Gray

Date 20/5/2014

PREM Records Team

Prime Minister  
This is the text of  
the statement which  
Brecher Reagan intends  
to issue.

COP  
14/11  
mf

SECRET  
FM WASHINGTON  
TO FLASH FCO  
TELNO 3144  
OF 142015Z NOVEMBER 85

FOLLOWING FOR BARRIE, RID FROM JENKINS  
OUR TELECON

1. FOLLOWING IS TEXT BEING SUBMITTED TO THE PRESIDENT FOR HIS STATEMENT, THE PROPOSED TIMING OF WHICH YOU KNOW. SPEAKER O'NEILL WILL APPEAR WITH THE PRESIDENT AND MAKE SOME REMARKS AFTER THE PRESIDENT HAS SPOKEN. THESE ARE LIKELY TO BE IN A SIMILAR VEIN TO THE REMARKS OF THE PRESIDENT.

2. TEXT BEGINS: I AM DELIGHTED TO JOIN WITH SPEAKER O'NEILL IN WELCOMING THE IMPORTANT ANGLO-IRISH ACCORD ANNOUNCED TODAY BY MRS THATCHER AND DR FITZGERALD. WE APPLAUD ITS PROMISE OF PEACE AND A NEW DAWN FOR THE TROUBLED COMMUNITIES OF NORTHERN IRELAND. I WISH TO CONGRATULATE MY TWO GOOD FRIENDS -- AND OUTSTANDING PRIME MINISTERS -- WHO HAVE DEMONSTRATED SUCH STATESMANSHIP, VISION AND COURAGE.

THE PEOPLES OF THE UNITED KINGDOM AND OF IRELAND HAVE MADE A GREAT CONTRIBUTION TO THE POLITICAL AND INTELLECTUAL HERITAGE OF THE UNITED STATES AND TO OUR ECONOMIC AND SOCIAL DEVELOPMENT. WE ARE PARTICULARLY PLEASED THAT THESE TWO NEIGHBORS, FAITHFUL FRIENDS OF AMERICA, SO CLOSE TO THE UNITED STATES IN THEIR TIES OF HISTORY, KINSHIP AND COMMITMENT TO DEMOCRATIC VALUES, HAVE JOINED ON A COMMON CAUSEWAY TOWARD HOPE AND HARMONY IN NORTHERN IRELAND. ALL AMERICANS -- AND ABOVE ALL THOSE OF IRISH DESCENT WHO HAVE PRAYED FOR AN END TO VIOLENCE IN THE LAND OF THEIR ANCESTRY -- CAN TAKE PRIDE IN THIS ACHIEVEMENT.

WE VIEW THIS AGREEMENT AS A CLEAR DEMONSTRATION OF BRITISH AND IRISH DETERMINATION TO MAKE PROGRESS CONCERNING NORTHERN IRELAND AND IN RELATIONS BETWEEN THE UNITED KINGDOM AND IRELAND. GIVEN THE COMPLEX SITUATION IN NORTHERN IRELAND, ALL MAY NOT APPLAUD THIS AGREEMENT. BUT LET ME STATE THAT THE UNITED STATES STRONGLY SUPPORTS THIS INITIATIVE, WHICH PLEDGES TO BOTH COMMUNITIES IN NORTHERN IRELAND RESPECT FOR THEIR RIGHTS AND TRADITIONS, WITHIN A SOCIETY FREE FROM VIOLENCE AND INTIMIDATION.

ON A NUMBER OF OCCASIONS WE HAVE JOINED THE IRISH AND BRITISH GOVERNMENTS IN CONDEMNING VIOLENCE AND DISCORD IN NORTHERN IRELAND AND CALLING ON ALL AMERICANS NOT TO ASSIST, EITHER WITH MONEY OR MORAL SUPPORT, THOSE MISGUIDED EFFORTS THAT PROLONG THE NIGHTMARE OF TERRORISM AND HATRED. OUR CALL IS EVEN MORE COMPELLING NOW THAT A FRAMEWORK FOR PEACE HAS BEEN AGREED UPON. I WISH TO RECONFIRM AND REINFORCE OUR OPPOSITION TO TERRORISM WHEREVER IT MAY TAKE PLACE.

NOW THAT A FRAME WORK HAS BEEN ESTABLISHED, THE WORK OF CONSTRUCTING A DURABLE PEACE MUST PROCEED. THIS WILL INVOLVE REBUILDING WHAT HAS BEEN DESTROYED BY HATRED AND VIOLENCE AND GIVING HOPE TO THOSE WHO HAVE BEEN TEMPTED BY DESPAIR. WE HAVE OFTEN ENCOURAGED AMERICANS TO LET THEIR FOREIGN INVESTMENTS AND VACATION DOLLARS, AND THE EMPLOYMENT OPPORTUNITIES THAT ACCOMPANY SUCH SPENDING, FIND THEIR WAY TO THE EMERALD ISLE. SUCH AN APPROACH PLAYS A CONSTRUCTIVE ROLE IN PROMOTING PEACEFUL CHANGE. IN THIS REGARD, I AM PLEASED TO NOTE THAT NORTHERN IRELAND ENTERPRISES IN WHICH AMERICAN MONEY IS INVOLVED ARE AMONG THE MOST HEALTHY COMMERCIAL ENTITIES AND THE MOST PROGRESSIVE IN PROMOTING EQUAL OPPORTUNITY FOR ALL.

BOTH THE BRITISH AND IRISH GOVERNMENTS HAVE PLEDGED THEIR COOPERATION IN PROMOTING THE ECONOMIC AND SOCIAL DEVELOPMENT OF THOSE AREAS, IN BOTH PARTS OF IRELAND, WHICH HAVE SUFFERED FROM THE INSTABILITY OF RECENT YEARS. IT IS ENTIRELY FITTING THAT THE UNITED STATES AND OTHER GOVERNMENTS JOIN THIS IMPORTANT ENDEAVOR. AS PRESIDENT CARTER SAID ON AUGUST 30, 1977, IN THE EVENT OF A SETTLEMENT, THE US GOVERNMENT WOULD BE PREPARED TO JOIN WITH OTHERS TO SEE HOW ADDITIONAL JOB-CREATING INVESTMENT COULD BE ENCOURAGED, TO THE BENEFIT OF ALL THE PEOPLE OF NORTHERN IRELAND.

THERE ARE MANY IN CONGRESS WHO HAVE DEMONSTRATED THEIR CONCERN ABOUT NORTHERN IRELAND. AND I WILL BE WORKING CLOSELY WITH THE CONGRESS IN A BIPARTISAN EFFORT TO FIND TANGIBLE WAYS FOR THE UNITED STATES TO LEND PRACTICAL SUPPORT TO THIS IMPORTANT AGREEMENT. THE SPEAKER -- WHO HAS KINDLY JOINED ME AT THE WHITE HOUSE TODAY -- AND I HAVE ALREADY DISCUSSED POSSIBLE WAYS FOR THE UNITED STATES TO ASSIST IN PROMOTING THE WORTHY OBJECTIVE OF PEACE, FRIENDSHIP AND HARMONY BETWEEN THE TWO GREAT IRISH TRADITIONS. IN CLOSING, PERMIT ME TO UNDERSCORE OUR HEARTFELT SUPPORT FOR THIS COURAGEOUS AND DETERMINED EFFORT TO PROMOTE PEACE AND RECONCILIATION IN NORTHERN IRELAND. TEXT ENDS.

WRIGHT

YYYY

PRIME MINISTER

Julie,  
Copy of COP's  
note to PM tonight  
SUE  
14/11.

GUIDE TO THE AGREEMENT

You may find it helpful to have a quick guide to the Agreement.

Preamble

- develop co-operation
- diminish divisions and achieve lasting peace and stability
- reconcile the two major traditions
- total rejection of violence
- freedom from discrimination and intolerance.

Article 1

Deals with the status of Northern Ireland.

Article 2

Sets up the Intergovernmental Conference to deal with political matters, security, legal matters and cross-border co-operation. Some of the matters will involve action in both parts of Ireland.

The Irish Government can put forward views and proposals. Determined efforts will be made to resolve differences. But there is no derogation of sovereignty. Each government retains responsibility for decisions and administration of government.

Article 3

Mechanics of the Intergovernmental Conference. Establishment of a Secretariat to service it on a continuing basis.

Article 4

The Conference as the framework for Anglo-Irish co-operation for peace, stability and prosperity.

The goal of bringing about devolution in Northern Ireland.

Article 5

The political issues with which the Conference may concern itself: measures to foster the cultural heritage, changes in electoral arrangements, use of flags and emblems, avoidance of discrimination, possible Bill of Rights.

Article 6

Provides for the Irish Government to put forward views and proposals on appointments to public bodies.

Article 7

Deals with security and consideration by the Conference of measures to improve relations between the security forces and the community.

Article 8

Deals with legal matters. The importance of public confidence in the administration of justice. The possibility of mixed courts.

Article 9

Deals with cross-border co-operation on economic, social and cultural matters.



Article 10

States the aim of economic and social development and co-operation to achieve it.

Article 11

is the review clause, providing for review after three years or earlier if either side requests it.

Article 12

<sup>umb</sup>Administ~~r~~ates the possibility of a joint parliamentary body.

Article 13

Says the agreement enters into force when both sides exchange notifications (i.e. after parliamentary approval).

SECRET

FM WASHINGTON

TO FLASH FCO

TELNO 3144

OF 142015Z NOVEMBER 85

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WRIGHT

YYYY



EOP 12/11/85

FCS/85/297CHIEF SECRETARY TO THE TREASURYAnglo-Irish Talks: An International Fund

1. I have seen Tom King's letter to you of 11 November.
2. My own experience in the Treasury gave me an insight into the size of the resource flows to Northern Ireland to which you rightly draw attention. This reinforces the importance of the Anglo-Irish agreement to which you also refer.
3. It is in just those circumstances that Tom is right to argue that any overseas contribution to a Fund, if we are to secure one, simply has to be seen to be "additional" both at its inception and for the duration of the Fund.
4. I am sending copies of this minute to the Prime Minister, members of OD(I) and to Robert Armstrong.

(GEOFFREY HOWE)

Foreign &amp; Commonwealth Office

14 November 1985

Relatris : IRELAND P+11



SECRET AND PERSONAL

49



Treasury Chambers, Parliament Street, SW1P 3AG

The Rt Hon Tom King MP  
Secretary of State  
Northern Ireland Office  
Whitehall  
London  
SW1A 2AU

*CDP 15/11/85*

14 November 1985

*Dear Tom,***ANGLO-IRISH TALKS: AN INTERNATIONAL FUND**

Thank you for your letter of 11 November.

I am afraid that I cannot retract what I said before. I do not see how, over time, the existence of a large Fund and the completion of particular projects as a result of the additional finance can simply be ignored in discussions on the size of your block in the case of PES discussions in future years. In considering your overall need for public expenditure, Chief Secretaries are bound to take account of other ways in which that overall need is being met. That in no way precludes your assuring the Americans, and others, that their Fund is to be spent on projects additional to any currently, or prospectively, funded from your block.

I am sending copies of this letter to the Prime Minister, Members of OD(I), and Sir Robert Armstrong.

*Yours ever,*  
*JM*

JOHN MacGREGOR

SECRET AND PERSONAL

Relatris : IRELAND

Pt II.





10 DOWNING STREET

*From the Private Secretary*

Prime Minister

Anglo-Irish Summit

These are all the main  
papers which you will need.

CDP 14/11



SECRET

From: THE PRIVATE SECRETARY

PERSONAL

48



NORTHERN IRELAND OFFICE

WHITEHALL

LONDON SW1A 2AZ

C D Powell  
10 Dowing Street  
London  
SW1

CDP

14<sup>th</sup> November 1985

Dear Charles,

SUPPLEMENTARIES FOR THE PM'S STATEMENT

Folder  
attached  
to file.  
Pt 12

I attach supplementaries for the Prime Minister's use when she makes her statement next Monday 18 November. They are largely the same as those submitted by Mr Mallaby to you on 7 November, with some additions to meet further points. We suspect that new questions will be thrown up by events and we stand ready to provide any new supplementaries that may be required.

I am copying this letter to Len Appleyard and Michael Stark.

Yours Sincerely  
Neil Ward.

N D WARD

SECRET

PERSONAL

KL

PRIME MINISTER

ANGLO-IRISH SUMMIT: PRESS CONFERENCE

I attach:

- A. Bernard's Notes about the Press Conference.
- B. The draft of your opening statement.
- C. Answers to questions about the status of Northern Ireland.
- D. Your line to the Taoiseach on Mixed Courts.
- E. A line to take - if you can - on the Northern Ireland Judiciary.
- F. The Taoiseach's opening statement.

Bull points are:

*On behalf of U.K.I.C*

(i) *I* You went into this Agreement because ~~you were~~ <sup>I was</sup> not prepared to tolerate a situation of continuing ~~loss of life and despair.~~ *violence.* You want to offer hope, to young people particularly, that the cycle of violence and conflict can be broken. ~~This reflects the sentiments of the Forum Report.~~

(ii) Of course you do not claim to be solving the Northern Ireland problem. You are trying to make a contribution to a better future for Northern Ireland. *A way forward.*

(iii) ~~Nothing in the Agreement affects the status of Northern Ireland as part of the United Kingdom or in any way diminishes our sovereignty.~~ *I* we believe in the Union and it will last as long as the majority so wish. ~~You recognise that the Taoiseach has a different starting point.~~

*The legitimacy of the Unionist position has been reaffirmed by the British via formal statements.*

(iv) The Agreement offers <sup>steady</sup> systematic co-operation between the United Kingdom and the Republic. The Agreement is only partly about Northern Ireland: it is also more widely about relations between the United Kingdom as a whole and the Republic.

(v) There is nothing new in the fact that the Republic has views, opinions and proposals to offer about the North. What do they think you and the Taoiseach talk about? We acknowledge the reality of this, and the Intergovernmental Conference provides a ~~more systematic~~ <sup>regular</sup> means for those views and proposals to be put forward. The United Kingdom will discuss them, try to reach agreement in good faith - but will in the end decide.

(vi) Co-operation in the Intergovernmental Conference is a two-way street. We shall wish to pursue matters affecting the Republic in the interests of the people of Northern Ireland, for instance improved security co-operation and economic co-operation. The spirit of the Agreement is not one of <sup>each</sup> ~~them~~ interfering in <sup>the other's</sup> ~~our~~ affairs: it is both sides working together on problems which affect both the North and the Republic.

(vii) The Agreement is a positive incentive to devolved government in Northern Ireland, because if a system of devolved government acceptable to both communities can be devised, then the matters with which the devolved government deals will be taken out of the hands of the Intergovernmental Conference. We shall be doing our utmost to achieve that devolved government.

~~(viii) You are determined to make the Agreement work effectively. [But prudently both sides have made provision for review of how the Agreement functions in practice.]~~

Charles Powell  
14 November 1985

C.D.D  
I say to the people of Northern Ireland: take the opportunity which this agreement gives you.

Draft Opening Statement for the Prime Minister at the  
Press Conference following an Anglo-Irish Summit

*30 June* Dr FitzGerald and I have today signed an *a Summit*  
Agreement which *symbolizes the way ahead* marks a significant step forward in  
relations between our two countries and towards peace  
and reconciliation in Northern Ireland.

2. The Agreement has three main elements:

- A Preamble in which ~~various important~~  
principles, including <sup>us</sup> our total rejection of  
violence and our recognition of the validity of  
both traditions in Northern Ireland, ~~are set~~  
~~out.~~
- An Article in which the two Governments affirm  
that any change in the status of Northern  
Ireland would only come about with the consent  
of a majority of the people of Northern Ireland;  
recognise that the present wish of a majority is  
for no change; and declare that, if in the  
future a majority formally consent to a united  
Ireland, the two Governments will support  
legislation accordingly.

- Articles establishing, ~~within the framework of the Anglo-Irish Intergovernmental Council~~, a new Intergovernmental Conference concerned both with Northern Ireland and with relations between the two parts of Ireland. The Irish Republic will be able to put forward views and proposals in the Conference on stated aspects of Northern Ireland affairs; and determined efforts will be made to resolve any differences. *We shall do*  
*The Conference*  
*will also deal with cross-border co-operation on*  
*security, economic, social and cultural matters,*  
*including the enhancement of cross-border*  
*co-operation in combating terrorism. Full*  
*responsibility for the decisions and*  
*administration of government will remain with*  
*the United Kingdom north of the border and with*  
*the Republic south of the border.*

*The Conference will be served by a secretariat on a continuing basis*

3. We have also issued today a communiqué on our meeting, which says that the new Intergovernmental Conference will concentrate in its initial meetings on relations between the security forces and the minority community in Northern Ireland, on ways of improving security co-operation between the two

Governments, and on seeking measures which would underline the importance of public confidence in the administration of justice.

4. I shall be making a statement to Parliament about the Agreement on Monday. A full debate will take place shortly afterwards. The Agreement will enter into force only after both Parliaments have approved it.

5. By promoting peace and stability and by enhancing our co-operation against terrorism, the Agreement will bring benefits to all the people of Northern Ireland. I hope that it will also open the way for moves towards devolution in Northern Ireland.

6. I believe that this Agreement represents a positive contribution to progress on this long-standing and difficult problem. The two Governments are committed to implementing it fully and effectively. We call on all people of goodwill to join us in promoting peace.



CC B. V.P. 46

Ref. A085/2935

MR POWELL

CDP 14/11

Anglo-Irish Summit: Statement to the House

Thank you for sending me, with your minute of 13 November, the draft of the statement to be made by the Prime Minister on 18 November. I have a few small comments.

2. I wonder whether lines 6 and 7 would be even stronger if they read "The Irish Government joins the United Kingdom, <sup>Government</sup> for the first time in a binding international agreement, in affirming ...".

3. I wonder whether it is necessary to say (on page 6) "the Conference will not - repeat not - have any decision making functions". The point is repeated in the next sentence, and the words I have underlined above, which may give offence to the Irish, do not seem essential.

4. On lesser points, I suggest -

(a) replacement of "forum" (a loaded word in the Anglo-Irish context) by "framework" in the description of the Intergovernmental Conference on page 5;

(b) replacement of "sides" by "Governments", for the sake of clarity, at the top of page 6;

(c) replacement of the rather formal word "recognises" by "acknowledges" in the second new paragraph on page 10.

5. I am sending copies of this minute to the Private Secretaries to the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland.

RA

14 November 1985

ROBERT ARMSTRONG

SECRET

PERSONAL

104

From: THE PRIVATE SECRETARY

45



NORTHERN IRELAND OFFICE

WHITEHALL

LONDON SW1A 2AZ

EM

C D Powell Esq  
10 Downing Street  
London  
SW1

14 November 1985

Dear Charles

ANGLO-IRISH AGREEMENT: JUDICIARY

When Lord Lowry, the Lord Chief Justice, called on the Secretary of State earlier this week, he indicated that some expression of support for the judiciary in Northern Ireland would be much appreciated, particularly in view of the possibility that any reference to legal matters and mixed courts in an Anglo-Irish agreement might be misconstrued as reflecting on the recent performance of the judges in the administration of justice. The Secretary of State readily took Lord Lowry's point. He therefore ... has the attached form of words ready to use at an appropriate time. However, he has suggested that it would carry much more force if the Prime Minister could find the opportunity to voice her confidence in the judiciary. It may be that an appropriate moment may come at her joint press conference with the Taoiseach.

I am copying this letter to the Private Secretaries to the Lord Chancellor, the Foreign and Commonwealth Secretary and Sir Robert Armstrong.

Your sincerely  
J A Daniell

J A DANIELL  
Private Secretary

KL

SECRET

PERSONAL



D. R.

PRIME MINISTER

ANGLO-IRISH SUMMIT

This folder contains the basic documents  
viz:-

- text of the Agreement
- the communiqué
- the joint press release
- your statement to the House
- supplementaries

C.D.P

C. D. POWELL

14 November 1985

~~Prime Minister.~~  
This now contains  
the draft Statement  
for Ronday and  
Supplementaries.

C.D.P.  
15/11

**CONFIDENTIAL**  
From: THE PRIVATE SECRETARY



NORTHERN IRELAND OFFICE  
WHITEHALL  
LONDON SW1A 2AZ

C Powell Esq  
10 Downing Street  
London  
SW1

*CDQ*

*14/ri*

14 November 1985

*Den Clark*

QUESTIONS IN PARLIAMENT ABOUT AN ANGLO-IRISH AGREEMENT

My Secretary of State was tasked in Cabinet this morning with producing forms of words which he and the Prime Minister could use in response to questions this afternoon. These are attached.

I am copying this letter to the Private Secretaries to the Lord Privy Seal and Sir Robert Armstrong.

*Your secretary  
Jim Daniell*

J A DANIELL  
Private Secretary



ANGLO-IRISH AGREEMENT

NOTES FOR SUPPLEMENTARIES

Where and when will the Agreement be signed?

The House will understand that I cannot comment on that.

Were the Anglo-Irish negotiations discussed in Cabinet?

Cabinet discussed the matter today. There will be a statement in due course.

Why are Parliament/MPs being kept in the dark?

We have always made clear that whatever the outcome of the talks it would be reported to Parliament and there would be an opportunity for debate.

Will you give an assurance that the Agreement will not be signed before it is debated in the House?

I can assure the House that no agreement would enter into force until there had been a full debate in the House and the House had approved the agreement.

But will it be signed before any debate?

What is important is not when an Agreement is signed, but that it cannot come into effect without the approval of both Houses of Parliament.



CC B. U.P.

44

Ref. A085/2934

PRIME MINISTER

Prime Minister.  
This is the brief  
for your meeting  
with the Taoiseach.  
EJP

Anglo-Irish Summit: Discussion with the Taoiseach

14/xi

I suggest that there is no need, in your tête-à-tête with the Taoiseach or in the larger meeting following it, for detailed discussion of the substance of the Anglo-Irish Agreement.

Secretariat

2. You could ask the Taoiseach about the impressions of the official from the Irish Department of Foreign Affairs who on 13 November visited the house in Belfast selected for the Secretariat. The Northern Ireland Office officials who accompanied the visitor from Dublin thought that he was convinced that the building would be suitable. Discussion of this matter would give you the opportunity to repeat the point in your message to the Taoiseach of 11 November that, if reactions in Northern Ireland to the Agreement are much worse than expected, we may have to return to the questions of the location of the first meeting of the Intergovernmental Conference and the location of the Secretariat in its early days.

Parliament

3. You could also have a word with the Taoiseach about plans for debates on the Agreement in Parliament. Our latest news about the Dail is that it is likely to debate the Agreement on 19 and 20 November and perhaps also on 21 November. Your statement in the House is scheduled for 18 November. The debate in the House is scheduled for the week beginning 25 November, with the debate in the Lords following immediately afterwards. We



would hope to exchange notifications of acceptance of the Agreement with the Irish on the first working day after the conclusion of the House of Lords debate.

#### Press Conference

4. The main subject for your discussion with the Taoiseach, I suggest, will be the handling of the press conference following the Summit and more generally the presentation of the Agreement. The Irish Government have displayed nervousness that the two Governments could present the Agreement in divergent ways. You could tell the Taoiseach that you plan a balanced presentation, giving prominence to two main features of the Agreement: Article 1 about the status of Northern Ireland and the Articles about the establishment of the Intergovernmental Conference. You would of course say that there was no derogation from sovereignty and that the decisions and administration of government would remain with the United Kingdom north of the border and the Government of the Irish Republic south of the border; but you would also bring out that the two sides have undertaken in the Agreement to make determined efforts to resolve differences. You would want to stress the importance of the Irish Government's commitment to effective and sustained co-operation in security, particularly along the border; and to their intention to accede to the European Convention on the Suppression of Terrorism. More generally, you would plan to stress that the Agreement is aimed at promoting peace, stability and reconciliation between the two traditions in Northern Ireland; and that it should also help greatly to develop our bilateral relations, notably through enhanced co-operation on security matters. You would plan also to bring out our hope that the Agreement would improve the prospects for devolved government in the future.



5. The Taoiseach will probably wish to discuss, in particular, the handling of questions about the status of Northern Ireland.

I attach as Annex A the two answers which were devised in my last meeting with Mr Nally. The Taoiseach is also likely to ask whether you would be willing in public presentation to alter somewhat the order of the points about mixed courts in your message to him of 4 October. The relevant passage of that message is at Annex B. He may ask you not to say in public that you had "made our position clear to the Taoiseach in the negotiations", since that might invite questions about what the Taoiseach had conveyed to you during the negotiations.

6. I also attach as Annex C the paper of possible Questions and Answers which Mr Mallaby submitted on 7 November. The Taoiseach might wish to discuss one or two of the proposed Answers, notably the one (No 2 in the material as arranged by Mr Mallaby) on whether the Irish role in the Intergovernmental Conference will be merely "consultative".

7. I am sending copies of this minute to the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland.

RA

ROBERT ARMSTRONG

14 November 1985

Possible Answers to Questions about the  
Status of Northern Ireland

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1. Question to  
the Prime  
Minister

Article 1 is ambiguous/imprecise about the status  
of Northern Ireland, says less than the Chequers  
Communique, etc. What does it mean?

Answer

Of course the two Governments approach this aspect of the matter from differing historical perceptions and from within differing constitutional frameworks. The Agreement does not change that.

The position is clear. Northern Ireland is part of the United Kingdom.

What Article 1 does is to look to the future and set out - for the first time in a binding international agreement - what is common ground between us: that there will be no change in the present status of Northern Ireland without the freely given consent of the majority of its inhabitants; and that both Governments recognise that such consent does not at present exist.

2. Question to  
the Taoiseach

Do you agree with the Prime Minister?

Answer

As the Prime Minister has said, the two Governments approach this matter from differing historical perceptions and from within differing constitutional frameworks, and the Agreement does not change that.

It is of course a fact that Ireland is not united politically and that the British Government is responsible for the government of Northern Ireland.

What is important is what we have now agreed about the future.

Extract from the Prime Minister's message to the Taoiseach of  
4 October 1985

"We have all along made it clear to you that we could go no further than undertaking to consider the possibility of mixed courts. We remain prepared to undertake to consider the possibility, but in all honesty it has to be without commitment, since, though we do not exclude the possibility of mixed courts being feasible and acceptable at some future time, we cannot see any easy or early way round or through the political and other difficulties which would be involved."



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SECRET AND PERSONAL

B.07201

*Overman*

MR POWELL

cc Mr Ingham, No 10  
Mr Stark

Anglo-Irish Agreement: Possible Questions and Answers

The attached material has been drawn up in discussion between British and Irish officials. It seeks to identify some of the questions that may be asked in the period after conclusion of the proposed Agreement and to suggest how these could be answered by the two Governments without significant divergence appearing between them.

2. The material is extensive and, on some matters, detailed. Officials realise that the individual suggested answers are unlikely to be used as they stand. The material is intended rather as a quarry for both Governments to draw on, whether at the press conference by the Prime Minister and the Taoiseach after the Summit or subsequently in the two Parliaments and elsewhere.
3. The material is in two parts. Part I contains the more important questions likely to be addressed to the Prime Minister or to the Prime Minister and the Taoiseach. Part II contains other questions likely to be addressed to the Prime Minister or to the Prime Minister and the Taoiseach, as well as questions likely to be addressed to the Taoiseach alone.
4. Consideration is still being given to draft answers to questions about the status of Northern Ireland and about mixed courts.
5. The material incorporates some comments by the Secretary of State for Northern Ireland and by Sir Robert Armstrong. It will also be submitted to the Foreign and Commonwealth Secretary.

*C L G Mallaby*

C L G Mallaby

7 November 1985

PART I: THE MORE IMPORTANT QUESTIONS TO THE PRIME MINISTER

1. By giving the Irish Government a role in relation to Northern Irish affairs, surely the agreement infringes sovereignty?

Answer No. There is no derogation from sovereignty and the agreement makes this clear.

2. (Also for So is the Irish role merely "consultative?"  
the  
Doiseach)

Answer The Intergovernmental Conference will be a unique mechanism. There is no single word to describe its role. It will not have executive functions: Article 2(b) of the agreement makes clear that there will be no derogation from sovereignty and that each Government retains responsibility for the decisions and administration of government within its jurisdiction.

But the Conference will be more than just consultative in that the Irish Government will put forward views and proposals on its own initiative (as well as being invited to do so); there is an obligation on both sides in the Conference to make determined efforts to resolve any differences; and one of the Conference's functions will be to promote cross-border co-operation between North and South in Ireland.

Note: It is accepted by both sides that the words "consultative" or "consultation" should not be used to describe the agreement.

3. So the Irish will after all share in decision-making ?

Answer As Article 2(b) of the agreement makes clear, each Government retains responsibility for the decisions and administration of government within its own jurisdiction. On matters covered by

the agreement, however, the British Government in reaching its decisions will take full account of any views and proposals put forward by the Irish side, and also of the obligation on both sides to make determined efforts to resolve any differences.

4. (Also for What happens when differences cannot be resolved in the the Intergovernmental Conference? Taoiseach)

Answer

Article 2(b) makes it clear that each Government retains responsibility for the decisions and administration of government within its own jurisdiction. But a key point of the agreement is that we are both committing ourselves to determined efforts to resolve differences. Moreover the agreement reflects the careful consideration that the two Governments have given to minimising differences: it envisages for example a variety of levels at which matters can be considered and also provides for the convening of special meetings up to Ministerial level when required by either side.

5. In November 1984 in the communiqué issued after their Summit the Prime Minister and Taoiseach agreed "that the identities of both the majority and minority communities in Northern Ireland should be recognised and respected, and reflected in the structures and processes of Northern Ireland in ways acceptable to both communities". How will the Prime Minister and the Taoiseach test the the acceptability of the agreement to unionist community?

Answer

The identity of the majority community is already recognised and respected, in the way the majority desire, by virtue of Northern Ireland being and remaining part of the United Kingdom. Article 1 of the agreement confirms that position. This agreement also provides means for the expression of the

identity of the minority. The agreement thus furthers the aim of making the structures and processes in Northern Ireland acceptable to both communities.

The elected representatives of the people of the United Kingdom as a whole will have the opportunity to express their views when Parliament debates the agreement shortly.

6.

Is the agreement not the first step on the slippery slope to Irish unity?

Answer

No. The agreement commits the Irish Government to acknowledging the rights and identity of unionists. It commits the two Governments to the view that any change in the status of Northern Ireland would\* only come about with the consent of a majority of the people of Northern Ireland; and that the present wish of a majority is for no change. This is the most formal commitment to the principle of consent made <sup>by</sup> an Irish Government, and should provide reassurance to unionists.

[Note: \*The agreement says "would" not "could".]

7.

The agreement establishes special channels for conveying the nationalist minority's views to the British Government. Why is nothing comparable proposed for the unionist majority?

Answer

The question is not comparing like with like. The unique arrangement we have made with the Irish Government reflects the position of a minority which looks to Dublin to express its aspirations. The unionists by definition identify with the United Kingdom; they have, and will continue to have, ready means of access to the British Government, including unionist Members of Parliament in Westminster; and the Government pays close attention to their views.

8. Why has Her Majesty's Government failed to secure the abolition of Article 2 of the Irish Constitution?

Answer

Questions about the Irish Constitution should be put to the Irish Government. The agreement is the outcome of a thorough process of negotiation in which each side had to take account of the constraints on the other. What is significant is that Article 1 formally commits the Irish Government, like the British Government, to the position that the status of Northern Ireland will remain as it is so long as a majority there so wishes.

9. This agreement seems to have something for everybody in Ireland except Ulster Unionists. Are there any concessions at all to fundamental unionist concerns in this agreement?

Answer

The agreement is designed to promote peace and stability, to the benefit of all of the people in North and South. There is also much in it which should be especial value to unionists. For instance, Article 1 confirming the status of Northern Ireland; the intensified security co-operation provided for in the agreement and already beginning to take place; and the Irish Government's acceptance of the validity of the unionist tradition in Ireland. [The Taoiseach has also stated his Government's intention to accede to the European Convention on the Suppression of Terrorism].

10. Twelve years ago, the loyalists in Northern Ireland defeated an Anglo-Irish agreement based on power-sharing and a Council for Ireland. Won't they do the same this time?

Answer

I believe that the great majority in Northern Ireland have a deep longing for peace. The Government have made a decision that action is necessary to support the democratic process in Northern Ireland and that it would be damaging and even dangerous to do nothing. Indeed, the two major unionist

parties recognise in their policy documents that it is necessary to take action to accommodate the nationalist tradition. This agreement tries to accommodate both traditions. I am determined that it should work, and work to the benefit of all.

11. The clear implication of this agreement is that the RUC has failed to discharge its duties fairly and even-handedly in the past. Are you not, therefore, accepting nationalist criticisms as valid?

Answer

We have always had full confidence in the RUC and all the security forces. I hope that following the agreement the minority community will increasingly share that confidence.

12. The UDR are a particular reassurance to unionists in a minority position in border areas. Will you guarantee that the role of the UDR as a bulwark against IRA assassins be maintained in these areas?

Answer

The UDR will not be disbanded. They are brave and dedicated people who have a major role in providing security in Northern Ireland. I recognise that there are difficulties in the Regiment's relations with the minority the community. The Government keep the role of security forces including the UDR under review in the light of community relations as well as operational needs. Improvements will continue to be made.

13. What guarantees have you got from Dr FitzGerald that the South will cease to provide a haven for IRA fugitive terrorists?

Answer

No doubt there are fugitive terrorists in the South, as in the North. On both sides of the border strenuous efforts are made to catch them. One of the main purposes of the agreement will be to enhance the co-operation against terrorism which already takes place between North and South. Article 8 of the

agreement foresees further consideration by the two Government in the Intergovernmental Conference of the question of fugitive offenders. [Moreover, the Taoiseach has announced his Government's intention to accede to the European Convention on the Suppression of Terrorism.]

14. What proposals does the Secretary of State for Northern Ireland have for encouraging a return to devolved government in Northern Ireland?

Answer

The Government remain committed to a return to devolved government in Northern Ireland as the best basis for political stability. We will do all we can to identify a scheme of administration acceptable to both sides of the community. We hope that the political parties in Northern Ireland will respond constructively to the opportunities this agreement offers, and will help to work out satisfactory proposals for a newly devolved administration.

15. Do you still reject the Forum Report?

Answer

The British Government welcomed many positive elements in the Forum Report. We welcomed such principles as the clear acceptance that political change requires consent, the commitment to the politics of peaceful persuasion, and unqualified opposition to violence and those who support violence. We welcomed the recognition and respect which the Report gave, on the part of nationalists, to the distinctive identity of Northern Ireland unionists including their loyalty to the United Kingdom.

(If pressed again on the "three illustrative models"): I have already said that I welcome many of the innovative features of the Report. But I do not think anyone would expect the British Government to endorse it in its entirety.



16. The agreement falls far short of the options in the New Ireland Forum Report

Answer

Let us concentrate on what the two Governments have agreed. The agreement represents the outcome of prolonged and serious negotiations. The arrangements it embodies are unique, reflecting both the closeness of the Anglo-Irish relationship and the special problems of Northern Ireland. The New Ireland Forum's meetings and reports helped to create the climate in which these negotiations became possible. The new agreement accords with the spirit of conciliation which characterised much of the Forum Report.

PART II: Other Questions

1. Question to the Prime Minister Is this agreement not meaningless?

Answer

No single agreement is going to resolve the problems of Northern Ireland. This one is a useful step forward. It promotes the development of closer and more systematic co-operation between the British and Irish Governments without affecting the position of Northern Ireland as part of the United Kingdom. The agreement is also a useful step on the road to reconciliation between the two communities in Northern Ireland.

The essence of the agreement is in two elements. It incorporates formal Irish recognition that the status of Northern Ireland will remain as it is so long as a majority of the people there so wish, and that the present wish of a majority is for no change. It also incorporates formal British recognition that the Irish Government may advance views and proposals on aspects of Northern Ireland affairs and commits both Governments to make determined efforts to resolve any differences between them.

2. Question to the Taoiseach This is all promises. It is full of commitments "to study" and "to consider" etc but it is short of actual concrete measures to end alienation. After months of build-up to this Summit aren't the results really an anti-climax?

Answer

No. This agreement marks a new stage in the development of the Anglo-Irish dialogue, giving the Irish Government for the first time a formal role in relation to Northern Ireland, involving systematic arrangements for resolving

differences on the problems of Northern Ireland and a new level of co-operation between North and South. It will make a real difference to nationalists in Northern Ireland by providing new means for the expression of their identity and giving new scope for the expression of their aspirations. It would be selfish and irresponsible of us to withhold the progress involved here for the minority in Northern Ireland, merely for the sake of ideological concerns.

As to alienation, the problems of nationalists in Northern Ireland have been focussed on politics, security, human rights and the law. All of these problem areas have been provided for in this agreement, and of course the very first meeting of the Conference will address all of these areas, notably the especially difficult area of relations between the minority community and the security forces, on which progress is already taking place.

Obviously this agreement cannot resolve all the problems of Northern Ireland. But the agreement is an important stage in the search for peace and stability. What it does is to provide within a new context the basic legal and institutional machinery through which the two Governments can fulfil their commitment of November 1984 to work together for the accommodation of the rights and identities of the two traditions in Northern Ireland. The new arrangements established today are, so far as I know, unique. This reflects the special nature of the Northern Ireland problem.

3. Question to the Taoiseach

Can you really say that this agreement is based on the Forum Report? Does it not fall substantially short of joint authority, the least of the options proposed by the Forum?

Answer

The Irish side throughout these negotiations based their approach on the Forum Report. The necessary elements for progress proposed in Chapter 5, paragraph 2 of the Forum Report are all accommodated in today's agreement. I believe above all that they are reflected in the commitment of the two Governments to work together for the accommodation of the rights and identities of the two traditions in Northern Ireland on the basis of the new arrangements and the shared priorities established by this agreement. You will recall, moreover, that the Forum Report indicated the openness of the participants to discuss all other views which would contribute to political development, ie views other than the three particular options set out in the Report. The purpose of any negotiation is to reach an accommodation of views and the British and Irish Governments have achieved that in this agreement.

4. Question to the Prime Minister

*The Agreement*  
 Is not setting Northern Ireland apart from the rest of the United Kingdom by giving another country a part in government there?

Answer

There is a unique situation in Northern Ireland because of the division within the community. The agreement reaffirms the present status of Northern Ireland and makes clear that Her Majesty's Government remain responsible for the decisions and administration of government there.

5. Question to the Prime Minister

The agreement says in Article 2(b) that "Determined efforts shall be made through the Committee to resolve any differences". In the context, these are differences relating to views and proposals which the Irish Government have put forward on matters relating to Northern Ireland. What does this provision mean?

Answer

Let me start by emphasising the desire of both Governments to implement the agreement in a spirit of co-operation and goodwill. That being so, we are not starting off in the belief that we shall continually confront differences; the whole point of meeting together will be to find common ground, bearing in mind that the sentence you quote speaks of serving "the interest of promoting peace and stability". But if there are differences, both sides will work hard to resolve them, recognising that each Government retains responsibility for the decisions and administration of government within its jurisdiction.

6. Question to the Taoiseach

Will you now hold a referendum on Articles 2 and 3 of the Constitution?

Answer

The changing of Articles 2 and 3 of the Irish Constitution is not a part of this arrangement. I would again draw your attention to Article 1 of this agreement. That provision involves a formal, solemn and joint reaffirmation by the two Governments of the principle of consent. It will be perfectly obvious that the overwhelming majority of Irish nationalists determinedly reject the use of force or threat of force in seeking to realise the aspiration of Irish unity. This was a basic principle of the Forum Report and a point strongly emphasised at the time. This agreement puts the principle of consent beyond question and therefore gives a clear reassurance to unionists.

7. Question to the Taoiseach

Is this agreement the first step on the road to British disengagement and a united Ireland?

Answer

Article 1 explains that any change in the status of Northern Ireland would only come about with the consent of a majority in Northern Ireland. It also recognises

that consent does not at present exist. If in the future a majority wished for and formally consented to a united Ireland, the two Governments would introduce and support legislation in the respective Parliaments to give effect to this.

8. Question to the Taoiseach

Doesn't the agreement maintain all the ambiguities in the Irish nationalist approach to Northern Ireland. Haven't you and Mrs Thatcher simply agreed to differ on this point so that there is no real concession to unionist concerns?

Answer

This agreement involves a formal, solemn and joint reaffirmation by the two Governments of the principle of consent. That is something new - something special - and something which I am sure unionists will welcome. That principle is now clearly beyond question.

Furthermore the agreement makes clear the rejection by both Governments of any attempt to promote political objectives by violence or the threat of violence: this is a concern basic to constitutional nationalism in Ireland and it was a concern highlighted in the Report of the New Ireland Forum.

What both sides must do, and this is also explicitly recognised in the agreement, is to continue their efforts to reconcile and to acknowledge the rights of the two major traditions that exist in Ireland. For our part we have made it clear that we have no designs on the rights of unionists. We accept and acknowledge their Britishness. While we shall by dialogue seek to persuade, we respect and will respect their reasons for opposing Irish unity.

Perhaps most important of all, this agreement offers both communities in Northern Ireland a new opportunity to rebuild society - free from the tensions, the turmoil and animosities of the past - and to participate fully in the structures of government. I believe that unionists, no less than nationalists, fervently seek in Northern Ireland just such an opportunity.

9. Question to the Prime Minister

Is the concession of a major role for Dublin not an admission of the failure of British and unionist policy in Northern Ireland over the past sixty years?

Answer

No. I am concerned with the future, not the past. The agreement shows that the two Governments are determined to work together in seeking peace and reconciliation in Ireland.

10. Question to the Taoiseach and the Prime Minister

The agreement represents a betrayal of the nationalist cause and the abandonment of the goal of unity.

Answer

This is more a question for the Irish Government. But as the agreement makes clear, if at any time in the future a majority of the people of Northern Ireland formally consent to unity, then the two Governments will take the necessary steps to bring it about.

[Additional points for the Taoiseach: This means that other considerations would not constitute obstacles to Irish unity if the principle of consent was satisfied. There is no abandonment of the aspiration to Irish unity, to be achieved peacefully and by democratic means.]

11. Question to the The Preamble speaks about diminishing the divisions in Northern Ireland? Isn't the real division the division of Ireland? What does this agreement do to end partition?  
Taiseach

Answer

It is not the division of the territory of Ireland in my view which is the fundamental problem. Unity cannot be achieved and partition ended by erasing a line on a map. The basic division which we face is that arising from the competing identities and conflicting loyalties of nationalists and unionists in Ireland. That means that we can only proceed through persuasion and agreement as the Forum Report emphasises.

The immediate priority must be to improve conditions on the ground for the nationalist minority in Northern Ireland; this has been a fundamental concern of my Government and it is a concern which is overriding in this agreement.

It is very important to note that this is the first formal agreement in which the British Government commits itself to introduce and support legislation to give effect to their desire for Irish unity, if a majority of the people of Northern Ireland should formally consent to this.

12. Question to the Is this not yet another effort to make Northern Ireland work on the basis of a purely internal solution?  
Taoiseach

Answer

No. This agreement gives the Irish Government for the first time an important role in relation to Northern Ireland. In the agreement, the British Government accepts that the Irish Government will put forward within the new Conference views and proposals on matters relating to Northern Ireland and, in the interest of



peace and stability, undertakes with us to make determined efforts to resolve differences. By providing these practical arrangements through which the two Governments can work together for the accommodation of the rights and identities of the two traditions, the agreement acknowledges the obvious reality that the Irish Government is involved in efforts to promote peace and stability in Northern Ireland.

13. Question to the Taoiseach The Leader of the Opposition in Dublin has called Northern Ireland a failed political entity. Is this agreement not propping up this failed political entity?

Answer

So far as I am concerned we are talking about new political structures in Ireland; measures which accommodate the identity of Northern nationalists; measures which provide for the first time an important role for the Irish Government in the affairs of Northern Ireland; measures which put unionists and nationalists on an equal footing. I am interested in working for peace and stability. I am not interested in the question of whether Northern Ireland has or has not been a failure. So far as I am concerned these arrangements meet the requirement of the Forum. They transcend the context of Northern Ireland. They will benefit people in both North and South.

14. Question to the Taoiseach Why should the rights of unionists be placed on a par with those of nationalists given that nationalists represent the overwhelming majority of the people of the island of Ireland?

Answer

My immediate concern is to ensure that the rights of the nationalist minority in Northern Ireland are respected; this is an essential feature of the agreement and of the Chequers Communiqué of last year. Article 1

reiterates the principle of consent in relation to unity. In this we have acknowledged a fundamental political reality; unity - true unity between all the people of Ireland - cannot be achieved by force, or coercion or subjection. Each of the two traditions must acknowledge and accommodate the concerns and the rights of the other; were the Irish nationalist tradition to seek supremacy or domination over unionists, the result would be even greater division and turmoil in Ireland.

15. Question to the Taoiseach Some of the proposals under consideration by the Conference may have application in the Republic. What does this mean?

Answer

It simply means that certain measures taken in Northern Ireland - eg those designed to improve relations between local communities and the police force - may be found to have relevance and value outside the strict context of Northern Ireland. They might for example, be seen to be of value in the South and indeed in Britain and be applied, as the case may be, in either jurisdiction.

16. Question to the Prime Minister How will the agreement improve the human rights situation in Northern Ireland?

Answer

The Government has introduced many major improvements in recent years to ensure that human rights in Northern Ireland are protected as effectively as possible. The answer to your question is in the agreement. Article 5 in particular provides that the Conference will discuss measures in this field.

17. Question to the Prime Minister Do you now propose to introduce legislation:

a. giving the vote at local elections to Irish citizens resident in Northern Ireland;

b. permitting the use of Irish as an official language;

c. enabling the Irish tricolour to be flown from City Hall, Belfast and other public buildings in Northern Ireland?

Answer

All these matters are among those for consideration by the Conference. I should not anticipate that discussion.

18. Question to the Prime Minister

The agreement means that the Irish Government will be able to interfere with the work of the security forces in Northern Ireland. This will greatly undermine their morale and efficiency.

Answer

There is no question of interference, and the Intergovernmental Conference will have no operational responsibilities. It will be to everyone's advantage to establish a systematic means of taking account of the Irish Government's views about security matters. I very much hope that this will reassure the minority community. The co-operation foreseen in the agreement will not be all one way. The agreement will intensify security co-operation between the authorities in both parts of Ireland and this should be greatly welcomed by all who wish to defeat terrorism.

19. Question to the Prime Minister

Are you not in Article 6 giving Dublin a right of veto on matters fundamentally affecting the security and well-being of the people of Ulster?

Answer

No. As Article 6 makes clear, the Irish Government may put forward views and proposals on the role and composition of various bodies appointed by the Secretary

of State for Northern Ireland and his Departments. It does not give the Irish Government a veto but every effort will be made by both sides to resolve any differences which may emerge.

20. Question to the Taoiseach What concrete commitments have you got in relation to changes in RUC policy, practice and structure? What concrete changes do you believe are necessary to ensure minority confidence in the RUC?

Answer

This agreement (Art 7) indicates that the Conference will address matters relating to RUC policy issues as well as serious security incidents and forthcoming events. This would include, for example, parades and processions.

The two Governments see the need for a programme of special measures to improve relations between the security forces and the nationalist people. The Conference will also consider the composition and role of the Police Authority. The first meeting of the Conference will consider measures which would underline respect for the rights and identity of nationalists as well as unionists on the part of the police.

21. Question to the Taoiseach In the context of this agreement, would you be free to criticise the RUC as you have done in the past or would you not be obliged to bear some of the blame in the event of another tragedy?

Answer

The commitment of the Irish Government and of the British Government is to make this Agreement work in relation to all matters within its scope and that very much includes the police.

22. Question to the Prime Minister Are the SDLP now expected to support the RUC and to encourage Catholics to join the force?

Answer

Everyone should support the security forces. It has long been the wish of HMG to see more members of the minority community joining the RUC. We hope, following the agreement, that this will happen more and that the SDLP will feel able to encourage Roman Catholics to join.

23. Question to the Taoiseach What concrete commitments have you got on the disbandment of the UDR? Is the regiment going to be phased out?

Answer

The UDR is a major concern to us and to the nationalist community in Northern Ireland, who have often seen it more as a focus of division than of harmony between themselves and the unionists. At the same time, it has considerable importance to unionists, particularly in isolated rural areas. I recognise that there are many honourable men and women in the UDR and I condemn without reservation the campaign of murder against them. Changes have already begun in relation to the UDR's contact with the public, which is where the main problems have arisen. The first meeting of the Conference will review progress. In particular it will consider the application of the principle that the UDR operate only in support of the civil power, with the particular objective of ensuring as rapidly as possible that, save in the most exceptional circumstances, there is a police presence in all operations which involve direct contact with the community. The Conference will furthermore consider ways of underlining the policy that the UDR discharge their duties evenhandedly and with equal respect for the unionist and nationalist identities and traditions.

24. Question to the Prime Minister Will you now move towards a general amnesty in Northern Ireland? Will prisoners with indeterminate sentences now be given a definite date for release?

Answer Those possibilities do not arise from the agreement itself. Any question of speeding up release from indeterminate sentences, if the agreement led to a real reduction in violence, would be for the Secretary of State for Northern Ireland.

25. Question to the Prime Minister Why are mixed courts highlighted in the agreement?

Answer Other ideas, such as extradition and the harmonisation of the criminal law, are also mentioned in the same Article of the agreement.

26. Question to the Taoiseach Do you contemplate new legislation to facilitate extradition of IRA offenders? Will you accede to the European Convention?

Answer I have said that it is the Irish Government's intention to accede as soon as possible to the European Convention. The communiqué has committed the two sides to work for early progress in relations between the security forces and the minority community in Northern Ireland, ways of improving security co-operation between the two Governments and seeking measures which would give substantial expression to the aim of underlining the importance of public confidence in the administration of justice. It is against this background that the Irish Government has announced its intention to accede as soon as possible to the European Convention on the Suppression of Terrorism.

27. Question to the Prime Minister Will the agreement not encourage the Provisional IRA in their murderous campaign?

Answer

One of the main effects of the agreement will be that the British and Irish Governments will strengthen their co-operation in the fight against the men of violence. [The Provisionals have already denounced the agreement, which hardly suggests that they feel encouraged by it.]

28. Question to the Prime Minister and the Taoiseach Will you now accept that the electoral success of Sinn Fein and the PIRA's campaign of violence including attacks on British cities, have brought both of you together in this agreement today. Is this not confirmation of the success of the ballot box/armalite strategy?

Answer

Absolutely not. This agreement is a rejection of terrorism. We are seeking to build up hope for the future, where the IRA have sought only to destroy. We are seeking peace and reconciliation, where the IRA have brought only strife, turmoil and tragedy. This agreement will reinforce the position of all who seek peace and stability by constitutional means.

29. Question to the Prime Minister Where will the Secretariat be located and how will it be staffed?

Answer

The Secretariat will be very small. Its function will be to service the Intergovernmental Conference which will [normally] meet in Belfast, and to act between meetings as a channel of communication. [The Secretariat will be located in Belfast.]

[Note: this answer is subject to the outcome of continuing negotiation with the Irish.]

30. Question to the Prime Minister and the Taoiseach Will the permanent Irish Ministerial representative have direct contact with the nationalist community in Northern Ireland?

Answer The role of the Permanent Irish Ministerial Representative will be to implement the agreement on behalf of the Irish Government, as joint chairman of the Conference. This will not alter the Irish Government's freedom to maintain contact with people in Northern Ireland.

31. Question to the Taoiseach There are four vacancies still outstanding on the Police Authority? Are these to be your nominations? Is this marginal number of vacancies which has been set aside for your views an indication of what consultation will mean in practice?

Answer The Irish Government will be putting forward views in relation to all present vacancies on the Police Authority for Northern Ireland as well as in relation to any vacancies which may arise in future. The precise number of vacancies which may happen to exist at the present time is less important than the Agreement's recognition that the Irish Government may put forward views and proposals on the role and composition of this body and that there is an obligation on the two sides to make determined efforts to resolve any differences in the interest of peace and stability.

32. Question to the Taoiseach You have a say in appointments to a number of bodies in Northern Ireland. Are Northern nationalists now expected to co-operate with these bodies as they are currently structured and to accept their legitimacy?

Answer In presenting views on appointments and other matters relating to these bodies, the Irish Government will



naturally be taking account of nationalist concerns and priorities. But my objective will be to ensure that all of these bodies adequately reflect the concerns of the entire community.

33. Question to the Prime Minister Do you expect the SDLP to support this agreement and to participate more in the political life of Northern Ireland?

Answer

We hope that the nationalist community as a whole will see this agreement as evidence that progress can be made by constitutional means.

34. Question to the Prime Minister and the Taoiseach Do you now expect the SDLP to enter the Assembly?

The agreement makes it clear that both Governments support a policy of devolution which would command widespread acceptance throughout Northern Ireland. The question of whether the SDLP should enter this or any future Assembly is a matter for that party to decide.

35. Question to the Prime Minister and the Taoiseach The reports that the United States Government will offer a large sum for expenditure in Ireland suggest that Her Majesty's Government entered into the agreement in order to obtain US financial support.

Answer

The agreement has been concluded on its merits. We naturally hope that friendly states, including the United States, will welcome it.

[N.B. Article 10(a) says that the two Governments will consider the possibility of securing international support for the promotion of economic and social development in Ireland. It is preferable not to be drawn on the meaning of this until US offers of money have been made.]

36. Question to the Prime Minister and the Taoiseach Is it part of the package that the Irish Republic will modify its policy of neutrality?

Answer

No.

NB: The next two questions would arise after a United States announcement

37. Question to the Taoiseach Will contributions from America (and Europe) be matched by a contribution from the Dail?

Answer

Any funds made available by the United States and the member states of the European Community are intended to be specifically international expressions of support for the work of promoting reconstruction and reconciliation in Ireland. This is separate from the efforts of the Irish and British Governments, so that the question of my Government contributing to the Fund, as such, does not arise.

38. Question to the Prime Minister Why is the British Government not contributing to the Fund when the United States Government is offering \$.... million?

Answer

The British Government already makes a massive annual contribution to the Province which is now running at around £1.5 billion per annum.

39. Question to the Taoiseach Since the review provision applies only to the operations of the Conference and not to the declaration on status, have we not recognised Northern Ireland without obtaining a corresponding guarantee that future British Governments will continue to accept that we have a policy role in Northern Ireland?

Answer

Article 1 of this agreement incorporates the principle of consent enshrined in the Report of the Forum and accepted in communiqués by successive Heads of Government in both countries. It also incorporates the agreement of the two Governments to support Irish unity in the event there is consent to that aim.

The two Governments have entered into this agreement determined to make it work, but experience may show that adjustments are desirable to the role and nature of the Conference's activities. The Review Clause will enable the two Governments to make such adjustments.

40. Question to the Is such an agreement possible without legislation?  
Prime Minister

Answer

Yes. The agreement is fully consistent with statute law relating to Northern Ireland.

[Note: This answer is subject to the further consideration being given by the Law Officers Department to the question whether the agreement could be subject to judicial review.]

c: Lord President

1. MR POWELL
2. PRIME MINISTER

NORTHERN IRELAND - YOUR JOINT PRESS CONFERENCE

You have already received a great deal of briefing and I do not wish to duplicate. This minute is simply to bring you up-to-date on the mood of the media ahead of the appointed day.

First, the agreement has been so comprehensively leaked that, as usual, the central core of the event will be an anti-climax. Three things will take the story forward:

- the joint press conference, where the media will be striving to open up splits;
- the way ahead, on which the joint communique is helpful;
- any consequences - resignations; Unionist, SDLP and IRA reactions.

No. This requires you all the more to explain the agreement in simple terms and, in Dr Fitzgerald's presence, to get over the point that consultation cannot by any stretch of the imagination be regarded as an infringement of Sovereignty or the thin end of the wedge.

I believe that, in my terms, some resignations might be helpful in the sense that you will be seen to be standing up to the Unionists about whom you are perceived to be wobbly. But you will need to deal firmly in public with those who resign.

This leads me on to what I think will be the main point of attack: the agreement is just words and that your heart

isn't in it; you have little determination to see it through. The media will be looking like hawks for signs of a lack of resolve, especially in view of your known sympathy with Unionism and as you are synonymous with resolution. Alternatively, there will be those who will probe you on sell-out to the Republicans.

The next point of attack will be on detail, and the subjects on which you are likely to be questioned most are:

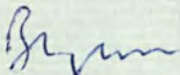
- the extent of the innovation of an Intergovernmental Conference; here the media will try to have it both ways - either it does admit the Republic in to the management of the affairs of Northern Ireland or that it is but a formalisation of what the Republic is able to do now
- your reported reluctance to have a secretariat in Belfast; and the provocation that may result from its being there
- what happens when you don't agree with Republic representatives?
- future of the Northern Ireland Assembly and elections
- are you going to permit the use of Republic flags and emblems? Will the Irish flag fly outside the Secretariat, or when the conference is in session? [This is likely to be pretty tricky.]
- future of RUC and Sir John Hermon; UDR

SECRET

3.

- whether you are prepared to have police committees in Northern Ireland (see Article 7) even though you are not prepared to admit local political control over the police on the mainland
- whether you are prepared to go down the route of mixed courts, and if so, why; if not, why not?
- given Article 10 on economic development, are you prepared to reconsider buying supplies of Republic natural gas?
- is this an historic agreement - the first since partition? If not, how would you describe it? And if it doesn't mean much, why spend all the time and energy on getting it?
- what difference does the agreement really make? Or is it just cosmetic?
- are you going to proscribe Sinn Fein?
- is the USA to pour in \$1000m?

As you will see from a separate minute, we are doing everything we can, consistent with security, to help the media cover the issue in the flesh. There is, however, the possibility that tempers will be a little fraught. It is agreed at official level that I should chair the press conference and select questioners. I will do my best to give North, South, East (the British mainland) and West (USA) a fair crack in 30 minutes.



BERNARD INGHAM

14 November 1985

SECRET



NORTHERN IRELAND OFFICE  
WHITEHALL  
LONDON SW1A 2AZ

C D Powell Esq  
10 Downing Street  
London

CDP  
14/11

14<sup>th</sup> November 1985

Dear Charles

ANGLO-IRISH SUMMIT: STATEMENT TO THE HOUSE

My Secretary of State has seen the revised version of the draft statement to be made by the Prime Minister circulated with your minute to Sir Robert Armstrong of 13 November. He agrees that it may be necessary to look again at the tone of the statement in the light of initial reactions to the Agreement over the weekend. Meanwhile, he has three comments on the text:

Page 5 The use of the word "forum" in the last sentence conveys an unfortunate association with the report of the New Ireland Forum. It would be better to avoid this by saying something like "In this Conference the Irish Government may put forward views ..."

Pages 6 and 7 The last sentence of Page 6, with its emphatic repetition, and the first sentence on Page 7, with its use of the word "exclusively", go a little beyond the wording of the Agreement. Without changing the sense of the two sentences might be run together as follows "But the Conference will not be a decision-taking body: responsibility for the decisions and administration of government remain with the United Kingdom Government ... "

Page 10 The phrase " a step on the way" in the first sentence might be interpreted to mean that further steps will follow - ie we are starting down the road to a United Ireland. This could be avoided by saying, "But I believe the present Agreement will make an important contribution."

I am copying this letter to the Private Secretaries of the Foreign and Commonwealth Secretary and the Secretary of the Cabinet.

Yours sincerely  
Neil Wood

for J A DANIELL

*Amended*

SECRET AND PERSONAL

DC

SPIAEX

AS AT

14.11.85

ANGLO-IRISH SUMMIT:

STATEMENT BY THE PRIME MINISTER

IN THE HOUSE OF COMMONS

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SECRET AND PERSONAL

WITH PERMISSION, MR. SPEAKER, I SHOULD LIKE TO MAKE A  
 STATEMENT ABOUT THE MEETING WHICH I HAD WITH  
 THE TAOISEACH ON [   ].  
 I WAS ACCOMPANIED BY MY RT. HON. AND LEARNED  
 FRIEND THE SECRETARY OF STATE FOR FOREIGN AND  
 COMMONWEALTH AFFAIRS AND MY RT. HON. FRIEND  
 THE SECRETARY OF STATE FOR NORTHERN IRELAND.  
 DR. FITZGERALD WAS ACCOMPANIED BY MR. SPRING,  
 THE TANAISTE, AND BY MR. BARRY, THE IRISH  
 MINISTER FOR FOREIGN AFFAIRS.

THE TAOISEACH AND I SIGNED AN AGREEMENT BETWEEN OUR  
 TWO GOVERNMENTS, WHICH HAS BEEN PUBLISHED IN  
 A COMMAND PAPER.

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THE TEXT OF THE COMMUNIQUE, ISSUED AFTER THE MEETING, IS ALSO INCLUDED IN THE COMMAND PAPER.

THE PURPOSE OF THE AGREEMENT IS TO PROMOTE PEACE AND STABILITY IN NORTHERN IRELAND; TO ENCOURAGE RECONCILIATION BETWEEN THE TWO COMMUNITIES THERE; TO CREATE AN IMPROVED CLIMATE OF FRIENDSHIP AND CO-OPERATION BETWEEN THE UNITED KINGDOM AND THE REPUBLIC OF IRELAND; AND TO STRENGTHEN CROSS-BORDER CO-OPERATION BETWEEN THE TWO COUNTRIES, PARTICULARLY IN COMBATING TERRORISM.

THE AGREEMENT WILL NOT COME INTO FORCE UNTIL IT HAS

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BEEN APPROVED BY PARLIAMENT AND BY THE IRISH  
DAIL.

THE HOUSE WILL HAVE AN EARLY OPPORTUNITY FOR  
A FULL DEBATE.

THE AGREEMENT HAS TWO PRINCIPAL FEATURES.

THE IRISH GOVERNMENT, FOR THE FIRST TIME IN A  
BINDING INTERNATIONAL AGREEMENT, HAS AFFIRMED  
THAT THE STATUS OF NORTHERN IRELAND WILL  
REMAIN UNCHANGED SO LONG AS THAT IS THE WISH  
OF THE MAJORITY OF ITS PEOPLE.

IT HAS ALSO RECOGNISED THAT THE PRESENT WISH  
OF A MAJORITY IS TO REMAIN PART OF THE UNITED

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KINGDOM.

THIS IS THE MOST FORMAL COMMITMENT TO THE  
PRINCIPLE OF CONSENT MADE BY ANY IRISH  
GOVERNMENT.

THE SECOND PRINCIPAL FEATURE OF THE AGREEMENT IS THE  
ESTABLISHMENT OF AN INTERGOVERNMENTAL  
CONFERENCE WITHIN THE FRAMEWORK OF THE  
EXISTING ANGLO-IRISH INTERGOVERNMENTAL  
COUNCIL.

IN THIS CONFERENCE THE IRISH GOVERNMENT MAY  
PUT FORWARD VIEWS AND PROPOSALS ON CERTAIN  
ASPECTS OF NORTHERN IRELAND AFFAIRS.

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SECRET AND PERSONAL

IF DEVOLUTION IS RESTORED - AND BOTH  
GOVERNMENTS ARE COMMITTED TO SUPPORT THIS -  
THEN THOSE MATTERS WHICH BECOME THE  
RESPONSIBILITY OF THE DEVOLVED GOVERNMENT  
WILL NO LONGER BE CONSIDERED IN THE  
INTERGOVERNMENTAL CONFERENCE.

THE CONFERENCE WILL ALSO DISCUSS CROSS-BORDER  
CO-OPERATION, INCLUDING IMPROVED SECURITY  
CO-OPERATION.

THE TWO GOVERNMENTS HAVE AGREED TO MAKE  
DETERMINED EFFORTS TO RESOLVE ANY DIFFERENCES  
THAT MAY ARISE.

BUT THE CONFERENCE WILL NOT BE A  
DECISION-MAKING BODY:

RESPONSIBILITY FOR THE DECISIONS AND

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SECRET AND PERSONAL

ADMINISTRATION OF GOVERNMENT REMAINS  
EXCLUSIVELY WITH THE UNITED KINGDOM  
GOVERNMENT NORTH OF THE BORDER AND WITH THE  
IRISH GOVERNMENT SOUTH OF THE BORDER.

THE FIRST MEETING OF THE INTERGOVERNMENTAL  
CONFERENCE WILL TAKE PLACE AS SOON AS  
POSSIBLE AFTER THE AGREEMENT ENTERS INTO  
FORCE, AND WILL DISCUSS THE FUTURE PROGRAMME  
OF WORK IN ALL THE FIELDS WITH WHICH THE  
CONFERENCE WILL DEAL.  
PARTICULAR SUBJECTS ON WHICH  
THE CONFERENCE WILL CONCENTRATE AT ITS

INITIAL MEETINGS ARE:

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- WAYS OF IMPROVING RELATIONS BETWEEN THE SECURITY FORCES AND THE MINORITY COMMUNITY IN NORTHERN IRELAND:
- ACTION TO IMPROVE SECURITY CO-OPERATION BETWEEN OUR TWO GOVERNMENTS;
- AND WAYS TO HELP TO UNDERLINE THE IMPORTANCE OF PUBLIC CONFIDENCE IN THE ADMINISTRATION OF JUSTICE.

THE AGREEMENT RECOGNISES THAT IT WOULD BE FOR PARLIAMENTARY DECISION IN WESTMINSTER AND DUBLIN WHETHER TO ESTABLISH AN ANGLO-IRISH PARLIAMENTARY BODY OF THE KIND DESCRIBED IN THE ANGLO-IRISH STUDIES REPORT OF NOVEMBER

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SECRET AND PERSONAL

1981.

THE IRISH GOVERNMENT HAS ANNOUNCED IN THE COMMUNIQUE  
ITS INTENTION TO ACCEDE AS SOON AS POSSIBLE  
TO THE EUROPEAN CONVENTION ON THE  
SUPPRESSION OF TERRORISM.  
WE WELCOME THIS.

MR. SPEAKER, NO SINGLE AGREEMENT CAN RESOLVE THE  
DEEPROOTED AND COMPLEX PROBLEMS OF NORTHERN  
IRELAND AND DELIVER THE PEACE FOR WHICH THE  
GREAT MAJORITY OF PEOPLE IN NORTHERN IRELAND  
LONG.

BUT I BELIEVE THE PRESENT AGREEMENT WILL MAKE

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AN IMPORTANT CONTRIBUTION.

IT MAINTAINS AND CONFIRMS THE STATUS OF  
NORTHERN IRELAND AS PART OF THE UNITED  
KINGDOM.

IT ACKNOWLEDGES THE INTEREST OF THE REPUBLIC  
IN THE AFFAIRS OF THE NORTH AND THROUGH THE  
INTERGOVERNMENTAL CONFERENCE PROVIDES A  
SYSTEMATIC MEANS FOR IRISH VIEWS TO BE PUT  
FORWARD AND CONSIDERED.

IT STRENGTHENS THE RELATIONS BETWEEN THE  
UNITED KINGDOM AS A WHOLE AND THE REPUBLIC.  
AND IT OFFERS HOPE AND ENCOURAGEMENT TO ALL  
THOSE IN BOTH COMMUNITIES WHO REJECT VIOLENCE

SECRET AND PERSONAL

SECRET AND PERSONAL

AND WANT TO WORK TOGETHER PEACEFULLY FOR A  
BETTER FUTURE FOR THEIR CHILDREN.

I COMMEND IT TO THE HOUSE.

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MEETING WITH OPPOSITION LEADERS: IRELAND

1. Concluded in early 1984 that prospects for Northern Ireland under long period of direct rule were bleak. Polarization likely to grow and violence increase.
  
2. Found common ground with Irish on limited package. Small but significant step to:
  - promote peace/stability
  - reconcile the two major communities
  - intensify co-operation against terrorism
  - increase chances of achieving devolved government.

SECRET

3. Main features of Agreement are:

- preamble setting out principles including condemnation of violence
- binding affirmation that change in status of Northern Ireland will only come about by consent: and explicit recognition that majority's present wish is no change. The status of Northern Ireland as part of UK unaffected.
- establishment of an Intergovernmental Conference in which Irish side can put forward views and proposals. They have always been

SECRET

able to do this: the Conference makes it possible to do so more systematically. We are committed to try to reach agreement.

Conference will also discuss cross-border co-operation. But no decision taking powers and Sovereignty unaffected.

- Small Secretariat in Belfast to service the Conference.

4. Irish will accede to European Convention on Suppression of Terrorism.

SECRET

5. So should reassure Unionists about status: and give nationalist community confidence that their voice will be heard through Irish government's representations.

6. Agreement not enter into force until approved by both Parliaments. Statement to House next Monday. Debate following week.

7. First meeting of Intergovernmental Conference about two weeks after agreement approved. Will discuss:

- ways of improving relations between security forces and the minority
- cross-border security co-operation
- measures to encourage public confidence in administration of justice

DEPARTMENT/SERIES ..... <i>PREM 19</i> ..... PIECE/ITEM ..... <i>1552</i> ..... (one piece/item number)	Date and sign
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70 WHITEHALL, LONDON SW1A 2AS

01-233 8319

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

Sir Robert Armstrong GCB CVO

Ref. A085/2930

SECRETARY OF STATE FOR NORTHERN IRELAND

---

The Prime Minister believes that it would be useful if the Speaker of the House of Commons could be included amongst those to whom it is planned to give briefing in advance of an Anglo-Irish Agreement. As you know, she herself will be briefing the leaders of the national parties, and you will be doing the same for other Westminster politicians. It would be most helpful if you could also fit in the Speaker. I understand from your office that there might be an opportunity for you to do this tomorrow afternoon (14 November).

2. The main purpose of this would be, in deference to the Speaker's position to make him generally aware of the Agreement and its contents in advance. It would be right to emphasise three points of particular interest to him:
  - a. The Prime Minister's intention to make a statement in the House on 18 November.
  - b. The intention to hold a debate on the Agreement in the week thereafter.
  - c. The fact that the Agreement will not enter into force until both Parliaments have approved it.

3. An additional reason for briefing the Speaker is that we might subsequently need his goodwill should anyone in the process of mounting a judicial challenge to the Agreement attempt to argue that Parliamentary debate on the matter should therefore be prevented under the sub judice rules. The attached note, prepared by the Legal Secretary, sets out the reasons why we consider that a judicial challenge would probably fail, and additionally the reasons why the sub judice rules need not be held to preclude a Parliamentary debate. But I suggest that it would be best not to raise this point at all with the Speaker tomorrow. First, our briefing him would seem less of a courtesy if it appeared to be done principally in order to square him in advance on the narrower point of allowing a Parliamentary debate. Second, it is quite likely that we shall need his assistance on that point (since the judicial challenge may have failed by the time the debate is scheduled), and therefore tactically unwise to appear to request it at this stage.

4. I am sending a copy of this minute to Mr Powell and to the Legal Secretary.

*Robert Armstrong*

*-ix- to the Law Officers*

13 November 1985

*Malawi*

If proceedings are instituted to challenge the validity of the Agreement (eg an application for judicial review) and this is still pending when Parliament comes to debate the Agreement, it may be argued that the debate should not be allowed to proceed because the matter is sub judice.

The basis of the sub judice rule is the need to avoid "a real and substantial prejudice to the trial of the case" (Erskine May, page 429). There is no risk of such prejudice in this case, which concerns only issues of law and will be decided by judges of the superior Courts who will not be influenced by political debate in Parliament on the morals of the Agreement, even if that infers discussion of legal issues. Provided that proper deference is paid to the exclusive right of courts to interpret the law, Parliament should therefore not allow the mere commencement of proceedings to hamper its discussion and decisions.

In any event, the Government is prepared, if necessary, to give the assurance to the following effect. If, contrary to the advice which Ministers have received, the Agreement or any part of it is held to be unlawful or unconstitutional, they will not proceed further with it. If the notification of acceptance has been given in the meantime, it will be made clear that it is given on this basis. If, further, an inaugural meeting of the Conference

is held in the meantime it will deal only with priority steps and procedural matters. The precise wording of this assurance may have to depend on the arguments actually advanced in the legal proceedings.

PRIME MINISTERNORTHERN IRELAND - CABINET

We are in an impossible position in advance of tomorrow's Cabinet at which Northern Ireland will be discussed.

First, Ireland is full of reports that the Anglo-Irish Summit will be held at Hillsbrough on Friday.

To play for time last week we said that the subject of Northern Ireland would again come to tomorrow's Cabinet.

The Irish Cabinet has met and is widely assumed to have approved an agreement; we are therefore left in the driving seat.

We are consistently saying that as and when there is an agreement we shall give the media due notice so that they have a chance of getting to its signing and the subsequent press conference. We plan to ring journalists at 7 am on Friday morning to alert them to the signing agreement and press conference.

To cope with the Cabinet tomorrow I suggest that the British Government says the following:

"The Cabinet today further discussed the possibility of an Anglo-Irish agreement. Any conclusion of the discussions will be announced as and when it is reached."

Content?

*Martin Sawyer*

pp. Bernard Ingham  
13 November 1985

Ref. A085/2925

PRIME MINISTER

---

Cabinet: Northern Ireland Affairs

Cabinet on 14 November provides the opportunity for you to fulfil your undertaking to report on the final stage of the Anglo-Irish negotiations.

2. I suggest that the discussion can be brief. Given that the Foreign and Commonwealth Secretary will be absent, you may prefer not to call either on the Minister of State (Mr Rifkind) or on the Secretary of State for Northern Ireland, but yourself to report as briefly as you see fit. Indeed, it would be possible for you simply to say that the outstanding points had been satisfactorily resolved and that you and the Taoiseach would be signing the Agreement within a few days.

3. You may, however, wish briefly to record the position on the points identified in Cabinet on ~~31 October~~ 7th November for further discussion with the Irish:

a. Co-operation against Terrorism. The Irish have been brought to accept firmer language on this in the Communiqué. ("The first meeting of 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.") We have again told the Irish that we shall continue in the Intergovernmental Conference to press for effective and sustained co-operation on security matters.

b. European Convention on the Suppression of Terrorism. The Irish Government have agreed to announce in the



Communiqué their intention to accede as soon as possible to the Convention and their Attorney General ~~has advised~~ that they would be at risk of constitutional challenge if they signed the Convention before that legislation was passed. It will take some time to get the necessary legislation through the Dail.

c. The Secretariat. The Irish have pressed very hard, notably in a message from the Taoiseach, for the Secretariat to be located in Belfast with effect from the first meeting of the Intergovernmental Conference. We have agreed in principle that the first meeting of the Intergovernmental Conference may take place in Belfast and that the Secretariat may be located there from that time.

But we have made clear that, if the reaction to the Agreement is much worse than we expect, we would go back to the Irish on this subject. We have said that the Secretariat cannot be housed in Stormont, for reasons of space and because it would be provocative to unionists. The Irish have accepted that a reasonably secure building not far from Stormont, which has been identified, should be considered for the Secretariat.

d. Risk of Judicial Review. The Solicitor General has provided the reassuring advice that there is no risk of the proposed Agreement being enforced against us in our domestic courts, whether by way of an application for judicial review or otherwise. An application may be made, but the Solicitor General sees no risk of it succeeding. On the rather different question whether an application for judicial review to challenge the very conclusion of the Agreement, for instance on the grounds that it was in conflict with the 1973 Northern Ireland Act, the Attorney General and the Solicitor General had already advised that



an application for judicial review could be launched, in the sense that the courts would have jurisdiction to entertain it, but that we should have a good defence to it and it should not succeed.

4. You will wish to consider whether to tell the Cabinet the actual date of signature. You could say that the meeting will be in Northern Ireland. If you mention the date, you could also maintain your plans for briefings on a Privy Counsellor basis for the Leaders of the Opposition and the Alliance Parties, and for a statement in the House of Commons. The debate would be likely to take place in the week following the statement.

*Ms*

*for* ROBERT ARMSTRONG

13 November 1985



Ref. A085/2907

PRIME MINISTER

CDP  
14/11Anglo-Irish Talks Dublin 13 November

Our final round with Mr Nally and his team before the Summit took place in Dublin on 12 November.

2. Mr Nally told me that the Irish Government had that morning decided to go ahead with the Agreement. They expect the debate in the Dail to start on Tuesday 19 November and to last two or three days.

Location of Summit

3. At the beginning of the meeting I was taken to see the Taoiseach, in order to convey to him at first hand the strong preference you had expressed, and the reasons for it. He said that the location we preferred would, because of its associations, be absolutely impossible for him. He much regretted not being able to meet your wishes on this: I had the impression that, left to himself, he might have done, but that his political colleagues would not let him. He commended two other possible sites; but said that he was entirely prepared to accept your second choice. Plans are going forward accordingly.

Texts

4. Work on the texts was completed. The Agreement was not altered. I attach the Communiqué and the press release summarising the Agreement, with a few minor changes underlined. The main changes are in the Communiqué. We have attached the last words of paragraph 7, so as to remove the reference to the "competence" of the Conference; paragraph 10, about the general work of the Anglo-Irish Intergovernmental Council in the past



year, has been shortened and simplified; and paragraph 11 in the previous version, which said that you and the Taoiseach had discussed general international subjects, has been deleted since it seems unlikely that there will be much discussion of that kind.

5. The three texts will now be prepared for issue at your press conference with the Taoiseach following the Summit, and the Agreement and Communiqué (but not the summary of the Agreement) will be set up for printing as a Command Paper to be distributed early on Monday 18 November.

#### The Secretariat of the Intergovernmental Conference

6. The Taoiseach expressed warm appreciation of your message of 12 November. The Irish displayed interest in the house in Belfast which we had suggested for the Secretariat's use. Irish officials are to visit it today. The arrangements proposed in your message have been accepted by the Irish: they may still hanker after locating the Secretariat eventually in the Stormont complex, but recognise that this is not going to happen in the foreseeable future, and will not press it, at any rate for the time being.

#### The Status of Northern Ireland

7. Irish Ministers clearly remain nervous that questions on the meaning of Article 1 of the Agreement, which they consider inevitable, will be answered differently by the two Governments and perhaps in ways which would make it harder for the Irish Government to withstand the accusation that the Agreement is --- in breach of the Irish Constitution. We devised the attached draft replies to questions for you and the Taoiseach. The Irish consulted the Taoiseach during our session, and he is willing to use the line suggested for him in the second answer, if you are willing to use the line in the first answer.



Opening Statements at the Press Conference Following the Summit

- 8. The Irish gave us the attached draft, prepared by the Taoiseach himself, for his use at the opening of the press conference, after you have spoken first. We suggested various changes, which are indicated in manuscript on the text. The Taoiseach was consulted on these and accepted them.
- 9. I attach our draft for your statement at the beginning of the press conference. I do not think that it would cause the Irish difficulty.

Mixed Courts

10. There was no discussion of the substance of this matter, but some on presentation. I repeated what I had said to them earlier: that you would answer any questions about mixed courts by referring to the words in your message of 4 October to the Taoiseach which reads as follows:

*Mixed Courts*

"We have all along made it clear to you that we could go no further than undertaking to consider the possibility of mixed courts. We remain prepared to undertake to consider the possibility, but in all honesty it has to be without commitment, since, though we do not exclude the possibility of mixed courts being feasible and acceptable at some future time, we cannot see any easy or early way round or through the political and other difficulties which would be involved."

The Irish side thought that the Taoiseach might ask you, at the Summit, whether you would somewhat alter the order of the points in whatever you said, and not say that you had "made our position clear to the Taoiseach in the negotiations": that might invite questions as to what the Taoiseach had said or conveyed to you in the course of the negotiations.



SDLP

11. The Taoiseach had had a long meeting with the SDLP the previous evening. We were told that this had been an emotional occasion. The Taoiseach was clearly pleased with the outcome: the SDLP had said that the agreement did not contain everything they would have liked to see, and they would say so; but they would support it.

12. I am sending copies of this minute to the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland.

RIA

ROBERT ARMSTRONG

13 November 1985

## Anglo-Irish Summit Meeting

### Joint Communiqué

1. The Prime Minister, the Rt Hon Margaret Thatcher FRS MP and the Taoiseach, Dr Garret FitzGerald TD, met at ..... on ..... It was the third meeting of the Anglo-Irish Intergovernmental Council to be held at the level of Heads of Government.
  
2. The Prime Minister was accompanied by the Secretary of State for Foreign and Commonwealth Affairs, the Rt Hon Sir Geoffrey Howe QC MP, and the Secretary of State for Northern Ireland, the Rt Hon Tom King MP. The Taoiseach was accompanied by the Tanaiste, Mr Dick Spring TD, and the Minister for Foreign Affairs, Mr Peter Barry TD.
  
3. The Prime Minister and the Taoiseach signed a formal and binding Agreement between their two Governments, which will enter into force as soon as each Government has notified the other of acceptance. The Agreement has the aims of promoting peace and stability in Northern Ireland; helping to reconcile the two major traditions in Ireland; creating a new climate of friendship and co-operation between the people of the two countries; and improving co-operation in combating terrorism.
  
4. The Agreement deals in particular with the status of Northern Ireland and the establishment of an Intergovernmental Conference in which the Irish Government will put forward views and proposals concerning stated aspects of Northern Ireland affairs; in which the promotion of cross-border co-operation will be discussed; and in which determined efforts will be made to resolve any differences between the two Governments.
  
5. The Prime Minister and the Taoiseach committed themselves to implementing and sustaining the measures set out in the Agreement

with determination and imagination and undertook to encourage people of both the unionist and nationalist traditions in Ireland to make new efforts to understand and respect each other's concerns with a view to promoting reconciliation.

6. The exchange of notifications of acceptance will not be completed until the Agreement has been approved by the British Parliament and by Dail Eireann. The two Governments intend that action to implement the provisions of the Agreement should begin once the exchange of notifications has been completed. The first meeting of the Intergovernmental Conference will take place as soon as possible thereafter. The British side will be led by the Secretary of State for Northern Ireland and the Irish side by the Minister designated as the Permanent Irish Ministerial Representative.

7. The two Governments envisage that the meetings and agenda of the Conference will not normally be announced. But they wish it to be known that, at its first meeting, the Conference will consider its future programme of work in all the fields - political, security, legal, economic, social and cultural - assigned to it under the Agreement. It will concentrate at its initial meetings on:

- relations between the security forces and the minority community in Northern Ireland;
- ways of enhancing security co-operation between the two Governments; and
- seeking measures which would give substantial expression to the aim of underlining the importance of public confidence in the administration of justice.

In the interests of all the people of Northern Ireland the two sides are committed to work for early progress in these matters. Against this background, the Taoiseach said that it was the intention of his Government to accede as soon as possible to the European Convention on the Suppression of Terrorism.

8. In addressing the improvement of relations between the security forces and the minority community, the Conference at its first meeting will consider:

a. the application of the principle that the Armed Forces (which include the Ulster Defence Regiment) operate only in support of the civil power, with the particular objective of ensuring as rapidly as possible that, save in the most exceptional circumstances, there is a police presence in all operations which involve direct contact with the community;

b. ways of underlining the policy of the Royal Ulster Constabulary and of the Armed Forces in Northern Ireland that they discharge their duties even-handedly and with equal respect for the unionist and nationalist identities and traditions.

9. In its discussion of the enhancement of cross-border co-operation on security, the first meeting of 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.

10. In addition to concluding the new Agreement, the Prime Minister and the Taoiseach reviewed the wide range of work being done under the auspices of the Anglo-Irish Intergovernmental Council to develop further the unique relationship between the two countries. The fact that in the past year there have been more than twenty meetings between Ministers of the two

Governments demonstrates the closeness of co-operation. The Prime Minister and the Taoiseach decided that this work should be actively continued, in the interests of friendship between all the people of both countries.

11. The Prime Minister and the Taoiseach agreed to meet again at an appropriate time to take stock of the development of relations between the two countries and of the implementation of the Agreement which they have signed.



## Summary of the Anglo-Irish Agreement 1985

### Joint Press Release

(Note: This summary has no legal status)

1. The Agreement begins with a preamble incorporating a joint statement of objectives.

#### The Status of Northern Ireland

2. The two Governments affirm that any change in the status of Northern Ireland would only come about with the consent of a majority of the people of Northern Ireland; recognise that the present wish of a majority there is for no change in that status; and declare that, if in the future a majority there clearly wish for and formally consent to the establishment of a united Ireland, the two Governments will introduce and support legislation in the respective Parliaments to give effect to this. (Article 1)

#### Framework and Objectives of the Intergovernmental Conference

3. The Agreement establishes, within the framework of the Anglo-Irish Intergovernmental Council, an Intergovernmental Conference concerned with Northern Ireland and with relations between the two parts of the island of Ireland which, subject to the terms of the Agreement, will deal on a regular basis with:

- political matters;
- security and related matters;
- legal matters, including the administration of justice;

- the promotion of cross-border co-operation. (Article 2(a))

The Agreement provides for a review of the working of the Conference after three years, or earlier if either side desires. (Article 11)

4. The Conference will proceed on the basis that:

- the United Kingdom Government accept that the Irish Government will put forward within the Conference views and proposals on certain matters relating to Northern Ireland as provided for in the Agreement;
- in the interest of promoting peace and stability, determined efforts will be made in the Conference to resolve any differences;
- there will be no derogation from the sovereignty of either Government, and each retains responsibility for the decisions and administration of government within its own jurisdiction. (Article 2(b))

5. The Conference will be a framework within which the two Governments work together for the accommodation of the rights and identities of the two traditions in Northern Ireland and for peace, stability and prosperity throughout Ireland by promoting reconciliation, respect for human rights, co-operation against terrorism and the development of economic, social and cultural co-operation. (Article 4(a))

#### Procedures and Membership of the Intergovernmental Conference

6. There will be regular and frequent meetings of the Conference at Ministerial level as well as meetings at official level, and special meetings may be convened at the request of

either side. The joint Chairmen at Ministerial level will be on the Irish side a Minister designated as the Permanent Irish Ministerial Representative and on the United Kingdom side the Secretary of State for Northern Ireland. Other Ministers and advisers will participate as appropriate. There will be a Secretariat to service the Conference on a continuing basis. (Article 3)

7. The Irish Government declare their support for the United Kingdom Government's policy of seeking devolution in Northern Ireland on a basis which would secure widespread acceptance throughout the community. (Article 4(b)). The Conference will be a framework in which the Irish Government can put forward views and proposals on the modalities of devolution, in so far as they relate to the interests of the minority community. (Article 4(c)). Should a devolved administration be established, the devolved matters would not be for consideration by the Conference. (Article 2)

#### Political Matters

8. The Conference will concern itself with measures to recognise and accommodate the rights and identities of both traditions in Northern Ireland in such areas as cultural heritage, electoral arrangements, use of flags and emblems, the avoidance of economic and social discrimination and the advantages and disadvantages of a Bill of Rights for Northern Ireland. (Article 5(a))

9. Should it prove impossible to achieve and sustain devolution, proposals for major legislation and major policy issues where the interests of the minority community are significantly or especially affected and which come within the administrative responsibility of the Northern Ireland Departments will be for consideration by the Conference. (Article 5(c))

10. The Conference will be a framework within which the Irish Government may put forward views on the role and composition of bodies appointed by the Secretary of State for Northern Ireland or his Departments. (Article 6)

#### Security and Related Matters within Northern Ireland

11. The Conference will consider security policy issues as well as serious incidents and forthcoming events. A programme of action will be developed with the particular object of improving the relations between the security forces and the nationalist community. Elements of the programme may be considered by the Irish Government for application in the South. The Conference may also consider policy issues relating to prisons, and individual cases may be raised. (Article 7)

#### Legal Matters including the Administration of Justice

12. Both Governments recognise the importance of public confidence in the administration of justice. The Conference will seek measures that would give substantial expression to this aim, considering among other things the possibility of mixed courts in both jurisdictions for the trial of certain offences. The Conference will also consider whether there are areas of the criminal law in both jurisdictions which might with benefit be harmonised and will be concerned with policy aspects of extradition and extra-territorial jurisdiction as between North and South.

(Article 8)

#### Cross-border Co-operation on Security, Economic, Social and Cultural Matters

13. The Conference will set in hand a programme of work to be undertaken by the Chief Constable of the Royal Ulster Constabulary and the Commissioner of the Garda Síochána with a

view to enhancing co-operation between the security forces of the two Governments in such areas as threat assessments, exchange of information, liaison structures, technical co-operation, training of personnel and operational resources. The Conference will have no operational responsibilities. (Article 9)

14. The two Governments undertake to co-operate to promote the economic and social development of those areas in both parts of Ireland which have suffered most severely as a result of the instability of recent years. The two Governments will consider the possibility of securing international support for this work. (Article 10(a))

15. The Conference will, in the absence of devolution, be the framework for the promotion of cross-border economic, social and cultural co-operation. In the event of devolution, machinery would be needed to deal with co-operation in respect of cross-border aspects of devolved matters. (Article 10(b) and (c))

#### Interparliamentary Body

16. The two Governments agree that they would give appropriate support to any Anglo-Irish Interparliamentary body established by the two Parliaments. (Article 12)

Possible Answers to Questions about the  
Status of Northern Ireland

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1. Question to  
the Prime  
Minister

Article 1 is ambiguous/imprecise about the status  
of Northern Ireland, says less than the Chequers  
Communique, etc. What does it mean?

Answer

Of course the two Governments approach this aspect of the matter from differing historical perceptions and from within differing constitutional frameworks. The Agreement does not change that.

The position is clear. Northern Ireland is part of the United Kingdom.

What Article 1 does is to look to the future and set out - for the first time in a binding international agreement - what is common ground between us: that there will be no change in the present status of Northern Ireland without the freely given consent of the majority of its inhabitants; and that both Governments recognise that such consent does not at present exist.

2. Question to  
the Taoiseach

Do you agree with the Prime Minister?

Answer

As the Prime Minister has said, the two Governments approach this matter from differing historical perceptions and from within differing constitutional frameworks, and the Agreement does not change that.

It is of course a fact that Ireland is not united politically and that the British Government is responsible for the government of Northern Ireland.

What is important is what we have now agreed about the future.

12.11.85 ↗

9.05 PM.

DRAFT SPEECH OF SIGNING OF ANGLO-IRISH AGREEMENT

By the Taoiseach  
at the Press Conference

Throughout these negotiations, the Irish Government approach has been to find solutions which would end the [alienation] of nationalists in Northern Ireland and recognise and respect the rights of unionists about whose anxieties we have been at all times deeply concerned. [Word to be avoided]

V  
A majority of ~~our~~ <sup>Irish</sup> people share the aspiration to ~~Irish~~ unity to be achieved peacefully and by agreement. That is the nationalist position. It is obvious that the British Prime Minister and I have come to these negotiations with different historical perspectives and, as it were, with different title deeds. But we have been able to agree about what would and what would not happen in the future.

The Agreement affirms clearly that any change in the status of Northern Ireland would only come about with the consent of a majority of the people of Northern Ireland. The Agreement recognises that the present wish of a majority of the people of Northern Ireland is for no change. The Agreement goes on to say that if in the future a majority of the people of Northern Ireland clearly wish for and formally consent to the fulfilment of the nationalist aspiration, the two Governments will act to implement that wish.

/...

The Agreement thus makes provision for ~~(the fulfilment of)~~ the nationalist aspiration to unity in the only conditions in which constitutional nationalists seek, or would accept, its fulfilment - without violence and with the consent of a majority in Northern Ireland.

The corollary of this is that the Northern Unionist community has for the first time a commitment in the form of international agreement that a change in the status of Northern Ireland, such as would be involved in a move to Irish political unity, would not take place without the consent of a majority in Northern Ireland.

On the Irish side these negotiations were preceded by a process of consultation involving a review of traditional attitudes by the constitutional nationalist parties of the island, through the New Ireland Forum.

The Forum's Report provided the basis for the Irish Government's approach to this negotiation. The Agreement as it has now emerged is <sup>fully</sup> consistent ~~in all respects with the proposals for a Framework for a New Ireland within which to tackle this problem that are set out in Chapter 5 Paragraph 2~~ with the principles proposed of that Report.

/...



Our purpose is to ~~create after 65 years conditions in Northern Ireland that will~~ secure equal recognition and respect for the <sup>two</sup> Irish ~~nationalist~~ <sup>ies</sup> identity ~~there~~ <sup>in Northern Ireland</sup>. Nationalists can now raise their heads knowing their position is, and is seen to be, on an equal footing with that of members of the majority Community.

As a result we will be creating conditions in which the nationalist community in the North, can more readily identify with the structures of Northern Ireland in a way that will help peace and stability to emerge.

For the unionist community, who have suffered the most tragic and repulsive onslaught on their right to life and to well-being, this Agreement offers a way forward towards the restoration of normal civilised life

without violence  
or fear

This Agreement thus involves no abandonment of nationalist aspirations, nor any threat to unionist rights; but it does offer a prospect of progress towards peace and justice for Northern nationalists, and of peace and stability for Northern unionists.

There are no victors: nor any losers. But if what has been agreed is implemented in full good faith, as I believe it will be, all of the people of Northern Ireland will gain. So indeed will the peoples of the rest of Ireland and of Great Britain,

/...

4.

who for many years have had to carry together a heavy burden of security costs, and ~~(in the case of my State)~~ have also ~~suffered~~ paid a severe economic losses, *price*.

As a person with close family bonds on the unionist side and ~~by~~ close personal friendships on the nationalist side I want to address myself directly to the people of Northern Ireland .

To unionists and nationalists alike I appeal:

Look at and evaluate this Agreement for what it is - not for what some people in both communities committed to maintaining divisions and hatreds, will attempt to portray it to be.

Draft Opening Statement for the Prime Minister at the  
Press Conference following an Anglo-Irish Summit

Dr FitzGerald and I have today signed an Agreement which marks a significant step forward in relations between our two countries and towards peace and reconciliation in Northern Ireland.

2. The Agreement has three main elements:

- A Preamble in which various important principles, including our total rejection of violence and our recognition of the validity of both traditions in Northern Ireland, are set out.
- An Article in which the two Governments affirm that any change in the status of Northern Ireland would only come about with the consent of a majority of the people of Northern Ireland; recognise that the present wish of a majority is for no change; and declare that, if in the future a majority formally consent to a united Ireland, the two Governments will support legislation accordingly.

- Articles establishing, within the framework of the Anglo-Irish Intergovernmental Council, a new Intergovernmental Conference concerned both with Northern Ireland and with relations between the two parts of Ireland. The Irish Republic will be able to put forward views and proposals in the Conference on stated aspects of Northern Ireland affairs; and determined efforts will be made to resolve any differences. The Conference will also deal with cross-border co-operation on security, economic, social and cultural matters, including the enhancement of cross-border co-operation in combating terrorism. Full responsibility for the decisions and administration of government will remain with the United Kingdom north of the border and with the Republic south of the border.

3. We have also issued today a communiqué on our meeting, which says that the new Intergovernmental Conference will concentrate in its initial meetings on relations between the security forces and the minority community in Northern Ireland, on ways of improving security co-operation between the two

Governments, and on seeking measures which would underline the importance of public confidence in the administration of justice.

4. I shall be making a statement to Parliament about the Agreement on Monday. A full debate will take place shortly afterwards. The Agreement will enter into force only after both Parliaments have approved it.

5. By promoting peace and stability and by enhancing our co-operation against terrorism, the Agreement will bring benefits to all the people of Northern Ireland. I hope that it will also open the way for moves towards devolution in Northern Ireland.

6. I believe that this Agreement represents a positive contribution to progress on this long-standing and difficult problem. The two Governments are committed to implementing it fully and effectively. We call on all people of goodwill to join us in promoting peace.



Ref. A085/2926

MR POWELL

Anglo-Irish Agreement: Prime Minister's Briefing for  
Party Leaders

--- Thank you for your minute of 11 November. I attach two briefs. The first is intended for the Prime Minister's meetings with Mr Kinnock, with Mr Steel and Dr Owen, and with Mr Molyneux. The second provides additional material for use with Mr Molyneux.

2. I am copying this minute and the attachment to Jim Daniell in the Northern Ireland Office.

*ms*

M C STARK

Prime Minister

13 November 1985

① Mr. Kinnock will come at 1800 and will bring Mr. Hattersley (who will handle any parliamentary discussion next week).

② Mr. Steel & Dr. Owen will come at 1830

③ Mr. Molyneux is still reflecting on whether to accept your invitation.

④ The Northern Ireland Secretary will support you. CDD.



SECRET

## PRIME MINISTER'S MEETING WITH WESTMINSTER PARTY LEADERS

14 NOVEMBER 1985

## ANGLO-IRISH AGREEMENT

Points to make

Early in 1984 we opened an exploratory dialogue with the Irish Government to see whether the basis existed between us for an Agreement which would contribute to easing the problems in Northern Ireland. The prospects for Northern Ireland under a further prolonged period of direct rule were bleak. Polarization was likely to grow and violence to increase. As the talks progressed we found common ground with the Irish on a limited package.

2. The Agreement I shall sign with the Taoiseach tomorrow will not solve the problems of Northern Ireland. It is a small but significant step which should help to:

- promote peace and stability in Northern Ireland;
- reconcile the two major <sup>Communities</sup> ~~traditions~~ there;
- intensify co-operation with the Irish Republic, notably against terrorism;
- increase the chances of achieving devolved government in Northern Ireland.

3. The Agreement has three principal features:

- i. A preamble embodying certain principles, including an emphatic condemnation of violence and all who support it.

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ii. A binding affirmation that any change in the status of Northern Ireland would only come about with the consent of a majority of its people, coupled with explicit recognition that the present wish of a majority is for no change. The Agreement declares that, if in the future a majority formally consented to a united Ireland, the two governments would support legislation accordingly.

*The status of Northern Ireland as part of the United Kingdom is unaffected.*

iii. The establishment, within the framework of the Anglo-Irish Intergovernmental Council, of a new Intergovernmental Conference concerned both with Northern Ireland and with relations between the two parts of Ireland. In the Conference the Irish Government will put forward views and proposals on stated aspects of Northern Ireland affairs, and determined efforts will be made to resolve any differences between us. The Agreement makes absolutely clear that the United Kingdom Government will remain responsible for the decisions and administration of Government in Northern Ireland. The Intergovernmental Conference will also discuss cross border co-operation on security, economic, social and cultural matters, and notably in combating terrorism.

*The Irish Government has of course always been able to put forward views. This makes it possible for them to do so in a more systematic way.*

4. A small Secretariat of British and Irish officials will be established in Belfast to service the Intergovernmental Conference.

5. The first of these elements is intended to reassure Unionists that the status of Northern Ireland as part of the United Kingdom will remain as it is unless a majority there decide otherwise.

6. The second element is designed to give the Nationalist community confidence that their voice will be heard through the Irish Government's

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representations to us in the Intergovernmental Conference.

7. The Irish Government will indicate at tomorrow's Summit their intention of acceding as soon as possible to the European Convention on the Suppression of Terrorism. This should help in the extradition of terrorists.

8. The Agreement leaves to the British and Irish Parliament the question of establishing an Anglo-Irish Parliamentary body.

9. The Agreement will not enter into force until approved by the two Parliaments. I shall make a statement in the House on Monday 18 November and we plan a full debate in the week beginning 25 November.

10. At its first meeting, which will be held soon, after the Agreement enters into force, the Intergovernmental Conference will concentrate on:

- improving relations between the security forces and the minority community;
- cross-border security co-operation;
- measures to encourage public confidence in the administration of justice in Northern Ireland.

11. The Taoiseach and I will declare at our meeting tomorrow our resolve to implement the Agreement with determination and imagination.

DEFENSIVE

#### Mixed Courts

12. We made clear to the Irish in our negotiations that we could go no further than agreeing to discuss in the Intergovernmental Conference

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SECRET

the question of Mixed Courts in both jurisdictions for the trial of certain offences. The Agreement provides for such discussion which will be entirely without commitment as to the outcome. The Irish know that we see no easy or early way round the very considerable difficulties, but we shall of course discuss the matter in good faith.

### Security Forces

13. The question of security forces' relations with the public is one of those that can be discussed in the Intergovernmental Conference. We plan no major changes; for instance rumours that the UDR might be disbanded are completely false. Improvements, which would have taken place in the normal course of events, will continue to be introduced. The Intergovernmental Conference will have no operational responsibilities: responsibility for the RUC will remain with the Chief Constable, and responsibility for the UDR with the GOC.

13 November 1985

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THE ANGLO-IRISH AGREEMENT -

ADDITIONAL POINTS (For use with Mr Molyneaux)

i. SOVEREIGNTY

Argument

Mr Molyneaux may argue that the Agreement, which applies largely to Northern Ireland and allows a "foreign" country influence over the United Kingdom's internal affairs, is a derogation from sovereignty.

Response

The Agreement will state that there will be no derogation from the United Kingdom's sovereignty. The Government will retain responsibility for the decisions and administration of government in Northern Ireland.

ii. CONSTITUTIONALITY

Argument

Mr Molyneaux may well refer to the possible challenge he may mount against the Anglo-Irish Agreement in the courts.

Response

We believe that the Agreement is wholly consistent with the law including the 1973 Northern Ireland Constitution Act.

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iii. ACCEPTABILITY TO THE UNIONISTS

Argument

Mr Molyneaux may well argue that the acceptability of the Anglo-Irish Agreement to Unionists should be tested. He will assert that the Government is committed to this by the Communique to the November 1984 Summit in which the Prime Minister and the Taoiseach agreed that:

"The identities of both the majority and minority communities in Northern Ireland should be recognised and respected and reflected in the structure and processes of Northern Ireland in ways acceptable to both communities".

Response

This passage in the 1984 Communique referred to a possible devolved Government, not to inter-governmental arrangements. The Government has consistently made it clear that any devolved Government would have to be acceptable to both sides of the community, most notably in the 1982 White Paper which preceded the 1982 Northern Ireland Act. It is right that arrangements for devolved Government should require the support of both sides of the community and if they are to be equitable and durable they must be subject to this test. But relations with the Republic, whose significance goes much wider than Northern Ireland, have always been a matter for Westminster and, through Parliament, for the people of the United Kingdom as a whole.

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iv. THE REPUBLIC'S CONSTITUTIONAL CLAIM

Argument

Mr Molyneaux may stress that the Irish Government have not repealed Articles 2 and 3 of their Constitution, so that the Republic's de jure claim remains in force.

Response

Northern Ireland is part of the United Kingdom. The Agreement does not affect that. Indeed in the Agreement the Irish Government goes further than before: it recognises not only that the status of Northern Ireland would only change if a majority there so wish but also that the present wish of a majority is for no change. Moreover these points are embodied for the first time in a binding international agreement. This should surely provide reassurance to Unionists.

v. CONFIDENTIALITY

Argument

Mr Molyneaux may complain that Unionists should have been fully briefed on the discussions; and that the confidentiality of the discussions has been damaging in Northern Ireland.

Response

We must accept that this has been a problem, but confidentiality of the discussions was essential if they were to succeed; diplomatic discussion could not have succeeded in the glare of publicity. We have attempted to treat all parties alike.

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The Irish Government's contacts with the SDLP are not for us to comment on.

Background

The Secretary of State for Northern Ireland has tried to make clear in private and in public what is not in the Agreement. He thinks this has given some general reassurance, although Mr Molyneaux is unlikely to admit this.

---

13 November 1985

SECRET

Ireland: Taoiseach. P(-11)



10 DOWNING STREET

Charles,

Your letter to Michael  
stork of 13/11 (at  
top of File) -  
Michael says  
he has no  
comments.

JP  
13/11



PRIME MINISTER

ANGLO-IRISH TALKS

I attach the following papers:

- A. Robert Armstrong's account of his final round of negotiations. You need only read this. I have put the very slightly revised texts in the main folder for the Anglo-Irish Summit.
- B. Answers which you and the Taoiseach might give to questions on the status of Northern Ireland at the press conference. Agree?
- C. A draft opening statement for your use at the press conference. Agree?
- D. The Taoiseach's proposed opening remarks.

C.D.P.

(C. D. POWELL)

13 November 1985

lw

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37



10 DOWNING STREET

*From the Private Secretary*

Sir Robert Armstrong

**ANGLO-IRISH SUMMIT: STATEMENT TO THE HOUSE**

1. I enclose a revised version of the draft statement to be made by the Prime Minister on 18 November. The Prime Minister would be broadly content with it, though it might of course need to be revised in the light of developments after the Summit. I should be grateful for any comments.

2. I am sending copies of this minute and enclosure to the Private Secretaries to the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland.

CDP

13 November, 1985.

JB



Foreign and Commonwealth Office

London SW1A 2AH

13 November 1985

Dear Michael,

Anglo-Irish Agreement: Prime Minister's  
Statement in the House on 18 November

Sir Robert Armstrong's minute to Mr Powell of 11 November enclosed a draft of the statement for the Prime Minister to make in the House on 18 November. The Foreign Secretary is content with the proposed draft.

Yours ever,

*Lee Appleyard*  
(L V Appleyard)  
Private Secretary

Michael Stark Esq  
Private Secretary to  
Sir Robert Armstrong  
Cabinet Office

NORTHERN IRELAND

PS  
 PS/LADY YOUNG  
 PS/PUS  
 MR GOODALL

HD/RID  
 HD/FUSD (2)  
 HD/INFO DEPT  
 HD/NEWS DEPT

PS/ S of S  
 PS/MR R ANDREW, OAB 1/56  
 MR BRENNAN  
 MR BURNS  
 MR PN BELL

NIO

SIR R ARMSTRONG  
 DIO

CABINET OFFICE

PS/ NO 10 DOWNING STREET (3)

UNCLASSIFIED  
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 TO IMMEDIATE FCO  
 TELNO 775  
 OF 131235Z NOVEMBER 85

**IMMEDIATE****ADVANCE COPY**

ANGLO IRISH TALKS: PRESS REVIEW 13 NOVEMBER

## SUMMARY

1. THE PAPERS EXPECT A SUMMIT ON 15 NOVEMBER. HINTS THAT MR HAUGHEY WILL OPPOSE AN AGREEMENT CONSTRUCTIVELY.

## DETAIL

2. THE ANLGO IRISH TALKS CONTINUE TO DOMINATE THIS MORNING'S DUBLIN PAPERS. ALL NOW BELIEVE THE SUMMIT WILL TAKE PLACE ON 15 NOVEMBER, PROBABLY IN NORTHERN IRELAND. JOHN COONEY IN THE IRISH TIMES QUOTES SOURCES IN DUBLIN AS DESCRIBING THE MEETING ON THE EVENING OF 11 NOVEMBER BETWEEN IRISH MINISTERS AND THE SDLP DELEGATION AS 'LENGTHY AND GOOD'. THE HEADLINE IS 'SDLP SUPPORT ASSURED FOR SUMMIT TERMS'. COONEY SAYS THAT IRISH MINISTERS CONTINUED TO EXAMINE THE AGREEMENT YESTERDAY, BUT THEY HAVE STILL TO FORMALLY APPROVE IT. HE ADDS THAT 'UNDER THE AGREEMENT ADDITIONAL RESPONSIBILITY WILL FALL ON THE SHOULDERS OF MR BARRY WHO WILL COORDINATE THE GOVERNMENT'S PARTICIPATION IN A PROPOSED ANGLO-IRISH COMMISSION .... ASSISTED BY A BELFAST-BASED SECRETARIAT.'

BASED SECRETARIAT."

3. IN THE 'IRISH PRESS' TIM PAT COOGAN HAS AN EXCLUSIVE FRONT PAGE REPORT HEADED 'NORTH DEAL REVEALED : DUBLIN ROLE AT STORMONT' IN WHICH HE SAYS THAT 'THE ANGLO-IRISH PROCESS WILL PROVIDE FOR MINISTERIAL MEETINGS ON MATTERS OF ANGLO-IRISH INTEREST, BUT THESE WILL NOT BE TERMED MEETINGS OF THE ANGLO AIRISH COMMISSION. THE WORD 'CONFERENCE' IS INSTEAD FAVOURED'. COOGAN ALSO MENTIONS A 3 YEAR REVIEW PERIOD FOR THE AGREEMENT AND SAYS THAT DUBLIN WILL BE ABLE TO USE THE NEW APPARATUS 'TO ARTICULATE NATIONALIST COMPLAINTS' ON SECURITY MATTERS. THE UDR IS NOT TO BE DISBANDED, BUT HE UNDERSTANDS THAT 'THERE IS PROVISION FOR MILITARY (SIC) ACCOMPANIMENT OF UDR PATROLS IN NATIONALIST AREAS'. THE AGREEMENT 'WILL SPEAK OF SAFEGUARDING THE PRESENT STATUS OF NORTHERN IRELAND' ALTHOUGH IT IS ALSO 'EXPECTED TO CONTAIN EXPRESSIONS OF BRITAINS UNWILLINGNESS TO ~~SATISFY~~<sup>SATISFY</sup> ON SHOULD A MAJORITY EVER WISH OTHERWISE'. COOGAN COMMENTS THAT 'THIS WOULD OBVIOUSLY BE A FAR CRY FROM THE TRADITIONAL 'ULSTER IS BRITISH FOREVER AND A DAY' APPROACH ', AND SAY THAT IF HIS OUTLINE IS CORRECT, 'THE PRESENT PHASE OF ANGLO-IRISH RELATIONSHIPS MAY BE DEEMED TO HAVE CONCLUDED WITH SOMETHING TANGIBLE FOR THE NATIONALIST SIDE TO A DEGREE WHICH FIANNA FAIL AND MR HAUGHEY WOULD NOT OBJECT GREATLY, CERTAINLY NOT TO THE EXTENT OF WRECKING ANY PROGRESS, THOUGH OBVIOUSLY THERE WILL BE RESERVATIONS ABOUT CERTAIN ASPECTS OF THE DOCUMENT''

4. A LEADING ARTICLE IN THE IRISH PRESS ADDS THAT 'MR HAUGHEY LIKE ANY RESPONSIBLE NATIONALIST LEADER, WILL NOT WISH TO ACT THE PART OF A WRECKER AND CONSTRUCTIVE OPPOSITION RATHER THAN NEGATIVE OBSTRUCTION WILL ON PRESENT INDICATIONS BE THE FIANNA FAIL RESPONSE''.

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SECRET AND PERSONAL

SPIAEX

ANGLO-IRISH SUMMIT:

STATEMENT BY THE PRIME MINISTER

IN THE HOUSE OF COMMONS

SECRET AND PERSONAL

SECRET AND PERSONAL

WITH PERMISSION, MR. SPEAKER, I SHOULD LIKE TO MAKE A  
STATEMENT ABOUT THE MEETING WHICH I HAD WITH  
THE TAOISEACH ON [ ].

I WAS ACCOMPANIED BY MY RT. HON. AND LEARNED  
FRIEND THE SECRETARY OF STATE FOR FOREIGN AND  
COMMONWEALTH AFFAIRS AND MY RT. HON. FRIEND  
THE SECRETARY OF STATE FOR NORTHERN IRELAND.  
DR. FITZGERALD WAS ACCOMPANIED BY MR. SPRING,  
THE TANAISTE, AND BY MR. BARRY, THE IRISH  
MINISTER FOR FOREIGN AFFAIRS.

THE TAOISEACH AND I SIGNED AN AGREEMENT BETWEEN OUR  
TWO GOVERNMENTS, WHICH HAS BEEN PUBLISHED IN  
A COMMAND PAPER.

SECRET AND PERSONAL

SECRET AND PERSONAL

THE TEXT OF THE COMMUNIQUE, ISSUED AFTER THE MEETING, IS ALSO INCLUDED IN THE COMMAND PAPER.

THE PURPOSE OF THE AGREEMENT IS TO PROMOTE PEACE AND STABILITY IN NORTHERN IRELAND; TO ENCOURAGE RECONCILIATION BETWEEN THE TWO MAJOR TRADITIONS THERE; TO CREATE AN IMPROVED CLIMATE OF FRIENDSHIP AND CO-OPERATION BETWEEN THE UNITED KINGDOM AND THE REPUBLIC OF IRELAND; AND TO STRENGTHEN CROSS-BORDER CO-OPERATION BETWEEN THE TWO COUNTRIES, PARTICULARLY IN COMBATING TERRORISM.

THE AGREEMENT WILL COME INTO FORCE ONLY AFTER IT HAS

SECRET AND PERSONAL



SECRET AND PERSONAL

BEEN APPROVED BY PARLIAMENT AND BY THE IRISH  
DAIL.

THE HOUSE WILL HAVE AN EARLY OPPORTUNITY FOR  
A FULL DEBATE.

THE AGREEMENT HAS TWO PRINCIPAL FEATURES.

THE IRISH GOVERNMENT, FOR THE FIRST TIME IN A  
BINDING INTERNATIONAL AGREEMENT, HAS JOINED  
US IN AFFIRMING THAT THE STATUS OF NORTHERN  
IRELAND WILL REMAIN UNCHANGED SO LONG AS  
THAT IS THE WISH OF THE MAJORITY OF ITS  
PEOPLE.

IT HAS ALSO RECOGNISED THAT THE PRESENT WISH  
OF A MAJORITY IS TO REMAIN PART OF THE UNITED

SECRET AND PERSONAL

SECRET AND PERSONAL

KINGDOM.

THIS IS THE MOST FORMAL COMMITMENT TO THE  
PRINCIPLE OF CONSENT MADE BY ANY IRISH  
GOVERNMENT.

THE SECOND PRINCIPAL FEATURE OF THE AGREEMENT IS THE  
ESTABLISHMENT OF AN INTERGOVERNMENTAL  
CONFERENCE WITHIN THE FRAMEWORK OF THE  
EXISTING ANGLO-IRISH INTERGOVERNMENTAL  
COUNCIL.

THIS CONFERENCE WILL BE A FORUM IN WHICH THE  
IRISH GOVERNMENT MAY PUT FORWARD VIEWS AND  
PROPOSALS ON CERTAIN ASPECTS OF NORTHERN  
IRELAND AFFAIRS.

SECRET AND PERSONAL

SECRET AND PERSONAL

IF DEVOLUTION IS RESTORED - AND BOTH SIDES  
ARE COMMITTED TO SUPPORT THIS - THEN THOSE  
MATTERS WHICH BECOME THE RESPONSIBILITY OF  
THE DEVOLVED GOVERNMENT WILL NO LONGER BE  
CONSIDERED IN THE INTERGOVERNMENTAL  
CONFERENCE.

THE CONFERENCE WILL ALSO DISCUSS CROSS-BORDER  
CO-OPERATION, INCLUDING IMPROVED SECURITY  
CO-OPERATION.

THE TWO GOVERNMENTS HAVE AGREED TO MAKE  
DETERMINED EFFORTS TO RESOLVE ANY DIFFERENCES  
THAT MAY ARISE.

BUT THE CONFERENCE WILL NOT - NOT - HAVE  
DECISION-MAKING FUNCTIONS.

SECRET AND PERSONAL

SECRET AND PERSONAL

RESPONSIBILITY FOR THE DECISIONS AND  
ADMINISTRATION OF GOVERNMENT REMAINS  
EXCLUSIVELY WITH THE UNITED KINGDOM  
GOVERNMENT NORTH OF THE BORDER AND WITH THE  
IRISH GOVERNMENT SOUTH OF THE BORDER.

THE FIRST MEETING OF THE INTERGOVERNMENTAL  
CONFERENCE WILL TAKE PLACE AS SOON AS  
POSSIBLE AFTER THE AGREEMENT ENTERS INTO  
FORCE, AND WILL DISCUSS THE FUTURE PROGRAMME  
OF WORK IN ALL THE FIELDS WITH WHICH THE  
CONFERENCE WILL DEAL.  
PARTICULAR SUBJECTS ON WHICH  
THE CONFERENCE WILL CONCENTRATE AT ITS

SECRET AND PERSONAL

SECRET AND PERSONAL

INITIAL MEETINGS ARE:

- WAYS OF IMPROVING RELATIONS BETWEEN THE SECURITY FORCES AND THE MINORITY COMMUNITY IN NORTHERN IRELAND:
- ACTION TO IMPROVE SECURITY CO-OPERATION BETWEEN OUR TWO GOVERNMENTS;
- AND WAYS TO HELP TO UNDERLINE THE IMPORTANCE OF PUBLIC CONFIDENCE IN THE ADMINISTRATION OF JUSTICE.

THE AGREEMENT RECOGNISES THAT IT WOULD BE FOR PARLIAMENTARY DECISION IN WESTMINSTER AND DUBLIN WHETHER TO ESTABLISH AN ANGLO-IRISH PARLIAMENTARY BODY OF THE KIND DESCRIBED IN

SECRET AND PERSONAL

SECRET AND PERSONAL

THE ANGLO-IRISH STUDIES REPORT OF NOVEMBER  
1981.

THE IRISH GOVERNMENT HAS ANNOUNCED IN THE COMMUNIQUE  
ITS INTENTION TO ACCEDE AS SOON AS POSSIBLE  
TO THE EUROPEAN CONVENTION ON THE  
SUPPRESSION OF TERRORISM.

WE WELCOME THIS.

MR. SPEAKER, NO SINGLE AGREEMENT CAN RESOLVE THE  
DEEPROOTED AND COMPLEX PROBLEMS OF NORTHERN  
IRELAND AND DELIVER THE PEACE FOR WHICH THE  
GREAT MAJORITY OF PEOPLE IN NORTHERN IRELAND  
LONG.

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SECRET AND PERSONAL

BUT THE PRESENT AGREEMENT IS AN IMPORTANT  
STEP ON THE WAY.

IT MAINTAINS AND CONFIRMS THE STATUS OF  
NORTHERN IRELAND AS PART OF THE UNITED  
KINGDOM.

IT RECOGNISES THE INTEREST OF THE REPUBLIC IN  
THE AFFAIRS OF THE NORTH AND THROUGH THE  
INTERGOVERNMENTAL CONFERENCE PROVIDES A  
SYSTEMATIC MEANS FOR IRISH VIEWS TO BE PUT  
FORWARD AND CONSIDERED.

IT STRENGTHENS THE RELATIONS BETWEEN THE  
UNITED KINGDOM AS A WHOLE AND THE REPUBLIC.  
AND IT OFFERS HOPE AND ENCOURAGEMENT TO ALL  
THOSE IN BOTH COMMUNITIES WHO REJECT VIOLENCE

SECRET AND PERSONAL

SECRET AND PERSONAL

AND WANT TO WORK TOGETHER PEACEFULLY FOR A  
BETTER FUTURE FOR THEIR CHILDREN.

THE TAOISEACH AND I HAVE COMMITTED OURSELVES  
TO IMPLEMENTING THE AGREEMENT, IF APPROVED BY  
OUR RESPECTIVE PARLIAMENTS, EFFECTIVELY WITH  
DETERMINATION.

I COMMEND IT TO THE HOUSE.

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the Government should prepare for a lock-out of council workers in Liverpool while at the same time running a gravy train for their friends in the City?

**The Prime Minister:** The hon. Gentleman is trying to compare two completely different things. My right hon. Friend the Chancellor has made several statements and has answered many questions about Johnson Matthey Bankers. The matter is in the hands of the police, and it is for them to decide what to do. The people who are running Liverpool have brought it to its present disgraceful state.

**Sir William Clark:** Following my right hon. Friend's excellent speech at the Mansion House yesterday evening, does she agree that, from a total public expenditure of £139 billion this year, about £24 billion will be spent on capital projects? That is about 17 per cent. of our total expenditure, which is not a bad record. Does my right hon. Friend agree that that percentage can be increased only in three ways: by cutting other public expenditure, by increasing the public sector borrowing requirement or by increasing taxes?

**The Prime Minister:** I am grateful to my hon. Friend. I believe that, at last, people are beginning to realise the amount of expenditure that is going in capital expenditure by the Government. Had they listened earlier, they might have got the message earlier. If we want more capital expenditure, it must come either by reducing current expenditure or by raising taxation, which would be most unwelcome to most people, especially those on below average earnings. Increased borrowing would increase interest rates, which also would be unwelcome to industry, which is trying to start up afresh.

**Mr. McCusker:** Will the Prime Minister take this opportunity to assure my constituents, who have survived numerous terrorist attacks launched on them from the territory of the Irish Republic, that she still considers them to be as British as her constituents and that she has no intention of diminishing that status by giving the Government of the Irish Republic any role in the internal affairs of the United Kingdom?

**The Prime Minister:** Northern Ireland is a part of the United Kingdom and will remain a part of the United Kingdom unless the majority of people in Northern Ireland wish otherwise. Negotiations are still under way with the Republic. Any result will still be in accordance with the rule that decisions north of the border are taken by the United Kingdom Government and those south of the border are taken by the Government of the Republic of Ireland.

**Q5. Mr. Andrew F. Bennett** asked the Prime Minister if she will list her official engagements for Tuesday 12 November.

**The Prime Minister:** I refer the hon. Gentleman to the reply that I gave some moments ago.

**Mr. Bennett:** Does the Prime Minister agree that, when she was Secretary of State for Education and Science, she believed that one of the best investments for a nation was a first-class education system? Will she confirm that, while she has been Prime Minister, the proportion of gross domestic product spent on education has fallen from 4.3 per cent. to 3.5 per cent., which means that education has lost about £2 billion—more than

enough to have saved any cuts in higher education, to have protected student grants and to have ensured that teachers could be paid a professional wage?

**The Prime Minister:** But, since that time, the number of pupils in schools has fallen by about 1 million. One would therefore expect the proportion of gross domestic product to fall. However, the amount spent on each pupil has never been higher than under the present Government and the proportion of teachers to pupils has never been higher than under this Government. One is entitled to say that now, instead of spending more money, we must try to get better value out of the money that we are spending.

**Mr. Lawrence:** Has my right hon. Friend seen the latest quarterly report of the Confederation of British Industry which says that the employment prospects of small manufacturing businesses are the brightest for the past decade? Does not that show that the manufacturing sector has as great a role to play in sustaining our economic growth as the services sector?

**The Prime Minister:** I have seen the CBI's latest report. I believe that employment prospects are better, especially as, in the past two years, some 650,000 jobs have been created—the highest rate of job creation since 1973. I see that the OECD is forecasting that Britain will create more jobs than other OECD countries.

**Q6. Mr. Ashley:** asked the Prime Minister if she will list her official engagements for Tuesday 12 November.

**The Prime Minister:** I refer the right hon. Gentleman to the reply that I gave some moments ago.

**Mr. Ashley:** The Prime Minister spoke last night about the construction of new hospitals, but is she aware that there is a great scandal in most of our hospitals, new and old, because of dirty and unhygienic conditions that are damaging many patients? Is she aware that those conditions are caused by negligent health authorities that are flouting the law by hiding behind Crown immunity? Will she consider abolishing Crown immunity to get rid of those conditions?

**The Prime Minister:** I think that, on reflection the right hon. Gentleman will see that he has made an unwarranted slur on the vast majority of our hospitals, which are extremely well run and clean. There are some problems. He has asked me before whether Crown immunity should be lifted in regard to health and safety provisions. No decision has been made. My right hon. Friend is still considering the matter.

**Q7. Mr. Sackville** asked the Prime Minister if she will list her official engagements for Tuesday 12 November.

**The Prime Minister:** I refer my hon. Friend to the reply that I gave some moments ago.

**Mr. Sackville:** Is my right hon. Friend aware that, despite massive regional aid, there are many parts of the north of England where there is grave concern about the low levels of private investment relative to the south-east? Will she give an assurance that all relevant Government Departments will continue to take actions designed to prevent the growth of the dangerous imbalance that is developing?

**The Prime Minister:** My hon. Friend will be aware that in July my hon. Friend the Member for Bolton, North-East (Mr. Thurnham) was being quite optimistic about Bolton and saying:

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PRIME MINISTER

ANGLO-IRISH SUMMIT

I attach a draft statement for the House on 18 November, which you might like to have a first go at. It is an amended version of one provided by the Cabinet Office and the Northern Ireland Office.

C.P.

(CHARLES POWELL)

*Thank you - it is  
better. Only a few  
modifications  
not*

12 November 1985

SECRET AND PERSONAL

SECRET AND PERSONAL

THE TEXT OF THE COMMUNIQUE, ISSUED AFTER THE MEETING, IS ALSO INCLUDED IN THE COMMAND PAPER.

THE PURPOSE OF THE AGREEMENT IS TO PROMOTE PEACE AND STABILITY IN NORTHERN IRELAND; TO ENCOURAGE RECONCILIATION BETWEEN THE TWO <sup>COMMUNITIES</sup> ~~MAJOR TRADITIONS~~ THERE; TO CREATE AN IMPROVED CLIMATE OF FRIENDSHIP AND CO-OPERATION BETWEEN THE UNITED KINGDOM AND THE REPUBLIC OF IRELAND; AND TO STRENGTHEN CROSS-BORDER CO-OPERATION BETWEEN THE TWO COUNTRIES, PARTICULARLY IN COMBATING TERRORISM.

<sup>not</sup> THE AGREEMENT WILL COME INTO FORCE <sup>until</sup> ONLY AFTER IT HAS

SECRET AND PERSONAL

SECRET AND PERSONAL

BEEN APPROVED BY PARLIAMENT AND BY THE IRISH  
DAIL.

THE HOUSE WILL HAVE AN EARLY OPPORTUNITY FOR  
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THE AGREEMENT HAS TWO PRINCIPAL FEATURES.

THE IRISH GOVERNMENT, FOR THE FIRST TIME IN A  
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~~US IN~~ <sup>ed</sup> AFFIRMING THAT THE STATUS OF NORTHERN  
IRELAND WILL REMAIN UNCHANGED SO LONG AS  
THAT IS THE WISH OF THE MAJORITY OF ITS  
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IT HAS ALSO RECOGNISED THAT THE PRESENT WISH  
OF A MAJORITY IS TO REMAIN PART OF THE UNITED

SECRET AND PERSONAL

SECRET AND PERSONAL

IF DEVOLUTION IS RESTORED - AND BOTH SIDES  
ARE COMMITTED TO SUPPORT THIS - THEN THOSE  
MATTERS WHICH BECOME THE RESPONSIBILITY OF  
THE DEVOLVED GOVERNMENT WILL NO LONGER BE  
CONSIDERED IN THE INTERGOVERNMENTAL  
CONFERENCE.

THE CONFERENCE WILL ALSO DISCUSS CROSS-BORDER  
CO-OPERATION, INCLUDING IMPROVED SECURITY  
CO-OPERATION.

THE TWO GOVERNMENTS HAVE AGREED TO MAKE  
DETERMINED EFFORTS TO RESOLVE ANY DIFFERENCES  
THAT MAY ARISE.

BUT THE CONFERENCE WILL NOT <sup>need</sup> NOT - HAVE <sup>any</sup>  
DECISION-MAKING FUNCTIONS.

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SECRET AND PERSONAL

BUT THE PRESENT AGREEMENT IS <sup>A</sup> AN IMPORTANT  
STEP ON THE WAY.

IT MAINTAINS AND CONFIRMS THE STATUS OF  
NORTHERN IRELAND AS PART OF THE UNITED  
KINGDOM.

IT RECOGNISES THE INTEREST OF THE REPUBLIC IN  
THE AFFAIRS OF THE NORTH AND THROUGH THE  
INTERGOVERNMENTAL CONFERENCE PROVIDES A  
SYSTEMATIC MEANS FOR IRISH VIEWS TO BE PUT  
FORWARD AND CONSIDERED.

IT STRENGTHENS THE RELATIONS BETWEEN THE  
UNITED KINGDOM AS A WHOLE AND THE REPUBLIC.  
AND IT OFFERS HOPE AND ENCOURAGEMENT TO ALL  
THOSE IN BOTH COMMUNITIES WHO REJECT VIOLENCE

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PRIME MINISTER

ANGLO-IRISH SUMMIT

I attach a draft statement for the House on 18 November, which you might like to have a first go at. It is an amended version of one provided by the Cabinet Office and the Northern Ireland Office.

C.D. Powell

12 November 1985

SECRET AND PERSONAL

SPIAEX

ANGLO-IRISH SUMMIT:

STATEMENT BY THE PRIME MINISTER

IN THE HOUSE OF COMMONS

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SECRET AND PERSONAL

WITH PERMISSION, MR. SPEAKER, I SHOULD LIKE TO MAKE A  
STATEMENT ABOUT THE MEETING WHICH I HAD WITH  
THE TAOISEACH ON [                      ].  
I WAS ACCOMPANIED BY MY RT. HON. AND LEARNED  
FRIEND THE SECRETARY OF STATE FOR FOREIGN AND  
COMMONWEALTH AFFAIRS AND MY RT. HON. FRIEND  
THE SECRETARY OF STATE FOR NORTHERN IRELAND.  
DR. FITZGERALD WAS ACCOMPANIED BY MR. SPRING,  
THE TANAISTE, AND BY MR. BARRY, THE IRISH  
MINISTER FOR FOREIGN AFFAIRS.

THE MEETING WAS THE THIRD IN THE FRAMEWORK OF THE  
ANGLO-IRISH INTERGOVERNMENTAL COUNCIL.  
AT IT THE TAOISEACH AND I SIGNED AN AGREEMENT

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SECRET AND PERSONAL

BETWEEN OUR TWO GOVERNMENTS, WHICH HAS BEEN PUBLISHED IN A COMMAND PAPER.

THE TEXT OF THE COMMUNIQUE, ISSUED AFTER THE MEETING, IS ALSO INCLUDED IN THE COMMAND PAPER.

IN REACHING THE AGREEMENT OUR PURPOSE IS TO PROMOTE PEACE AND STABILITY IN NORTHERN IRELAND; TO HELP TO RECONCILE THE TWO MAJOR TRADITIONS THERE; TO CREATE AN IMPROVED CLIMATE OF FRIENDSHIP AND CO-OPERATION BETWEEN THE UNITED KINGDOM AND THE REPUBLIC OF IRELAND; AND TO STRENGTHEN CROSS-BORDER CO-OPERATION BETWEEN THE TWO COUNTRIES, PARTICULARLY IN COMBATING TERRORISM.

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SECRET AND PERSONAL

THE AGREEMENT WILL ENTER INTO FORCE ONLY AFTER IT HAS BEEN APPROVED BY PARLIAMENT AND BY THE IRISH DAIL.

THE HOUSE WILL HAVE AN EARLY OPPORTUNITY FOR A FULL DEBATE.

THE AGREEMENT HAS TWO PRINCIPAL FEATURES.

THE IRISH GOVERNMENT, FOR THE FIRST TIME IN A BINDING INTERNATIONAL AGREEMENT, HAS JOINED US IN AFFIRMING THAT THE STATUS OF NORTHERN IRELAND WILL REMAIN AS IT IS SO LONG AS THE MAJORITY OF ITS PEOPLE SO WISH; AND HAS RECOGNISED FOR THE FIRST TIME THAT THE PRESENT WISH OF A MAJORITY IS TO REMAIN PART

SECRET AND PERSONAL

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OF THE UNITED KINGDOM.

THE SAME ARTICLE OF THE AGREEMENT DECLARES THAT, IF IN THE FUTURE A MAJORITY IN NORTHERN IRELAND FORMALLY CONSENTED TO A UNITED IRELAND, THE TWO GOVERNMENTS WOULD INTRODUCE AND SUPPORT LEGISLATION ACCORDINGLY.

THIS IS THE MOST FORMAL COMMITMENT TO THE PRINCIPLE OF CONSENT MADE BY ANY IRISH GOVERNMENT.

THE SECOND PRINCIPAL FEATURE OF THE AGREEMENT IS THE ESTABLISHMENT OF AN INTERGOVERNMENTAL CONFERENCE WITHIN THE FRAMEWORK OF THE ANGLO-IRISH INTERGOVERNMENTAL COUNCIL.

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SECRET AND PERSONAL

IN THE CONFERENCE, THE IRISH GOVERNMENT MAY PUT FORWARD VIEWS AND PROPOSALS ON ASPECTS OF NORTHERN IRELAND AFFAIRS ANNUNCIATED IN THE AGREEMENT; AND THE PROMOTION OF CROSS-BORDER CO-OPERATION, INCLUDING SECURITY CO-OPERATION, WILL BE DISCUSSED.

THE TWO GOVERNMENTS ARE COMMITTED TO MAKE DETERMINED EFFORTS TO RESOLVE ANY DIFFERENCES THAT MAY ARISE.

THE INTERGOVERNMENTAL CONFERENCE WILL THUS PROVIDE A MORE SYSTEMATIC MEANS THAN HAS HITHERTO EXISTED FOR HER MAJESTY'S GOVERNMENT TO TAKE ACCOUNT OF THE IRISH GOVERNMENT'S VIEWS.

BUT IT WILL NOT HAVE DECISION-MAKING

SECRET AND PERSONAL

SECRET AND PERSONAL

FUNCTIONS.

RESPONSIBILITY FOR THE DECISIONS AND  
ADMINISTRATION OF GOVERNMENT REMAINS  
EXCLUSIVELY WITH THE UNITED KINGDOM  
GOVERNMENT NORTH OF THE BORDER AND WITH THE  
IRISH GOVERNMENT SOUTH OF THE BORDER.

WE INTEND THAT THE FIRST MEETING OF THE  
INTERGOVERNMENTAL CONFERENCE SHOULD TAKE  
PLACE AS SOON AS POSSIBLE AFTER THE AGREEMENT  
ENTERS INTO FORCE.  
AT THAT MEETING THE CONFERENCE WILL DISCUSS  
ITS FUTURE PROGRAMME OF WORK IN ALL THE  
FIELDS WITH WHICH IT WILL DEAL.

SECRET AND PERSONAL

SECRET AND PERSONAL

THE CONFERENCE WILL ALSO CONCENTRATE AT ITS INITIAL MEETINGS ON DISCUSSING WAYS OF IMPROVING RELATIONS BETWEEN THE SECURITY FORCES AND THE MINORITY COMMUNITY IN NORTHERN IRELAND; OF ENHANCING SECURITY CO-OPERATION BETWEEN OUR TWO GOVERNMENTS; AND MEASURES TO BE TAKEN BY THE UNITED KINGDOM TO HELP TO UNDERLINE THE IMPORTANCE OF PUBLIC CONFIDENCE IN THE ADMINISTRATION OF JUSTICE.

THE AGREEMENT RECOGNISES THAT IT WOULD BE FOR PARLIAMENTARY DECISION IN WESTMINSTER AND DUBLIN WHETHER TO ESTABLISH AN ANGLO-IRISH PARLIAMENTARY BODY OF THE KIND DESCRIBED IN

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THE ANGLO-IRISH STUDIES REPORT OF NOVEMBER  
1981.

THE IRISH GOVERNMENT HAS ANNOUNCED IN THE COMMUNIQUE  
ITS INTENTION TO ACCEDE AS SOON AS POSSIBLE  
TO THE EUROPEAN CONVENTION ON THE  
SUPPRESSION OF TERRORISM, WHICH WE WELCOME.

MR. SPEAKER, I BELIEVE THAT THE GREAT MAJORITY IN  
NORTHERN IRELAND HAVE A DEEP LONGING FOR  
PEACE.  
NO SINGLE STEP CAN RESOLVE THE PROBLEMS OF  
NORTHERN IRELAND.  
BUT THE PRESENT AGREEMENT PROVIDES

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SECRET AND PERSONAL

REASSURANCE FOR THE UNIONIST MAJORITY THAT  
NORTHERN IRELAND WILL REMAIN PART OF THE  
UNITED KINGDOM.

IT PROVIDES A BETTER OPPORTUNITY FOR  
PEACEFUL, CONSTRUCTIVE EXPRESSION OF MINORITY  
VIEWS THAN HAS EXISTED BEFORE.

AND IT STRENGTHENS THE RELATIONS BETWEEN THE  
UNITED KINGDOM AS A WHOLE AND THE IRISH  
REPUBLIC.

THE TAOISEACH AND I HAVE COMMITTED OURSELVES  
TO IMPLEMENTING IT EFFECTIVELY AND WITH  
DETERMINATION.

I COMMEND IT TO THE HOUSE.

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10 DOWNING STREET

*From the Private Secretary*

SIR ROBERT ARMSTRONG

ANGLO-IRISH RELATIONS: NORTHERN IRELAND

Your minute of 11 November offered the Prime Minister a chance to make any final comments on the draft text of the Anglo-Irish Agreement, the joint summary of the Agreement for release to the press and the Summit communiqué.

The Prime Minister has not had a further opportunity to go through these texts since our last discussion. But on the assumption that the Northern Ireland Secretary and the Foreign Secretary are content she would not wish to propose any further amendments.

I have two small suggestions which you may like to consider.

- (i) I know that the word "competence" in paragraph 7 of the communiqué continues to trouble the Prime Minister because of its overtones of jurisdiction and legal authority. Would it be possible to envisage some such phrase as "... in all the fields... which it is agreed it shall discuss"?
- (ii) I also wonder whether anyone will believe paragraph 11 of the draft communiqué though I see the point of having it.

I am sending copies of this minute to the Private Secretaries to the Foreign and Commonwealth Secretary and Secretary of State for Northern Ireland.

CHARLES POWELL

12 November 1985

SECRET AND PERSONAL



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10 DOWNING STREET

*From the Private Secretary*

Sir Robert Armstrong

The Prime Minister agrees that you should inform Mr. McFarlane in advance about the date of the Anglo-Irish Summit. But she would not wish you to do this until the afternoon of 13 November.

(C. D. POWELL)

12 November 1985

A large, stylized handwritten signature in black ink, appearing to be 'C. D. Powell'.

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SECRET AND PERSONAL

AND WANT TO WORK TOGETHER PEACEFULLY FOR A  
BETTER FUTURE FOR THEIR CHILDREN.

THE TAOISEACH AND I HAVE COMMITTED OURSELVES  
TO IMPLEMENTING THE AGREEMENT, IF APPROVED BY  
OUR RESPECTIVE PARLIAMENTS, EFFECTIVELY WITH  
DETERMINATION.

I COMMEND IT TO THE HOUSE.

SECRET AND PERSONAL

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I wonder if the words 'entitled' are any better than 'competence'?

Prime Minister

Ref. A085/2894

PRIME MINISTER

DTA seeks your authority to agree to texts attached. They have not changed since you last saw them. The

Anglo-Irish Relations: Northern Ireland

I attach final drafts of:

Secretary-General has combed through them thoroughly.

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- 1. The Anglo-Irish Agreement: 2. A term which you might challenge is the word
- 2. The joint summary of the Agreement for release to the press; "competence" in paragraph 9 of the Communiqué (flagged). It has overtones of jurisdiction and legal authority.
- 3. The Summit communiqué. "which it is entitled to discuss" would be better.

2. The meeting which I am due to have with Mr Nally tomorrow afternoon will be the last at which we can discuss these texts with Irish officials and agree amendments. After that we envisage that the texts of the Agreement and the communiqué will go to press, so that a White Paper can be issued first thing on Monday 18 November. Amendments to the communiqué at the Summit meeting need not be absolutely out; but we need to get the text set up in print beforehand, and make any last-minute amendments at proof stage.

3. All these texts have been agreed with the Irish side, and there are no outstanding points of difference. May I assume that the texts are acceptable to you and the two Secretaries of State unless I hear otherwise?

4. I am sending copies of this minute and the texts to the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland.

RIA

ROBERT ARMSTRONG

11 November 1985

As at 11 November 1985

DRAFT AGREEMENT BETWEEN THE GOVERNMENT OF THE  
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN  
IRELAND AND THE GOVERNMENT OF THE REPUBLIC OF  
IRELAND.

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Ireland;

Wishing further to develop the unique relationship between their peoples and the close co-operation between their countries as friendly neighbours and as partners in the European Community;

Recognising the major interest of both their countries and, above all, of the people of Northern Ireland in diminishing the divisions there and achieving lasting peace and stability;

Recognising the need for continuing efforts to reconcile and to acknowledge the rights of the two major traditions that exist in Ireland, represented on the one hand by those who wish for no change in the present status of Northern Ireland and on the

other hand by those who aspire to a sovereign united Ireland achieved by peaceful means and through agreement;

Reaffirming their total rejection of any attempt to promote political objectives by violence or the threat of violence and their determination to work together to ensure that those who adopt or support such methods do not succeed;

Recognising that a condition of genuine reconciliation and dialogue between unionists and nationalists is mutual recognition and acceptance of each other's rights;

Recognising and respecting the identities of the two communities in Northern Ireland, and the right of each to pursue its aspirations by peaceful and constitutional means;

Reaffirming their commitment to a society in Northern Ireland in which all may live in peace, free from discrimination and intolerance, and with the opportunity for both communities to participate fully in the structures and processes of government;

Have accordingly agreed as follows:

A

STATUS OF NORTHERN IRELAND

ARTICLE 1

The two Governments

- (a) affirm that any change in the status of Northern Ireland would only come about with the consent of a majority of the people of Northern Ireland;
- (b) recognise that the present wish of a majority of the people of Northern Ireland is for no change in the status of Northern Ireland;
- (c) declare that, if in the future a majority of the people of Northern Ireland clearly wish for and formally consent to the establishment of a united Ireland, they will introduce and support in the respective Parliaments legislation to give effect to that wish.



B

THE INTERGOVERNMENTAL CONFERENCE

ARTICLE 2

(a) There is hereby established, within the framework of the Anglo-Irish Intergovernmental Council set up after the meeting between the two Heads of Government on 6 November 1981, an Intergovernmental Conference (hereinafter referred to as "the Conference"), concerned with Northern Ireland and with relations between the two parts of the island of Ireland to deal, as set out in this Agreement, on a regular basis with

(i) political matters;

(ii) security and related matters;

(iii) legal matters, including the administration of justice;

(iv) the promotion of cross-border co-operation.

(b) The United Kingdom Government accept that the Irish Government will put forward views and proposals on matters relating to Northern Ireland within the field of activity of the Conference in so far as those matters are not the responsibility of a devolved administration in Northern Ireland. In the interest of promoting peace and stability, determined efforts shall be made through the Conference to resolve any differences. The Conference will be mainly concerned with Northern Ireland; but some of the matters under consideration will involve co-operative action in both parts of the island of Ireland, and possibly also in Great Britain. Some of the proposals considered in respect of Northern Ireland may also be found to have application by the Irish Government. There is no derogation from the sovereignty of either the United Kingdom Government or the Irish Government, and each retains responsibility for the decisions and administration of government within its own jurisdiction.

## ARTICLE 3

The Conference shall meet at Ministerial or official level, as required. The business of the Conference will thus receive attention at the highest level. Regular and frequent Ministerial meetings shall be held; and in particular special meetings shall be convened at the request of either side. Officials may meet in subordinate groups. Membership of the Conference and of sub-groups shall be small and flexible. When the Conference meets at Ministerial level the Secretary of State for Northern Ireland and an Irish Minister designated as the Permanent Irish Ministerial Representative shall be joint Chairmen. Within the framework of the Conference other British and Irish Ministers may hold or attend meetings as appropriate: when legal matters are under consideration the Attorneys General may attend. Ministers may be accompanied by their officials and their professional advisers: for example, when questions of security policy or security co-operation are being discussed, they may be accompanied by the Chief Constable of the Royal Ulster Constabulary and the Commissioner of the Garda Siochana; or when questions of economic or

social policy or co-operation are being discussed, they may be accompanied by officials of the relevant Departments. A Secretariat shall be established by the two Governments to service the Conference on a continuing basis in the discharge of its functions as set out in this Agreement.

ARTICLE 4

- (a) In relation to matters coming within its field of activity, the Conference shall be a framework within which the United Kingdom Government and the Irish Government work together
- (i) for the accommodation of the rights and identities of the two traditions which exist in Northern Ireland; and
- (ii) for peace, stability and prosperity throughout the island of Ireland by promoting reconciliation, respect for human rights, co-operation against terrorism and the development of economic, social and cultural co-operation.
- (b) It is the declared policy of the United Kingdom Government that responsibility in respect of certain matters within the powers of the Secretary of State for Northern Ireland should be devolved within Northern Ireland on

a basis which would secure widespread acceptance throughout the community. The Irish Government support that policy.

- (c) Both Governments recognise that devolution can be achieved only with the co-operation of constitutional representatives within Northern Ireland of both traditions there. The Conference shall be a framework within which the Irish Government may put forward views and proposals on the modalities of bringing about devolution in Northern Ireland, in so far as they relate to the interests of the minority community.

C

POLITICAL MATTERS

ARTICLE 5

- (a) The Conference shall concern itself with measures to recognise and accommodate the rights and identities of the two traditions in Northern Ireland, to protect human rights and to prevent discrimination. Matters to be considered in this area include measures to foster the cultural heritage of both traditions, changes in electoral arrangements, the use of flags and emblems, the avoidance of economic and social discrimination and the advantages and disadvantages of a Bill of Rights in some form in Northern Ireland.
- (b) The discussion of these matters shall be mainly concerned with Northern Ireland, but the possible application of any measures pursuant to this Article by the Irish Government in their jurisdiction shall not be excluded.

(c) If it should prove impossible to achieve and sustain devolution on a basis which secures widespread acceptance in Northern Ireland, the Conference shall be a framework within which the Irish Government may, where the interests of the minority community are significantly or especially affected, put forward views on proposals for major legislation and on major policy issues, which are within the purview of the Northern Ireland Departments and which remain the responsibility of the Secretary of State for Northern Ireland.



ARTICLE 6

The Conference 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 or by departments subject to his direction and control including

the Standing Advisory Commission on Human Rights

the Fair Employment Agency

the Equal Opportunities Commission

the Police Authority for Northern Ireland

the Police Complaints Board.

D

SECURITY AND RELATED MATTERS

ARTICLE 7

- (a) The Conference shall consider
  - (i) security policy;
  - (ii) relations between the security forces and the community;
  - (iii) prisons policy.
- (b) The Conference shall consider the security situation at its regular meetings and thus provide an opportunity to address policy issues, serious incidents and forthcoming events.
- (c) 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 Conference's consideration, and may include the establishment of local consultative machinery, training in community relations, crime prevention schemes involving the community, improvements in arrangements for handling complaints, and action to increase the proportion of members of the minority in the Royal Ulster Constabulary. Elements of the programme may be considered by the Irish Government suitable for application within their jurisdiction.

(d) The Conference may consider policy issues relating to prisons. Individual cases may be raised as appropriate, so that information can be provided or inquiries instituted.

E

LEGAL MATTERS, INCLUDING THE ADMINISTRATION OF  
JUSTICE

ARTICLE 8

The Conference shall deal with issues of concern to both countries relating to the enforcement of the criminal law. In particular it shall consider whether there are areas of the criminal law applying in the North and in the South respectively which might with benefit be harmonised. The two Governments agree on the importance of public confidence in the administration of justice. The Conference shall seek, with the help of advice from experts as appropriate, measures which would give substantial expression to this aim, considering inter alia the possibility of mixed courts in both jurisdictions for the trial of certain offences. The Conference shall also be concerned with policy aspects of extradition and extra-territorial jurisdiction as between North and South.

F

CROSS-BORDER CO-OPERATION ON SECURITY,  
ECONOMIC, SOCIAL AND CULTURAL MATTERS

ARTICLE 9

- (a) With a view to enhancing cross-border co-operation on security matters, the Conference shall set in hand a programme of work to be undertaken by the Chief Constable of the Royal Ulster Constabulary and the Commissioner of the Garda Siochana and, where appropriate, groups of officials in such areas as threat assessments, exchange of information, liaison structures, technical co-operation, training of personnel, and operational resources.
- (b) The Conference shall have no operational responsibilities; responsibility for police operations shall remain with the heads of the respective police forces, the Chief Constable of the Royal Ulster Constabulary maintaining his links with the Secretary of State for Northern Ireland and the Commissioner of the

Garda Siochana his links with the Minister for  
Justice.

## ARTICLE 10

- (a) The two Governments shall co-operate to promote the economic and social development of those areas of both parts of Ireland which have suffered most severely from the consequences of the instability of recent years, and shall consider the possibility of securing international support for this work.
- (b) If it should prove impossible to achieve and sustain devolution on a basis which secures widespread acceptance in Northern Ireland, the Conference shall be a framework for the promotion of co-operation between the two parts of Ireland concerning cross-border aspects of economic, social and cultural matters in relation to which the Secretary of State for Northern Ireland continues to exercise authority.
- (c) If responsibility is devolved in respect of certain matters in the economic, social or cultural areas currently within the responsibility of the Secretary of State for Northern Ireland, machinery will need to be

established by the responsible authorities in the North and South for practical co-operation in respect of cross-border aspects of these issues.



G

ARRANGEMENTS FOR REVIEW

ARTICLE 11

At the end of three years from signature of this agreement, or earlier if requested by either Government, the working of the Conference shall be reviewed by the two Governments to see whether any changes in the scope and nature of its activities are desirable.

H

INTERPARLIAMENTARY RELATIONS

ARTICLE 12

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 Governments agree that they would give support as appropriate to such a body, if it were to be established.

SECRET AND PERSONAL

I

FINAL CLAUSES

ARTICLE 13

This Agreement shall enter into force on the date on which the two Governments exchange notifications of their acceptance of this Agreement.

22

SECRET AND PERSONAL

NOIAAP

In witness whereof the undersigned, being duly  
authorised thereto by their respective Governments,  
have signed this Agreement.

Done in two originals at.... on the..... day of  
..... 1985

For the Government  
of the United Kingdom  
of Great Britain and  
Northern Ireland

For the Government of  
the Republic of  
Ireland

(Note: each original would be signed on behalf of  
both Governments. In the Title, in the names of  
parties at the start of the Agreement, and in the  
signature blocks above, the original retained in  
London would be as typed, whereas, in the original  
retained in Dublin, "of Great Britain and Northern  
Ireland" and "the Republic of" would be omitted,  
and the Irish signature block would be on the left  
side.)

Att. to RTA to PM 11/11.

As at 11 November 1985

Summary of the Anglo-Irish Agreement

Joint Press Release

(Note: This summary has no legal status)

1. The Agreement begins with a Preamble incorporating a joint statement of objectives.

The Status of Northern Ireland

2. The Agreement commits the two Governments to the view that any change in the status of Northern Ireland would only come about with the consent of a majority of the people of Northern Ireland; that the present wish of a majority there is for no change in that status; and that, if in the future a majority there clearly wished for and formally consented to a united Ireland, the two Governments would introduce and support legislation in the respective Parliaments to give effect to this.  
(Article 1)

Framework and Objectives of the Intergovernmental  
Conference

3. The Agreement establishes, within the framework of the Anglo-Irish Intergovernmental Council, an Intergovernmental Conference concerned with Northern Ireland and with relations between the two parts of Ireland which, subject to the terms of the Agreement, will deal on a regular basis with:

- political matters;
- security and related matters;
- legal matters, including the administration of justice;
- the promotion of cross-border co-operation.

(Article 2(a))

The Agreement provides for a review of the working of the Conference after three years, or earlier if either side desires. (Article 11)

4. The Conference will proceed on the basis that:-

- the United Kingdom Government accepts that the Irish Government will put forward within the Conference views and proposals on certain matters relating to Northern Ireland as provided for in the Agreement;
- in the interest of promoting peace and stability, determined efforts will be made in the Conference to resolve any differences;
- there will be no derogation from the sovereignty of either Government, so that each retains responsibility for the decisions and administration of government within its own jurisdiction. (Article 2(b))

5. The Conference will be a framework within which the two Governments work together for the accommodation of the rights and identities of the two traditions in Northern Ireland and for peace, stability and prosperity throughout Ireland by promoting reconciliation, respect for human rights, co-operation against terrorism and the development



of economic, social and cultural co-operation.  
(Article 4(a))

Procedures and Membership of the Intergovernmental  
Conference

6. There will be regular and frequent meetings of the Conference at Ministerial level as well as meetings at official level, and in particular special meetings may be convened at the request of either side. The Irish Government will be represented by a Minister designated as the Permanent Irish Ministerial Representative and the United Kingdom Government by the Secretary of State for Northern Ireland. Other Ministers and advisers will participate as appropriate. There will be a Secretariat to service the Conference on a continuing basis. (Article 3)

7. The Irish Government declare their support for the United Kingdom Government's policy of seeking devolution in Northern Ireland on a basis which would secure widespread acceptance throughout the community. (Article 4(b)). The Conference will be a framework in which the Irish Government can put forward views and proposals on the modalities of

devolution, in so far as they relate to the interests of the minority community. (Article 4(c)). Should a devolved administration be established, the devolved matters would not be for consideration by the Conference. (Article 2)

Political Matters

8. The Conference will concern itself with measures to recognise and accommodate the rights and identities of both traditions in Northern Ireland in such areas as cultural heritage, electoral arrangements, use of flags and emblems, the avoidance of economic and social discrimination and the advantages and disadvantages of a Bill of Rights for Northern Ireland. (Article 5(a))

9. Should it prove impossible to achieve and sustain devolution, proposals for major legislation and major policy issues where the interests of the minority community are significantly or especially affected and which come within the administrative responsibility of the Northern Ireland Departments will be for consideration by the Conference. (Article 5(c))

10. The Conference will be a framework within which the Irish Government may put forward views on the role and composition of certain bodies appointed by the Secretary of State for Northern Ireland or his Departments. (Article 6)

Security and Related Matters within Northern Ireland

11. The Conference will consider security policy issues as well as serious incidents and forthcoming events. A programme of action will be developed with the particular object of improving the relations between the security forces and the nationalist community. Elements of the programme may be considered by the Irish Government for application in the South. The Conference may also consider policy issues relating to prisons, and individual cases may be raised. (Article 7)

Legal Matters including the Administration of Justice

12. Both Governments recognise the importance of public confidence in the administration of justice. The Conference will seek measures that would give

substantial expression to this aim, considering among other things the possibility of mixed courts in both jurisdictions for the trial of certain offences. The Conference will also consider whether there are areas of the criminal law in both jurisdictions which might with benefit be harmonised and will be concerned with policy aspects of extradition and extra-territorial jurisdiction as between North and South.

(Article 8)

Cross-border Co-operation on Security, Economic,  
Social and Cultural Matters

13. The Conference will set in hand a programme of work to be undertaken by the Chief Constable of the Royal Ulster Constabulary and the Commissioner of the Garda Siochana with a view to enhancing co-operation between the security forces of the two Governments in such areas as threat assessments, exchange of information, liaison structures, technical co-operation, training of personnel and operational resources. The Conference will have no operational responsibilities. (Article 9)

14. The two Governments undertake to co-operate to promote the economic and social development of those areas in both parts of Ireland which have suffered most severely as a result of the instability of recent years. The two Governments will consider the possibility of securing international support for this work. (Article 10(a))

15. The Conference will, in the absence of devolution, be the framework for the promotion of cross-border economic, social and cultural co-operation. In the event of devolution, machinery would be needed to deal with co-operation in respect of cross-border aspects of devolved matters. (Article 10(b) and (c))

Inter-Parliamentary Body

16. The two Governments agree that they would give appropriate support to any Anglo-Irish Inter-Parliamentary body established by the two Parliaments. (Article 12)

As at 11 November 1985

Anglo-Irish Summit Meeting

Joint Communiqué (Draft)

1. The Prime Minister, the Rt Hon Margaret Thatcher FRS MP and the Taoiseach, Dr Garret FitzGerald TD, met at ..... on 15 November 1985. It was the third meeting of the Anglo-Irish Intergovernmental Council to be held at the level of Heads of Government.
  
2. The Prime Minister was accompanied by the Secretary of State for Foreign and Commonwealth Affairs, the Rt Hon Sir Geoffrey Howe QC MP, and the Secretary of State for Northern Ireland, the Rt Hon Tom King MP. The Taoiseach was accompanied by the Tanaiste, Mr Dick Spring TD, and the Minister for Foreign Affairs, Mr Peter Barry TD.
  
3. The Prime Minister and the Taoiseach signed a formal and binding Agreement between their two Governments, with the aims of promoting peace and stability in Northern Ireland; helping to reconcile the two major traditions in Ireland; creating a new

climate of friendship and co-operation between the people of the two countries; and improving co-operation in combatting terrorism.

4. The Agreement deals in particular with the status of Northern Ireland and the establishment of an Intergovernmental Conference in which the Irish Government will put forward views and proposals concerning stated aspects of Northern Ireland affairs; in which the promotion of cross-border co-operation will be discussed; and in which determined efforts will be made to resolve any differences between the two Governments.

5. The Prime Minister and the Taoiseach committed themselves to implementing and sustaining the measures set out in the Agreement with determination and imagination and undertook to encourage people of both the unionist and nationalist traditions in Ireland to make new efforts to understand and respect each other's concerns with a view to promoting reconciliation.

6. The Agreement provides for entry into force as soon as each Government has formally notified the other of acceptance. This exchange of

notifications will not be completed until the Agreement has been approved by the British Parliament and by Dail Eireann. The two Governments intend that action to implement the provisions of the Agreement should begin once the exchange of notifications has been completed. The first meeting of the Intergovernmental Conference will take place as soon as possible thereafter. The British side will be led by the Secretary of State for Northern Ireland and the Irish side by the Minister designated as the Permanent Irish Ministerial Representative.

7. The two Governments envisage that the meetings and agenda of the Conference will not normally be announced. But they wish it to be known that, at its first meeting, the Conference will consider its future programme of work in all the fields - political, security, legal, economic, social and cultural - which come within its competence. It will concentrate at its initial meetings on:

- relations between the security forces and the minority community in Northern Ireland;



- ways of enhancing security co-operation between the two Governments; and
- seeking measures which would give substantial expression to the aim of underlining the importance of public confidence in the administration of justice.

In the interests of all the people of Northern Ireland the two sides are committed to work for early progress in these matters. Against this background, the Taoiseach said that it was the intention of his Government to accede as soon as possible to the European Convention on the Suppression of Terrorism.

8. In addressing the improvement of relations between the security forces and the minority community, the Conference at its first meeting will consider:

- a. the application of the principle that the Armed Forces (which include the Ulster Defence Regiment) operate only in support of the civil power, with the particular objective of ensuring as rapidly as possible that, save in

the most exceptional circumstances, there is a police presence in all operations which involve direct contact with the community;

b. ways of underlining the policy of the Royal Ulster Constabulary and of the Armed Forces in Northern Ireland that they discharge their duties even-handedly and with equal respect for the unionist and nationalist identities and traditions.

9. In its discussion of the enhancement of cross-border co-operation on security, the first meeting of 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.

10. In addition to concluding the new Agreement, the Prime Minister and the Taoiseach reviewed the wide range of work being done under the auspices of the Anglo-Irish Intergovernmental Council to develop further the unique relationship between the two countries. The fact that in the past year there have been more than twenty meetings between Ministers of the two Governments demonstrates the

closeness of co-operation. Among the areas where progress has been made in the past year is the planning of new areas of co-operation in education, notably in curriculum development between schools. The Prime Minister and the Taoiseach decided that the work under the Council's auspices in these various fields should be actively continued, in the interests of friendship between all the people of both countries.

11. The Prime Minister and the Taoiseach held a full and friendly discussion of current international issues. They paid particular attention to East-West relations and to European Community matters.

12. The Prime Minister and the Taoiseach agreed to meet again at an appropriate time to take stock of the development of relations between the two countries and of the implementation of the Agreement which they have signed.



No Copies 3/ 30

Prime Minister

Ref. A085/2890

MR. POWELL

Agree with RIA should  
Call Bud McFarlane re date -  
Yes not but not until Wednesday?  
CDM:lei

At the Prime Minister's meeting on 9 November I reported that I thought that I had almost been too successful in confusing the Americans about the likely date of the Anglo-Irish Summit: both the White House and the State Department took it from what I was saying that it was likely that the Summit would not take place until after President Reagan had returned from Geneva on 21 November.

2. If the White House is to be ready with a statement when the Anglo-Irish agreement is signed - assuming that we stick to our existing plans - I ought to give Mr McFarlane sufficient notice for him to be able to complete the preparation of a draft statement (which he said would be done within the White House).

3. If the Prime Minister is content, I should like to send --- Mr McFarlane a message confirming the actual date, as soon as we know that the Irish Government have finally agreed. That should be during the course of tomorrow afternoon. In telling Mr McFarlane of the date, I would not tell him of the place; and I would emphasise the need for extreme discretion.

RIA

ROBERT ARMSTRONG

11 November 1985

DRAFT MESSAGE FROM SIR ROBERT ARMSTRONG TO  
THE HON ROBERT C MCFARLANE, WHITE HOUSE

Dear Bud,

I thought that I should let you know without delay that we have now sorted out our remaining problems in relation to the Anglo-Irish agreement, and firm plans are being made for the Prime Minister and the Taoiseach to meet and to sign the agreement on Friday 15 November. An announcement will probably be made at about 1200 hours GMT (0700 hours Washington time) *that day.*

2. Could I once again emphasise the need for extreme discretion about this date? You will understand all the security reasons why we wish to confine advance knowledge of the date as narrowly as we possibly can.

With best wishes.

Yours sincerely,

Robert Armstrong

*am*

NORTHERN IRELAND

PS (2)  
PS/LADY YOUNG  
PS/PUS  
MR GOODALL

PS/ S of S  
PS/MR R ANDREW, OAB 1/56  
MR BRENNAN  
MR BURNS  
MR PN BELL

NIO

HD/RID  
Dep. HD/PUSD (2)  
HD/INFO DEPT  
HD/NEWS DEPT

SIR R ARMSTRONG)  
DIO } CABINET OFFICE  
PS/ NO 10 DOWNING STREET (3)

UNCLASSIFIED  
FM DUBLIN  
TO IMMEDIATE FCO  
TELNO 765  
OF 111023Z NOVEMBER 85

ADVANCE COPY  
IMMEDIATE

ANGLO-IRISH SUMMIT

1. THE 'IRISH PRESS' LEADS ITS FRONT PAGE THIS MORNING WITH A REPORT THAT DROMOLAND CASTLE IS 'LIKELY' TO BE THE VENUE FOR THE ANGLO-IRISH SUMMIT. THE IRISH TIMES SAYS THE SAME ON AN INSIDE PAGE. BOTH PAPERS BASE THEIR REPORTS ON THE INTENSIVE SECURITY SCREEN ON BOTH THE HOTEL AND ON SHANNON AIRPORT.

2. THE PAPERS ALSO REPEAT 'STRONG SPECULATION' IN THE WEEKEND PAPERS THAT THE SUMMIT WILL TAKE PLACE ON FRIDAY 15 NOVEMBER.

GOODISON

YYYY

DLLNAN 0451

NNNN

en

NORTHERN IRELAND

PS  
PS/LADY YOUNG  
PS/FUS  
MR GOODALL

PS/ S of S  
PS/MR R ANDREW, OAB 1/56  
MR BRENNAN  
MR BURNS  
MR PN BELL

NIO

HD/RID/  
HD/FUSD (2)  
HD/INFO DEPT  
HD/NEWS DEPT

SIR R ARMSTRONG } CABINET OFFICE  
DIO }  
PS/ NO 10 DOWNING STREET (3)

UNCLASSIFIED  
FM DUBLIN  
TO IMMEDIATE FCO  
TELNO 767  
OF 111325Z NOVEMBER 85

**IMMEDIATE**

ANGLO-IRISH TALKS: PRESS OF 11 NOVEMBER

**ADVANCE COPY**

## SUMMARY

1. EXTENSIVE COVERAGE OF REPERCUSSIONS OF THE TAOISEACH'S SPEECH IN BRUSSELS (MY TELNOS 763 AND 766), SPECULATION ON THE STATE OF THE TALKS, AND REPORTS ON THE SDLP CONFERENCE IN BELFAST.

## DETAIL

2. MR HAUGHEY'S ATTACK ON THE TAOISEACH'S SPEECH IS WIDELY REPORTED. THE IRISH PRESS BLAMES DR FITZGERALD: "THE FACT IS THAT WHAT HE SAID WAS DAMAGING AND POLITICALLY NAIVE. HOW DID HE EXPECT MR HAUGHEY AND FIAANA FIANNA FAIL TO REACT TO SUGGESTIONS THAT HOPES OF UNITY BE SET ASIDE FOR THE TIME BEING?" THE IRISH TIMES IS CALMER: "WAS ANYONE ... EXPECTING UNITY IN THIS COMING WEEK?" IT ASKS, AND ADDS THAT THE IMPORTANT VOICE IS THAT OF THE SDLP, WHICH SAYS: "PRESS ON. AND WHAT SECTION OF NATIONALIST IRELAND HAS MORE RIGHT TO GIVE A LEAD?". A COMMENTATOR IN THE IRISH INDEPENDENT SAYS THAT "THE ONLY CONCLUSION THAT CAN BE DRAWN FROM ALL THIS IS THAT MR HAUGHEY IS NOT PREPARED TO BE SERIOUS ABOUT THIS ISSUE. HIS ONLY INTEREST WOULD SEEM TO BE TO EMBARRASS THE GOVERNMENT AT WHATEVER THE COST TO CONSTITUTIONAL NATIONALISM...".

3. THE IRISH TIMES AND THE IRISH PRESS BOTH REPORT THAT THE GOVERNMENT IS PRESSING ON REGARDLESS OF MR HAUGHEY'S INTERVENTION. IRISH MINISTERS ARE REPORTED TO BE MEETING TODAY AND TOMORROW FOR "THE MOST SERIOUS EXAMINATION SO FAR OF A DRAFT TEXT". OUTSTANDING ISSUES ARE SAID TO BE THE LOCATION OF THE SECRETARIAT OF AN ANGLO-IRISH COMMISSION AND THE STATUS OF THE AGREEMENT.

OF AN ANGLO-IRISH COMMISSION AND THE STATUS OF THE AGREEMENT.

4. IN THE 'IRISH TIMES' CONOR O'CLERY REPORTS THAT THE ROLE OF THE BRITISH EMBASSY IN DUBLIN AND THE NIO IN BELFAST HAS BECOME AN ISSUE IN THE LAST MINUTE DISCUSSION FOR AN ANGLO-IRISH AGREEMENT. THE IRISH GOVERNMENT IS CONCERNED THAT IMPLEMENTATION OF AN AGREEMENT COULD BE JEOPARDISED IF THE DAY TO DAY WORKING OF CONSULTATIVE ARRANGEMENTS IS LEFT TO THE NIO: 'THE ROLE OF THE BRITISH EMBASSY IN DUBLIN AFTER THE SUMMIT HAS NOT YET BEEN CLEARLY DEFINED. BEFORE NOW, IRISH GOVERNMENT REPRESENTATIONS TO BRITAIN ON THE NORTH HAVE BEEN MADE DIRECTLY TO THE EMBASSY. UNDER THE CONSULTATIVE ARRANGEMENTS THE FOCUS WOULD SHIFT TO THE MINISTERS CHAIRING AN ANGLO-IRISH COMMISSION. THESE ARE EXPECTED TO BE THE MINISTER FOR FOREIGN AFFAIRS AND THE NORTHERN IRELAND SECRETARY. THE IRISH NEGOTIATORS ARE BELIEVED TO BE CONCERNED THAT MRS THATCHER WILL NOT SUSTAIN HER INVOLVEMENT AFTER A SUMMIT, LEAVING IT TO A NORTHERN IRELAND OFFICE WHICH MIGHT BECOME LESS ENTHUSIASTIC ABOUT THE SETTLEMENT AS DIFFICULTIES ARISE. THE IRISH GOVERNMENT WOULD LIKE THE CONTINUED INVOLVEMENT OF THE FOREIGN OFFICE WHICH HAS STEADFASTLY SUPPORTED THE ANGLO-IRISH PROCESS OVER THE LAST YEAR. THIS COULD INVOLVE THE BRITISH AMBASSADOR TO IRELAND IN THE CONSULTATIVE ARRANGEMENTS''.

5. THE SDLP CONFERENCE IN BELFAST AT THE WEEKEND RECEIVES VERY EXTENSIVE COVERAGE. JOHN HUME'S SPEECH IS GIVEN IN FULL IN THE IRISH TIMES, AND SEAMUS MALLON'S INTERVENTIONS ARE ALSO FULLY REPORTED. THE IRISH INDEPENDENT SAYS: 'HUME VIEW WINS PARTY APPLAUSE': BUT THE IRISH PRESS ASKS: 'HUME, MALLON TO DIFFER ON PACT?''.

GOODISON

YYYY

DLLNAN 0453

NNNN



14/15

**SECRET + PERSONAL** NORTHERN IRELAND OFFICE  
STORMONT CASTLE  
BELFAST BT4 3STTel. Belfast (0232) 63011  
Telex 16272

IMMEDIATE - BY MUFAX THEN IMMEDIATE BY HAND

29B

*Subject filed on  
SPECIAL Summit - Part 11*  
Alan Holmes Esq  
Private Secretary to the  
Foreign Secretary  
Downing Street  
LONDON SW1A

4 November 1985

*Subject filed on  
RECORD Summit - Part 11*  
Dear Alan,

MR NICHOLAS SCOTT: PLANS TO VISIT USA

You will be aware of plans, discussed between our Departments, for sending a Northern Ireland Office Minister to the United States in order to publicise the Anglo-Irish agreement. The Secretary of State for Northern Ireland has asked Mr Scott to go. Mr Scott's proposed arrangements in principle - the detail is subject to change - are as follows. He will remain in the UK (where he has a considerable amount of briefing and media work) until the Prime Minister's statement. Shortly, probably immediately, afterwards, he will leave for the US. His itinerary there is the subject of consultation at present with the Washington Embassy: he aims to spend about four days in the US, but will be able to extend his stay for several more days if in the light of the Embassy's advice that seems worthwhile. He will have to be back, however, in time for the Parliamentary Debate on the agreement. I shall accompany him; so, too, probably will a press officer; but the details of his party have yet to be finally settled. Is the Foreign Secretary content?

Copies to Murdo Maclean and Mark Addison.

*Very sincerely,  
A J Whysall*  
A J WHYSALL  
Private Secretary to  
Mr Scott

*Subject is Ops  
Master.*

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PRIME MINISTER'S  
PERSONAL MESSAGE  
SERIAL No. T 211A/85

Mr. Powell

29A

SECRET  
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FM CABINET OFFICE LONDON  
TO FLASH DUBLIN  
TELNO MISC 434  
OF 111820Z NOVEMBER 85

PLEASE CONVEY FOLLOWING MESSAGE SECRET AND PERSONAL FROM THE  
PRIME MINISTER TO THE TAOISEACH.  
MESSAGE BEGINS:

DEAR GARRET,  
THANK YOU FOR YOUR MESSAGE OF 7 NOVEMBER. I ENTIRELY AGREE WITH  
YOU THAT, AS WE MOVE TOWARDS THE CONCLUSION OF AN AGREEMENT,  
CONTACT AT POLITICAL LEVEL IS ESSENTIAL TO MAKE SURE WE AVOID  
MISUNDERSTANDINGS.

2. I AM GLAD THAT AT THE MEETING THAT DICK SPRING AND PETER BARRY  
HAD WITH GEOFFREY HOWE AND TOM KING THEY WERE ABLE TO REACH A CLEAR  
UNDERSTANDING ON THE MATTER OF SECURITY CO-OPERATION BETWEEN US.  
THIS IS IMPORTANT IN ITS OWN RIGHT, AND IT IS NECESSARY FOR US TO  
BE ABLE TO SAY PUBLICLY THAT THE AGREEMENT PROVIDES THE BASIS  
FOR EFFECTIVE AND SUSTAINED CO-OPERATION BETWEEN US IN COMBATTING  
TERRORISM, PARTICULARLY ALONG THE BORDER.

3. AS TO THE INTERGOVERNMENTAL CONFERENCE AND THE SECRETARIAT,  
I RECOGNISE AND AGREE WITH THE IMPORTANCE YOU ATTACH TO ARRANGEMENTS  
THAT MAKE POSSIBLE CLOSE AND CLEAR COMMUNICATION BETWEEN OUR  
PEOPLE AND YOURS IN PURSUIT OF THE PURPOSES OF THE AGREEMENT.  
YOU CAN BE SURE THAT ALL OF US, NOT LEAST TOM KING AS THE JOINT  
CHAIRMAN OF THE CONFERENCE, ARE DETERMINED TO MAKE THE AGREEMENT  
WORK AND TO SET UP ARRANGEMENTS WHICH WILL ENABLE THE CONFERENCE  
TO CARRY OUT THE TASKS WHICH THE AGREEMENT GIVES IT.

4. WE ALSO WANT THE AGREEMENT, AND THE ARRANGEMENTS SET UP TO GIVE  
EFFECT TO IT, TO BE DURABLE. THERE WILL BE PLENTY OF PEOPLE WHO  
WANT TO SEE IT FAIL, AND WILL BE LOOKING FOR OPPORTUNITIES TO  
UNDERMINE IT. YOU KNOW AS WELL AS I DO THAT IT WILL NOT BE WELCOME  
TO THE UNIONISTS. WE SHALL MAKE IT CLEAR THAT WE ARE FIRM IN OUR  
PURPOSES, AND ARE NOT PREPARED TO SEE THE AGREEMENT FRUSTRATED  
OR DESTROYED BY ACTS OR THREATS OF VIOLENCE, FROM WHEREVER THEY  
COME= BUT IT WILL MAKE SENSE TO TAKE THE IMPLEMENTATION AT A  
MEASURED PACE, AND TO GIVE PEOPLE AS LITTLE AS POSSIBLE ON WHICH  
TO WHIP UP OPPOSITION AND EMOTION. FROM THIS POINT OF VIEW WE ARE  
PARTICULARLY CONCERNED ABOUT THE SECRETARIAT= IT WILL TAKE TIME  
FOR PEOPLE TO GET USED TO THERE BEING A PRESENCE OF YOUR GOVERNMENT  
IN BELFAST.

5. GEOFFREY HOWE, TOM KING AND I HAVE BEEN THINKING ABOUT THIS AND DISCUSSING IT SINCE I RECEIVED YOUR MESSAGE, AND I VERY MUCH HOPE THAT YOU WILL FIND THE CONCLUSIONS WE HAVE REACHED AND THE PROPOSALS I NOW MAKE A REASONABLY SATISFACTORY COMPROMISE BETWEEN THE NEED TO GET THE AGREEMENT WORKING EFFECTIVELY AND AS SOON AS POSSIBLE AND THE IMPORTANCE OF AVOIDING UNNECESSARY POINTS OF CONFRONTATION FOR THOSE WHO DO NOT SHARE OUR OBJECTIVES.

6. FIRST, WE ARE AT ONE WITH YOU IN THE VIEW THAT THE INTER-GOVERNMENTAL CONFERENCE SHOULD NORMALLY MEET IN BELFAST (THOUGH WE WOULD NOT WISH TO PRECLUDE OCCASIONAL MEETINGS ELSEWHERE, SUCH AS DUBLIN OR LONDON, IF THAT WAS CONVENIENT)= THAT THERE SHOULD BE A SECRETARIAT WITH BRITISH AND IRISH CO-SECRETARIES TO SERVE THE CONFERENCE ON A CONTINUING BASIS= AND THAT SINCE THE CONFERENCE WILL NORMALLY MEET IN BELFAST, IT IS SENSIBLE THAT THE SECRETARIAT SHOULD BE THERE AS WELL.

7. SECOND, WE REMAIN OF THE VIEW THAT IT WOULD BE PREFERABLE NOT TO HOLD THE FIRST MEETING IN BELFAST. HOWEVER IN VIEW OF THE STRENGTH OF YOUR FEELINGS ON THIS, WE ARE PREPARED TO AGREE THAT THE MEETING SHOULD BE HELD IN BELFAST, PROBABLY ABOUT A FORTNIGHT AFTER THE EXCHANGE OF NOTIFICATIONS HAS BROUGHT THE AGREEMENT INTO EFFECT. WE WOULD HAVE TO COME BACK TO YOU ON THIS IF, AFTER THE AGREEMENT IS SIGNED, THE REACTION TO IT WERE TO BE MUCH WORSE THAN WE AT PRESENT EXPECT.

8. THIRD, AS TO THE LOCATION OF THE CONFERENCE AND THE SECRETARIAT IN BELFAST. THERE SIMPLY IS NOT ROOM TO HOUSE THE SECRETARIAT IN STORMONT HOUSE OR STORMONT CASTLE, AND WE AGREE THAT A PORTAKABIN SOLUTION WOULD BE ADEQUATE NEITHER IN STANDARD NOR IN SECURITY. WE HAD THOUGHT THAT IT WOULD BE EASIER TO PROTECT YOUR PEOPLE IF THEY WERE IN THE SECURE PERIMETER AT STORMONT= BUT WE HAVE NOW CONCLUDED THAT TO HOUSE THE SECRETARIAT IN STORMONT WOULD BE PECULIARLY LIABLE TO ATTRACT ATTEMPTS TO ATTACK IT WHICH WOULD PUT NOT ONLY YOUR PEOPLE BUT ALSO OURS AT RISK.

9. WE HAVE THEREFORE LOOKED AS A MATTER OF URGENCY FOR AN ALTERNATIVE GOVERNMENT BUILDING REASONABLY NEAR STORMONT FOR WHICH WE CAN PROVIDE THE NECESSARY SECURITY. INDEED, WE HAVE NOW IDENTIFIED AN EXISTING GOVERNMENT OFFICE CLOSE TO STORMONT WHICH WILL PROVIDE OFFICE ACCOMMODATION FOR BOTH SIDES OF THE SECRETARIAT, AND POSSIBLY RESIDENTIAL ACCOMMODATION FOR THE IRISH SIDE OF THE SECRETARIAT. IT IS FREE-STANDING IN SEVERAL ACRES, OVERLOOKING BELFAST LOUGH, AND PREFERRED BY THE ROYAL ULSTER CONSTABULARY ON SECURITY GROUNDS. MINISTERIAL MEETINGS COULD STILL BE HELD AT STORMONT= BUT SUB-COMMITTEES SHOULD MEET IN THE SECRETARIAT BUILDING. WE EXPECT THE BUILDING TO BE AVAILABLE IN A FEW WEEKS' TIME= BUT IT IS AT PRESENT ON SHORT LEASE TO US, AND WE MAY HAVE TO NEGOTIATE PURCHASE. SUBJECT TO THESE POINTS, IT SEEMS AS IF IT WOULD BE VERY WELL SUITED FOR OUR PURPOSE. IT WILL PROVIDE GOOD ACCOMMODATION AT A PROPER STANDARD FOR THE CONFERENCE AND ITS SECRETARIAT IN CONDITIONS WHICH CAN BE MADE REASONABLY SECURE= IT WILL FACILITATE RAPID AND EASY COMMUNICATION BETWEEN THE TWO SECRETARIES WHO WILL BE THE NORMAL CHANNEL OF CONTACT, AS WELL AS EASY ACCESS TO THE NORTHERN IRELAND OFFICE AND NORTHERN IRELAND DEPARTMENTS WHEN IT IS NECESSARY FOR OTHER OFFICIALS TO BE INVOLVED. REPRESENTATIVES OF THE TWO SIDES WILL WISH TO EXAMINE HOW BEST THE BUILDING COULD BE ADAPTED (IT WOULD REQUIRE CHANGES FOR PERMANENT RESIDENTIAL PURPOSES)= BUT THIS COULD BE DONE IN ADVANCE OF THE AGREEMENT BEING SIGNED WITHOUT BREACH OF CONFIDENTIALITY.

*revised*

*NOT*

10. UNTIL THE BUILDING CAN BE READY, WE SHALL HAVE TO MAKE THE BEST TEMPORARY ARRANGEMENTS WE CAN. I HOPE THAT YOU WILL BE ABLE DURING THIS TIME TO KEEP TO AN ABSOLUTE MINIMUM THE NUMBER OF OFFICIALS WHO NEED TO BE IN BELFAST ON A CONTINUING BASIS, EVEN IF THAT MEANS PEOPLE TRAVELLING TO AND FROM DUBLIN MORE THAN IS REALLY CONVENIENT. IT MAY WELL BE THAT ANYBODY WHO STAYS OVERNIGHT WILL HAVE TO BE PUT UP IN A HOTEL (AS MANY OF OUR OWN PEOPLE WERE IN THE EARLY MONTHS OF DIRECT RULE AND STILL ARE WHEN MAKING SHORT VISITS). WE SHOULD OF COURSE BE RESPONSIBLE FOR THEIR PROTECTION. ON THAT BASIS I AM SATISFIED THAT WE SHALL BE ABLE TO FIND OFFICE ACCOMMODATION, FROM THE TIME OF THE FIRST MEETING OF THE CONFERENCE, TO ENABLE THE SECRETARIAT TO SERVE THE CONFERENCE EFFECTIVELY AND DO WHAT IS NECESSARY.

11. AS TO THE TWO HEADS OF THE SECRETARIAT, WE AGREE THAT THEY SHOULD BE OF A RANK COMPATIBLE WITH THE IMPORTANCE OF THE AGREEMENT. OURS IS IN FACT LIKELY TO BE SLIGHTLY LESS HIGHLY GRADED THAN YOURS= BUT, OPERATING AS HE WILL BE IN BELFAST AND CLOSE TO THE NORTHERN IRELAND OFFICE AND THE NORTHERN IRELAND DEPARTMENTS, HE WILL NOT NEED TO BE QUITE SO HIGHLY GRADED. HE WILL NONETHELESS BE A SENIOR OFFICIAL OF PROVEN CALIBRE AND COMPETENCE, IN WHOM ALL THREE OF US HAVE CONFIDENCE.

12. I HOPE THAT ON THIS BASIS YOU WILL BE READY TO GO FORWARD WITH OUR PLANS TO SIGN THE AGREEMENT SHORTLY. WE BOTH KNOW THAT IT IS NOT GOING TO BE ALL PLAIN SAILING: AS THE NEW ARRANGEMENTS SETTLE DOWN DURING THE COMING MONTHS WE SHALL NEED ON BOTH SIDES PATIENCE AND FORBEARANCE, AS WELL AS THE UNDERSTANDING AND GOODWILL THAT HAVE BEEN BUILT UP DURING THESE LONG MONTHS OF NEGOTIATION. THEY WILL BE FORTHCOMING ON OUR SIDE, I ASSURE YOU.

YOURS SINCERELY

MARGARET.

YYYY

CYLNANO261

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THE SECRETARIAT SHOULD BE THERE TO MEET THE CONFERENCE WITH WORKING MEET IN BELFAST. IT IS SENSIBLE TO HAVE THE CONFERENCE ON A CONTINUING BASIS. AND THAT SINCE THE SHOULD BE A SECRETARIAT WITH BRITISH AND IRISH CO-SECRETARIES TO SUCH AS DUBLIN OR LONDON. IF THAT WAS CONVENIENT. THAT THERE WE WOULD NOT WISH TO PRECLUDE OCCASIONAL MEETINGS ELSEWHERE. GOVERNMENTAL CONFERENCE SHOULD WORKING MEET IN BELFAST (THOUGH IF THAT WE ARE AT ONE WITH YOU IN THE VIEW THAT THE INTER-

POINTS OF COMBINATION FOR THOSE WHO DO NOT SHARE OUR OPPOSITION FROM AS POSSIBLE AND THE IMPORTANCE OF AVOIDING UNNECESSARY BETWEEN THE NEED TO GET THE GOVERNMENT WORKING EFFECTIVELY AND AS MUCH AS I CAN MAKE A REASONABLE SUGGESTION. I HOPE THAT YOU WILL FIND THE CONCLUSIONS WE HAVE REACHED AND THE AND DISCUSSING IT SINCE I RECEIVED YOUR MESSAGE. AND I AM SURE THAT PEOPLE'S HOME. LOW KING AND I HAVE BEEN THINKING ABOUT THIS

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CC PC  
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Ref. A085/2892

MR POWELL  

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Anglo-Irish Agreement: Prime Minister's Statement in  
the House on 18 November

- Not filed yet

--- I attach a draft statement prepared by the Northern Ireland Office and Cabinet Office officials. If there are strong reactions to the Agreement over the weekend, we may need to alter the draft.

2. I am sending copies of this minute and the attachment to the Private Secretaries to the Lord President of the Council, the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland.

MS

PP

ROBERT ARMSTRONG

11 November 1985

CF CC/BI  
keep for file  
for Anglo-Irish  
Summit a

FAIR PLAY FOR NORTHERN IRELAND

The people who will be most affected by an Anglo-Irish deal on Northern Ireland will be those British subjects who inhabit the Province. Yet, astonishingly, the one group of people who are completely - and deliberately - excluded from information as to what is being devised by representatives of the British and Irish Governments is the majority unionist community in Ulster. Representatives of the minority community have been briefed regularly by the Dublin Government. Yet the Unionist people of Northern Ireland have been kept in the dark. Why?

The Prime Minister is on record in stating that 'confidentiality' is essential to the talks. She has not adequately explained why this is so. In such an atmosphere of secrecy Unionists can hardly be criticised for concluding that whatever has to be kept under such close wraps until after the deal has been struck (at a summit meeting between Mrs. Thatcher and Dr. Fitzgerald in November) must be profoundly damaging to Unionism.

In spite of the obstacles, Unionists have been able to discover the main component of the likely deal. If they are accused of dealing in rumour and speculation, this is only because it is the position that they have been driven into by the British Government.

ANGLO-IRISH JOINT MINISTERIAL COMMITTEE AND SECRETARIATE.

This is a mechanism to give the Republic of Ireland Government a say in all areas of British policy and administration in Northern Ireland. The

machinery itself could look rather like the EEC Council of Ministers wherein Ministers from each Member state meet to make joint decisions about Community policy. In addition, the Committee would be serviced by a secretariate made up of both British and Irish civil servants. Although designed eventually to be based in Belfast, the secretariate may initially be accommodated in either London or Dublin until (it is hoped) Unionist opposition has subsided. Such machinery would be attractive to Dublin as it could be sold in the Republic as not unlike the "joint authority" option contained in the report of the New Ireland Forum.

BRITISH SOVEREIGNTY OVER NORTHERN IRELAND.

Such joint machinery would constitute a clear infringement of British sovereignty over the Province. It is one thing for a country to discuss its problems with another and there is nothing objectionable in two governments setting up permanent machinery to keep the full spectrum of mutual difficulties under review. But it is quite different for the British Government to separate Northern Ireland from the rest of the United Kingdom and give the Republic of Ireland, which claims the territory of Northern Ireland in its constitution, a say on how the Province is run.

If Cornwall were to be claimed by France, no-one in the United Kingdom would have any difficulty in seeing a fundamental infringement of British sovereignty if France were to be granted a right to have a say on how that county was governed. Such a concession would be no less objectionable simply because a minority in Cornwall were to seek union with France, but it would be bitterly resented by British people if it was granted in face of terrorist outrages perpetrated by a Cornish equivalent of the IRA.

A FINAL SOLUTION

It is clear that even though the concession by the British Government of a joint ministerial committee treating Northern Ireland as separate and distinct from the rest of the United Kingdom would be regarded by Unionists as betrayal it would not be accepted as final or definitive by Irish nationalists.

The Irish Republic's Minister for Foreign Affairs has already been recorded as indicating that such an arrangement would simply be one step in the general direction of a United Ireland. The Republic's Government has been at pains to reassure its electorate that the objective of a United Ireland has not been abandoned. On the Irish nationalist side, the current negotiations are described as part of a process which nationalists will insist must continue after a deal is struck at the 1985 summit. Nationalists believe that once the principle of the Republic's intervention in Northern Ireland has been conceded by Britain, the task of hiving Northern Ireland off from the rest of the U.K. becomes all the easier. On the other hand, many British politicians fail to realise that in terms of the nationalist aspiration for a United Ireland there can be no such thing as a permanent compromise position short of unity.

THE TROJAN HORSE

A subsidiary objection to a joint ministerial committee and secretariate is the scope for mischief inherent in such machinery. For example, if the I.R.A. were to engineer controversial security incidents will the Irish side of the joint machinery accept the British approach?



Or, will the British side be under pressure to react in a particular way to placate the Irish side? How will those charged with the administration of Northern Ireland cope with institutionalised intrusion from people who are from another State and whose declared aim is for the annexation of Northern Ireland by the Republic? Will they feel constrained to make concessions at the expense of the loyal British subjects of the Province?

The Northern Irish judiciary has been the target of a sustained campaign by the present Irish Government. If the 1985 summit deal does not include changes in the Northern Irish judiciary will the Government of the Republic through its side of the joint committee continue its campaign against certain of the Northern Irish judges?

#### THE VALUE OF A DEAL TO BRITAIN.

Although a deal of the type outlined would be viewed by Unionists as striking at the foundation of their position in the United Kingdom, a deal with the Republic would be of limited value to Britain.

It may be designed to placate vociferous Irish nationalist opinion in the United States. But such opinion will not be content with anything short of a United Ireland.

The Prime Minister herself is on record as putting forward improved security co-operation with the Republic as a major attraction of a deal. This very attraction underlines the unscrupulousness of the Republic's Government. If it can improve security co-operation it should do so to save the lives and property of the people of Northern Ireland - whom it claims the right

to govern - without any quid pro quo from the United Kingdom. To hold back on security co-operation in order to pressurise the British Government into concessions on Northern Ireland is nothing short of disgraceful.

#### THE SOCIAL DEMOCRATIC AND LABOUR PARTY.

Another alleged objective of the planned Anglo-Irish deal is to induce Mr John Hume's S.D.L.P. to participate in the administration of Northern Ireland. His party not only continues to boycott the Northern Ireland Assembly (set up by the present British Government), it also refuses to support the security forces and the judicial system.

The question has to be posed now - for it will certainly arise after the deal is struck - In return for the British Government agreeing to a weakening of Northern Ireland's position within the United Kingdom, will the Government be certain that the S.D.L.P. will publicly lend its support to the Royal Ulster Constabulary, the British Army and the courts in dealing with terrorism?

#### THE RIGHT OF SELF-DETERMINATION

Like all free peoples, the citizens of Northern Ireland claim the right of self determination. In a sense this right is reflected in the Northern Ireland Constitution Act 1973. This Act purports to guarantee Northern Ireland's place within the U.K. and permits change only with the consent of the people of Northern Ireland voting in a poll. However, it is clearly implicit in a right to remain part of the U.K., that membership is to be enjoyed on a basis of equality with the other countries making up the Union.

There is no such constitutional animal as a second class member.

Unionists contend that if Northern Ireland is separated from the rest of the Kingdom, by giving a foreign state a quite exceptional influence over a part of Her Majesty's dominions then the right of self-determination has been clearly infringed unless this intrusion has the consent of the majority in Northern Ireland.

Such a right to give - or withhold - consent is all the more vital when it is remembered that Article 2 of the Constitution of the Republic of Ireland reads:

"The national territory consists of the whole island of Ireland, its islands and territorial seas".

The removal of this claim to the territory of Northern Ireland has not been stated by the British Government to be a condition precedent to the Republic having a formal say as to how Northern Ireland is to be governed. A country which refuses to withdraw what is tantamount to a claim to annex the Province is to be given a right of interference. How in the name of justice can the people of Northern Ireland be denied the right to have their say on the acceptability of such a deal?

Yet the Prime Minister seems to be determined that the British Parliament alone will decide. The Conservative Party will be required to support the Government. The British Labour Party is already on record as supporting any deal that suits "the Irish" - without knowing what is in the deal and apparently unconscious of the irony that its own definition of "the Irish" includes Unionists whom the deal very definitely will not suit.

There are only fifteen Unionists in a parliament of <sup>^</sup>Members.

The Government's attitude is in stark contrast to its position on devolved government for Northern Ireland. This, the Prime Minister has said, can only be restored "on a basis that is acceptable to both sides of the Community". Thus, when it comes to a deal with the Irish Republic which Unionists regard as a sell-out, their voice is to be swamped in a decision taken by the British Parliament as a whole. But when it comes to devolved government, Mr John Hume's S.D.L.P. with one member of parliament has a veto. Is the phrase "fair play" still part of the English language?

The people of Northern Ireland have not forgotten that when constitutional changes were proposed for Scotland and Wales in the nineteen seventies, the people of each country were consulted by referendum. In neither case did the changes involve the intrusion of another state. On this basis alone the claim of the people of Northern Ireland to be consulted - by referendum or election - on the acceptability of the Anglo-Irish proposals is surely unanswerable.

And if the deal is, as is argued, innocuous, what has the British Government to fear? If unionist politicians are wrong in alleging that the joint committee of ministers and its secretariate is of no constitutional significance, will it be beyond the resources of the Government to correct this misinterpretation? Or is the reason why no such test is proposed is because Unionist politicians are not wrong?

SECRET AND PERSONAL

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10 DOWNING STREET

*From the Private Secretary*

SIR ROBERT ARMSTRONG

ANGLO-IRISH RELATIONS: NORTHERN IRELAND

I note that Mrs Lynda Chalker is appearing on Any Questions next weekend. It might be sensible for some-one to be appointed to brief her on the latest developments shortly beforehand.

(CHARLES POWELL)

11 November 1985

c: Mr Ingham

SECRET AND PERSONAL

SECRET AND PERSONAL



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CCPC

10 DOWNING STREET

*From the Private Secretary*

**SIR ROBERT ARMSTRONG**

**ANGLO-IRISH RELATIONS:  
NORTHERN IRELAND**

The Prime Minister has considered the draft message to the Taoiseach attached to your minute of 11 November. She has approved it in the slightly amended form attached to this minute.

I am copying this minute and enclosure to the Private Secretaries to the Northern Ireland Secretary and the Foreign and Commonwealth Secretary.

**C D POWELL**

11 November 1985

A large, stylized handwritten signature, likely belonging to C D Powell, written in dark ink.

**SECRET AND PERSONAL**

DRAFT MESSAGE TO THE TAOISEACH

Thank you for your message of 7 November. I entirely agree with you that, as we move towards the conclusion of an agreement, contact at political level is essential to make sure we avoid misunderstandings.

2. I am glad that at the meeting that Dick Spring and Peter Barry had with Geoffrey Howe and Tom King they were able to reach a clear understanding on the matter of security co-operation between us. This is important in its own right, and it is necessary for us to be able to say publicly that the agreement provides the basis for effective and sustained co-operation between us in combatting terrorism, particularly along the border.

3. As to the Intergovernmental Conference and the Secretariat, I recognise and agree with the importance you attach to arrangements that make possible close and clear communication between our people and yours in pursuit of the purposes of the agreement. You can be sure that all of us, not least Tom King as the joint Chairman of the Conference, are determined to make the agreement work and to set up arrangements which will enable the conference to carry out the tasks which the agreement gives it.

4. We also want the agreement, and the arrangements set up to give effect to it, to be durable. There will be plenty of people who want to see it fail, and will be looking for opportunities to undermine it. You know as well as I do that it will not be welcome to the unionists. We shall make it clear that we are firm in our purposes, and are not prepared to see the agreement frustrated or destroyed by acts or threats of violence, from wherever they come; but it will make sense to take the implementation at a measured pace, and to give people as little as possible on which to whip up opposition and

emotion. From this point of view we are particularly concerned about the Secretariat: it will take time for people to get used to there being a presence of your Government in Belfast.

5. Geoffrey Howe, Tom King and I have been thinking about this and discussing it since I received your message, and I very much hope that you will find the conclusions we have reached and the proposals I now make a reasonably satisfactory compromise between the need to get the agreement working effectively and as soon as possible and the importance of avoiding unnecessary points of confrontation for those who do not share our objectives.

6. First, we are at one with you in the view that the Intergovernmental Conference should normally meet in Belfast (though we would not wish to preclude occasional meetings elsewhere, such as Dublin or London, if that was convenient); that there should be a Secretariat with British and Irish co-secretaries to serve the conference on a continuing basis; and that, since the Conference will normally meet in Belfast, it is sensible that the Secretariat should be there as well.

7. Second, we remain of the view that it would be preferable not to hold the first meeting in Belfast. However in view of the strength of your feelings on this, we are prepared to agree that the first meeting should be held in Belfast, probably about a fortnight after the exchange of notifications has brought the agreement into effect. We would have to come back to you on this if, after the agreement is signed, the reaction to it were to be much worse than we at present expect.

h.

8. Third, as to the location of the conference and the Secretariat in Belfast. There simply is not room to house the Secretariat in Stormont House or Stormont Castle, and we agree



that a Portakabin solution would be adequate neither in standard nor in security. We had thought that it would be easier to protect your people if they were in the secure perimeter at Stormont; but we have now concluded that to house the Secretariat in Stormont would be peculiarly liable to attract attempts to attack it which would put not only your people but also ours at risk.

9. We have therefore looked as a matter of urgency for an alternative Government building reasonably near Stormont for which we can provide the necessary security. Indeed, we have now identified an existing Government office close to Stormont which will provide office accommodation for both sides of the Secretariat, and possibly residential accommodation for the Irish side of the Secretariat. It is free-standing in several acres, overlooking Belfast Lough, and preferred by the Royal Ulster Constabulary on security grounds. Ministerial meetings could still be held at Stormont; but Sub-Committees should meet in the Secretariat building. We expect the building to be available in a few weeks' time; but it is at present on short lease to us, and we may have to negotiate purchase. Subject to these points, it seems as if it would be very well suited for our purpose. It will provide good accommodation at a proper standard for the Conference and its Secretariat in conditions which can be made reasonably secure; it will facilitate rapid and easy communication between the two Secretaries who will be the normal channel of contact, as well as easy access to the Northern Ireland Office and Northern Ireland Departments when it is necessary for other officials to be involved. Representatives of the two sides will wish to examine how best the building could be adapted (it would require changes for permanent residential purposes); but this could be done in advance of the Agreement being signed without breach of confidentiality.

10. Until the building can be ready, we shall have to make the best temporary arrangements we can. I hope that you will be able during this time to keep to an absolute minimum the number of officials who need to be in Belfast on a continuing basis, even if that means people travelling to and from Dublin more than is really convenient. It may well be that anybody who stays overnight will have to be put up in a hotel (as many of our own people were in the early months of direct rule and still are when making short visits). We should of course be responsible for their protection. On that basis I am satisfied that we shall be able to find office accommodation, from the time of the first meeting of the Conference, to enable the Secretariat to serve the Conference effectively and do what is necessary.

11. As to the two Heads of the Secretariat, we agree that they should be of a rank compatible with the importance of the agreement. Ours is in fact likely to be slightly less highly graded than yours; but, operating as he will be in Belfast and close to the Northern Ireland Office and the Northern Ireland departments, he will not need to be quite so highly graded. He will nonetheless be a senior official of proven calibre and competence, in whom all three of us have confidence.

12. I [REDACTED] hope that on this basis you will be ready to go forward with our plans <sup>to</sup> for sign<sup>ing</sup> the agreement shortly.

[REDACTED]

We both know that it is not going to be all plain sailing: as the new arrangements settle down during the coming months we shall need on both sides patience and forbearance, as well as the understanding and goodwill that have been built up

**SECRET AND PERSONAL**

during these long months of negotiation. They will be forthcoming on our side, I assure you.

**SECRET AND PERSONAL**

N01AAW

during these long months of negotiation. ~~The Cabinet has given its blessing in principle to the agreement, and with your help we mean to make a success of it.~~

*They will be  
forthcoming on our side, I assure you.*

SECRET AND PERSONAL



bc Mr. Russell

en

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70 WHITEHALL, LONDON SW1A 2AS

01-233 8319

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

Sir Robert Armstrong GCB CVO

Ref. A085/2879

11 November 1985

Dear Jim,

Anglo-Irish Relations: Northern Ireland

At the Prime Minister's meeting on 9 November I was instructed to prepare a draft of a message for the Prime Minister to send to the Taoiseach in reply to his message of 7 November, conveying the conclusions and decisions reached at the meeting.

I enclose a draft message herewith, on which I should be grateful for your Secretary of State's comments, and those of the Foreign and Commonwealth Secretary, before I submit the draft to the Prime Minister.

There is great urgency about this. The Irish have indicated that it would be helpful if they could have the Prime Minister's reply by 6.00 pm this evening, no doubt with a view to their Cabinet meeting tomorrow. The Prime Minister will not be able to consider the draft after 4.30 pm this afternoon. It would clearly be preferable that she should have a draft which has been seen and approved by the two Secretaries of State. I must therefore ask for clearance of the draft, and any comments and alterations which the Secretaries of State may wish to suggest, by 2.30 pm this afternoon.

I am sending copies of this letter and the draft message to Len Appleyard.

Yours as

Robert Armstrong

J A Daniell Esq

SECRET AND PERSONAL

DRAFT MESSAGE TO THE TAOISEACH

Thank you for your message of 7 November. I entirely agree with you that, as we move towards the conclusion of an agreement, contact at political level is essential so as to make sure we avoid misunderstandings.

2. I am glad that at the meeting that Dick Spring and Peter Barry had with Geoffrey Howe and Tom King they were able to reach a clear understanding on the matter of security co-operation between us. As you know, it is one of the important selling points with the unionists that we should be able to say that the agreement provides the basis for effective and sustained co-operation between us in combatting terrorism, particularly along the border.

3. As to the Intergovernmental Conference and the Secretariat, I recognise and agree with the importance you attach to arrangements that make possible close and clear communication between our people and yours in pursuit of the purposes of the agreement. You can be sure that all of us, not least Tom King as the joint Chairman of the Conference, are determined to make the agreement work and to set up arrangements which will enable the conference to carry out the tasks which the agreement gives it.

4. We also want the agreement, and the arrangements set up to give effect to it, to be durable. There will be plenty of people who want to see it fail, and will be looking for opportunities to undermine it. You know as well as I do that it will not be welcome to the unionists. We shall make it clear that we are firm in our purposes, and are not prepared to see the agreement frustrated or destroyed by acts or threats of violence, from wherever they come; but it will make sense to take the implementation at a measured pace, and to give people as little as possible on which to whip up opposition and

emotion. From this point of view we are particularly concerned about the Secretariat: it will take time for people to get used to there being a presence of your Government in Belfast.

5. Geoffrey Howe, Tom King and I have been thinking about this and discussing it since I received your message, and I very much hope that you will find the conclusions we have reached and the proposals I now make a reasonably satisfactory compromise between the need to get the agreement working effectively and as soon as possible and the importance of avoiding unnecessary points of confrontation for those who do not share our objectives.

6. First, we are at one with you in the view that the Intergovernmental Conference should normally meet in Belfast (though we would not wish to preclude occasional meetings elsewhere, such as Dublin or London, if that was convenient); that there should be a Secretariat with British and Irish co-secretaries to serve the conference on a continuing basis; and that the Secretariat should be located where the Conference normally meets, that is to say in Belfast.

7. Second, we agree that the first meeting of the Conference should be held in Belfast, probably about a fortnight after the exchange of notifications has brought the agreement into effect. We would come back to you on this only if, after the agreement is signed, the reaction to it were to be much worse than we at present expect. We shall plan for and expect the meeting to be held in Belfast.

8. Third, as to the location of the conference and the Secretariat in Belfast. There simply is not room to house the Secretariat in Stormont House or Stormont Castle, and we agree that a Portakabin solution would be adequate neither in standard nor in security. We had thought that it would be easier to protect your people if they were in the secure perimeter at

Stormont; but we have now concluded that to house the Secretariat in Stormont would be very provocative to the unionists, and would be peculiarly liable to attract attempts to attack it which would put not only your people but also ours at risk.

9. We are therefore looking as a matter of urgency for a building reasonably near Stormont for which we can provide the necessary security. Indeed, we think we have identified a building reasonably near Stormont which will provide office accommodation for both sides of the Secretariat, a meeting room for the Conference, and residential accommodation for the Irish side of the Secretariat. The building will not be available for some weeks; but it seems as if it would be very well suited for our purposes. It will provide better than adequate accommodation at a proper standard for the Conference and its Secretariat in conditions which can be made reasonably secure; and it will facilitate rapid and easy communication between the two secretaries who will be the normal channel of contact, as well as reasonable proximity to the Northern Ireland Office and Northern Ireland departments when it is necessary for other officials to be involved.

10. Until the building can be ready, we shall have to make the best temporary arrangements we can. I hope that you will be able during this time to keep to an absolute minimum the number of officials who need to be in Belfast on a continuing basis, even if that means people travelling to and from Dublin more than is really convenient. It may well be that anybody who stays overnight will have to be put up in a hotel (as many of our own people were in the early months of direct rule). We should of course be responsible for their protection. On that basis I am sure that we should be able to find temporary office accommodation, from the time of the first meeting of the Conference, to enable the Secretariat to serve the conference effectively and do what is necessary, until the long-term

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where?



accommodation is available and ready.

11. As to the two Heads of the Secretariat, we agree that they should be of a rank compatible with the importance of the agreement. Ours is in fact likely to be slightly less highly graded than yours; but, operating as he will be in Belfast and close to the Northern Ireland Office and the Northern Ireland departments, he will not need to be quite so highly graded. He will nonetheless be a senior official of proven calibre and competence, in whom all three of us have confidence.

12. I ~~very much~~ hope that on this basis you will be ready to go forward with our plans <sup>to</sup> ~~for signing~~ the agreement shortly. ~~We are embarking on something entirely new, and exciting in the hopes and possibilities it contains for making life better for all the people of Northern Ireland. We both know that it is not going to be all plain sailing: I am sure that as the new arrangements settle down during the coming months we shall need on both sides patience and forbearance, as well as the understanding and goodwill that have been built up during these long months of negotiation. They will be forthcoming on our side, I assure you. The Cabinet has given its blessing in principle to the agreement and all that goes with it, and with your help we mean to make a success of it.~~

IRELAND : Relations : A11





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Ref. A085/2891

PRIME MINISTER

CDP  
11/11Anglo-Irish Relations: Northern Ireland

At your meeting on 9 November I was instructed to prepare a draft of a message for you to send to the Taoiseach in reply to his message of 7 November, conveying the conclusions and decisions reached at the meeting.

- 2. The attached draft has been agreed with the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland. The Secretary of State for Northern Ireland has told me that Mr Scott has personally inspected the building referred to in paragraph 9, and is satisfied that it would be very well suited to the purpose. It stands in its own grounds, bounded on one side by Belfast Lough and on another side by a RUC barracks. It is thus relatively easy to protect; and the barracks provide somewhere for helicopters to land, if need be. This looks like a good solution.
3. I have put one sentence in square brackets at the beginning of paragraph 7. This sentence was proposed by the Secretary of State for Northern Ireland. It seems to me unnecessarily grudging to insist upon our preference to hold the first meeting of the Intergovernmental Conference elsewhere than Belfast, since we are actually agreeing to ~~do so~~ <sup>hold it there</sup>. I can see, however, that the inclusion of those words makes it clear that we are in effect saying to the Taoiseach: "on your own heads be it, if something terrible happens".
4. I detect some signs of "first-night nerves" on the Irish side, and it is with that thought in mind that I have included the last paragraph of the message, which could help to have a steadying effect, and at the same time indicates the British Government's determination to make a success of the agreement.



5. The Irish have indicated that it would be helpful if they could have your reply this evening, no doubt with a view to their Cabinet meeting tomorrow. But I have made it clear to them that your first priority must be your speech this evening.

6. I am sending copies of this minute and of the draft to the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland.

RA

ROBERT ARMSTRONG

11 November 1985

From: THE PRIVATE SECRETARY

*CM*



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NORTHERN IRELAND OFFICE

WHITEHALL

LONDON SW1A 2AZ

Michael Stark Esq  
PS/Sir Robert Armstrong  
Cabinet Office  
70 Whitehall  
London SW1

// November 1985

*Dear Mr Stark*

ANGLO-IRISH RELATIONS:NORTHERN IRELAND

We spoke earlier about Sir Robert's letter of today's date to Jim Daniell. The Secretary of State will not be available to consider the draft response until 3.30pm today but in the mean-  
... time I attach a suggested re-write of paragraphs 2,7,9 and 10 which officials will be recommending to the Secretary of State this afternoon. We will telephone you as soon as Mr King has had an opportunity to consider the papers.

I am copying this to Charles Powell and Len Appleyard.

*Yours sincerely*

*Norman Fowler*

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PROPOSED AMENDMENTS TO THE PRIME MINISTER'S DRAFT MESSAGE TO THE  
TAOISEACH

2. I am glad that at the meeting that Dick Spring and Peter Barry had with Geoffrey/<sup>Howe</sup>and Tom King they were able to reach a clear understanding on the matter of security co-operation between us. It is important in its own right and as you know, it is one of the major selling points with the Unionists that we should be able to say that the agreement provides the basis for effective and sustained co-operation between us in combatting terrorism, particularly along the border.
7. Second, we agree that the first meeting of the Conference should be held in Belfast, probably about a fortnight after the exchange of notifications has brought the agreement into effect. We would have to come back to you on this if, after the agreement is signed, the reaction to it were to be much worse than we at present expect. We shall plan for and expect the meeting to be held in Belfast.
9. We are therefore looking as a matter of urgency for a government building reasonably near Stormont for which we can provide the necessary security. Indeed, we think we have identified a building reasonably near Stormont which will provide office accommodation for both sides of the Secretariat, and possibly residential accommodation for the Irish side. Ministerial meetings would probably have to be held at Stormont; but sub-committees might meet in the secretariat building. The building will not be available for some weeks and would require adaptation for residential purposes. It is at present on lease and we may have to negotiate purchase. Subject to these points, it seems as if it would be very well suited for our needs. It would provide better than adequate accommodation at a proper standard for the Conference and its Secretariat in conditions which can be made reasonably secure; and it would facilitate rapid and easy communication between the two secretaries who will be the normal channel of contact, as well as reasonable proximity to the Northern Ireland Office and Northern Ireland departments when it is necessary for other officials to be involved. Representatives of the two sides will wish to examine how best the building could be adapted; but this cannot

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be done in advance of the agreement without breaching confidentiality.

10. Until the building can be ready, we shall have to make the best temporary arrangements we can. I hope that you will be able during this time to keep to an absolute minimum the number of officials who need to be in Belfast on a continuing basis, even if that means people travelling to and from Dublin more than is really convenient. It may well be that anybody who stays overnight will have to be put up in a hotel (as many of our own people were in the early months of direct rule and still are when making short visits). We should of course be responsible for their protection. On that basis I am sure that we should be able to find temporary office accommodation, from the time of the first meeting of the Conference, to enable the Secretariat to serve the conference effectively and do what is necessary, until the long-term accommodation is available and ready.

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SECRETARY OF STATE  
FOR  
NORTHERN IRELAND

J R R MacGregor Esq OBE  
The Chief Secretary  
Treasury Chambers  
Parliament Street  
LONDON SW1

NORTHERN IRELAND OFFICE  
WHITEHALL  
LONDON SW1A 2AZ

*[Handwritten signature]*  
11/11

11 November 1985

*Dear Chief Secretary,*

ANGLO-IRISH TALKS: AN INTERNATIONAL FUND

Thank you for your letter of 17 October. I, of course, welcome your acceptance that there would indeed be difficulties about applying strict non-additionality rules to the Fund, but I must question your qualification that "the implications of a possible very substantial Fund cannot simply be ignored in considering each year the appropriate size of the Northern Ireland block. This is something we can discuss in future Surveys."

I can only interpret you as suggesting that, whatever might be done initially, overseas contributions to a Fund for both parts of Ireland might, in time, be used to relieve wider UK public expenditure. That is quite clearly unacceptable. As I explained in Cabinet on 31 October, contributions to a Fund, if we are to secure one, must be and be seen to be "additional", and we must be able to assure potential contributors from the outset that that will be the position. I have no doubt whatsoever from the contacts we have already had with the US Administration - which is likely to be the main and possibly the sole source of a Fund - that they will need clear assurances about additionality before any money is forthcoming. And, if we sought to fudge the issue, and were then seen to be trimming the Northern Ireland block because

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of the American help, I am quite sure that we could expect - and rightly - an uproar both from the Irish and the Americans. It would be better, in such circumstances, that a Fund had never been set up in the first place.

It remains still to be seen what if any funds will become available and over what period. We are not necessarily talking about a series of payments. Robert Armstrong and a senior Irish official are currently in Washington and will be exploring these matters further, and I shall of course let you know the outcome, but I hope that on reflection you will feel able to agree without qualification that whatever sums we succeed in obtaining from the Americans (possibly later from other countries) will be treated as truly additional to what comes to Northern Ireland by, for example, the normal operation of the comparability formula.

I am sending copies of this letter to the Prime Minister, members of OD(I) and Robert Armstrong.

Yours Sincerely

Noward  
Private Secretary

for T.K.

(Approved by the Secretary of State  
and signed in his absence in N.I.)

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CDD  
- 11/xi



10 DOWNING STREET

From the Private Secretary

Prime Minister

Message to the Taoiseach

After approval  
Dr. King should  
have written  
in pencil  
The last sentence  
was wrong  
recommending  
not

I attach a final version,  
agreed by Northern Ireland Secretary  
and Foreign Secretary.

I have underlined ~~the~~ new  
passages in pencil.

~~Two amendments~~ to last  
paragraph have been transcribed.

Only problem concerns final  
sentence of paragraph 7. Mr King  
wants it, because it puts the  
onus on the Taoiseach if anything

goes wrong. Others are not  
keen. I think you should

support Mr. King - it's his

reck.

Agree text?

C.D.P.



10 DOWNING STREET

*From the Private Secretary*

SIR ROBERT ARMSTRONG

ANGLO/IRISH RELATIONS: NORTHERN IRELAND

BF | We are planning for the Prime Minister to brief the Westminster Party leaders - and to offer a briefing to Jim Molyneaux - about the outcome of the negotiations with the Irish Government on Thursday afternoon. It would be helpful to have by Wednesday evening a short speaking note for the Prime Minister picking out the main points about the Agreement, which she should make to them.

(CHARLES POWELL)

11 November 1985

fe vc (81)  
etc.



10 DOWNING STREET

*From the Private Secretary*

9 November 1985

ANGLO-IRISH RELATIONS: NORTHERN IRELAND

The Prime Minister had a meeting this afternoon with the Northern Ireland Secretary and the Foreign Secretary to discuss a number of outstanding points about the draft Agreement on Northern Ireland. Sir Robert Armstrong was also present.

Location of the Intergovernmental Conference and the Secretariat

The Prime Minister said that she was perturbed by the tone of the Taoiseach's remarks about the location of the Intergovernmental Conference and the Secretariat in his recent message. They were indicative of the attitude the Irish Government are likely to take once the Agreement was in force. It had to be for HMG to consider and decide on matters of security. She was strongly opposed to locating the Secretariat in Stormont at the heart of the Northern Ireland Government. This would give the wrong signal politically.

The Northern Ireland Secretary agreed that location was a very significant issue which needed to be watched carefully. He saw evidence of the Irish Government trying to show that it had secured more from the Agreement than was the case. This must be resisted. He thought that a compromise could be reached on the location of the Intergovernmental Conference by agreeing in principle that its first meeting should be held in Belfast subject to the security situation following the Agreement. He agreed that it would be undesirable to have the Secretariat in Stormont. He would be looking at alternative sites on 11 November and would make a recommendation. He had in mind the purchase of a building currently occupied by the Northern Ireland Industrial Development Board. Once acquired and refurbished, this could service as offices and accommodation for the Irish members of the Secretariat.

The Foreign Secretary recalled that by stressing the security aspects of the location of the Conference and the Secretariat, we had to some extent led the Irish Government to focus on Stormont. He agreed with the Prime Minister and the Northern Ireland Secretary that this was undesirable. But it was incumbent on HMG to find an appropriate and secure location reasonably near Stormont which could serve

both as offices and as accommodation for the Irish members of the Secretariat. He would urge Mr. Barry when they met on 11 November not to press unreasonable demands on this issue.

After discussion, the Prime Minister concluded:

(i) we should tell the Irish Government that we agreed in principle to hold the first meeting of the Intergovernmental conference in Belfast subject to an assessment of security considerations at the time;

(ii) we should also inform the Irish Government that we were seeking an appropriate and secure building to provide offices and accommodation for the Irish members of the Secretariat. This would be reasonably close to Stormont. But we would not be able to provide this until the first half of 1986. We could not agree that the Secretariat should be located in Stormont itself;

(iii) until the building was ready, ad hoc arrangements would be made for such periods as members of the Secretariat needed to be in Belfast. This was likely to involve their accommodation in hotels, though it would help surmount security problems if so far as possible the Irish members were to commute from the Republic. It would have to be made clear that Stormont was not an option for temporary offices and accommodation.

(iv) the Northern Ireland Secretary would consider further where in Belfast the Intergovernmental Conference would meet. One option would be the building acquired for the Secretariat.

These points should be taken into account in preparing a reply to the Taoiseach's message, which should issue before Sir Robert Armstrong's next meeting with Mr. Nally on 12 November.

#### Role of the Secretariat

It was agreed to stress once again to the Irish Government our views on the limited role of the Secretariat; also that the normal point of contact for the Irish Secretary would be his British opposite number and that he did not have an automatic right of access to senior Northern Ireland Office officials. Equally, the existence of the Secretariat and the Intergovernmental Conference should not inhibit normal working contacts between British Ministers and senior officials and their Irish opposite numbers.

#### Membership of the Secretariat

It was noted that the Irish Government intended to appoint Mr. Lillis as the Irish member of the Secretariat with the rank of Deputy Secretary. We should have preferred to see the Secretariat operate at a lower level. But this had to be balanced against the need for our Secretary to be

somebody capable of standing up to Mr. Lillis. This pointed towards nomination of Mr. Elliott who was serving as an Under Secretary in the Northern Ireland Office.

Meetings of the Intergovernmental Conference

It was agreed that the Irish wish for two meetings before Christmas was unrealistic. The Foreign Secretary would point this out to Mr. Barry.

Border Security

It was agreed that discussions with the Irish Government could not be taken further at this stage. They understood that we would be exerting strong pressure on them through the Intergovernmental Conference for improved border security.

European Convention on the Suppression of Terrorism

It was noted that the Irish Attorney General seemed likely to advise the Irish Government against signing the Convention at this stage because of the risk of challenge in the Courts. The wording already negotiated for the communique would thus stand.

Arrangements for the Anglo-Irish Summit

It was agreed that we should insist upon RAF Aldergrove as the site for the Summit. The delegation should be small. The programme should comprise a meeting followed immediately by signature of the Agreement and a joint press conference, with lunch thereafter.

Briefing of Party Leaders

It was noted that the Prime Minister would brief the Westminster Party leaders on Privy Council terms on the evening of 14 November. It was agreed that a briefing on these terms should also be offered to Mr. Molyneux, although he was quite likely to decline it. The Northern Ireland Party leaders should be offered a briefing after conclusion of the Agreement by the Northern Ireland Secretary

Briefing of the Speaker

It was noted that Mr. Enoch Powell was likely to take a very early opportunity to ask the Speaker to rule on the constitutionality of the Agreement. Steps would need to be taken to ensure that the Clerk of the House was in a position to provide the Speaker with advice.

Meetings in the United States

Sir Robert Armstrong reported briefly on his meetings in Washington. The United States was unlikely to be in a position to make any firm offer of financial support this side of Christmas. He would need to inform the US

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Administration very shortly beforehand of the precise date on which the Agreement would be signed.

I am copying this letter to the Private Secretary to the Foreign and Commonwealth Secretary and to Sir Robert Armstrong.

C.D. POWELL

J.A. Daniell, Esq.,  
Northern Ireland Office.

SECRET AND PERSONAL



ADVANCE COPIES

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NORTHERN IRELAND

PS  
PS/LADY YOUNG  
PS/PUS  
MR GOODALL

PS/ S of S  
PS/MR R ANDREW, OAB 1/56  
MR BRENNAN  
MR BUENS  
MR PN BELL

NIO

HD/RID  
sp. HD/PUSD (2)  
HD/INFO DEPT  
HD/NEWS DEPT

SIR R ARMSTRONG  
DIO  
PS/ NO 10 DOWNING STREET (3)  
CABINET OFFICE

RESIDENT CLERK

14.11.8

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IMMEDIATE

UNCLASSIFIED  
FM DUBLIN  
TO DESKBY 091400Z FCOLN  
TELNO 763  
OF 091240Z NOVEMBER 85

SPEECH BY THE TAOISEACH ON ANGLO IRISH TALKS

SUMMARY

1. THE TAOISEACH SAID LAST NIGHT THAT NATIONALIST ASPIRATIONS MUST TAKE SECOND PLACE TO PEACE AND STABILITY IN NORTHERN IRELAND

DETAIL

2. SPEAKING IN BRUSSELS LAST NIGHT, THE TAOISEACH SAID 'OUR GOAL IN IRELAND - LIKE YOURS IN THE WIDER EUROPE - IS PEACE AND STABILITY. MY GOVERNMENT HAS THE HOPE THAT ONE DAY IRELAND WILL BE UNITED IN PEACE. BUT WE CANNOT AFFORD TO WAIT FOR THAT MAGICALLY TO HAPPEN. THE PEOPLE OF NORTHERN IRELAND, BRITISH AND IRISH, DESERVE NOW A BETTER DEAL THAN THEY HAVE HAD HITHERTO. THAT IS WHY OUR NATIONALIST HOPES AND ASPIRATIONS MUST TAKE SECOND PLACE IN THE SHORT TERM TO PROVIDING A STABLE, PEACEFUL SOCIETY FOR THOSE CITIZENS OF EUROPE, OF BOTH TRADITIONS IN NORTHERN IRELAND, WHO HAVE SUFFERED MORE THAN ANY OTHERS IN OUR (EUROPEAN) COMMUNITY IN RECENT YEARS'.

3. THE TAOISEACH TOLD HIS AUDIENCE OF YOUNG EUROPEAN CHRISTIAN DEMOCRATS THAT THE AIM OF THE ANGLO-IRISH TALKS WAS TO CREATE POLITICAL STRUCTURES IN THE NORTH WHICH WOULD BE ACCEPTED BY 'THOSE WHO FEEL THEMSELVES BRITISH'.

4. THE SPEECH IS THE MAIN STORY IN THIS MORNING'S DUBLIN PAPERS.

4. THE SPEECH IS THE MAIN STORY IN THIS MORNING'S DUBLIN PAPERS. THE IRISH PRESS GIVES IT PARTICULAR PROMINENCE UNDER THE BANNER HEADING: ''GARRET SHELVES UNITY: NOW LOOMING OVER SPEECH'' AND IN A CRITICAL EDITORIAL SAYS ''IF AT THE END OF ALL THE TALKS ALL WE ARE TO GET ARE PLEAS TO BE REASONABLE AND PATIENT, THEN THE WHOLE EXERCISE HAS BEEN WORSE THAN USELESS....''

GOODISON

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NORTHERN IRELAND

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PS  
PS/LADY YOUNG  
PS/PUS  
MR GOODALL

PS/ S of S  
PS/MR R ANDREW, OAB 1/56 }  
MR BRENNAN } NIO  
MR BURNS }  
MR PN BELL }

HD/RID  
sp. HD/PUSD (2) .  
HD/INFO DEPT  
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RESIDENT CLERK

SIR R ARMSTRONG )  
DIO ) CABINET OFFICE  
PS/ NO 10 DOWNING STREET (3)

14.11.8

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UNCLASSIFIED  
FM DUBLIN  
TO DESKBY 091400Z FCOLN  
TELNO 762  
OF 091220Z NOVEMBER 85

1. TODAY'S IRISH TIMES CARRIES THE FOLLOWING FRONT PAGE REPORT FROM CONOR O'CLERY IN LONDON, HEADED 'THREE ISSUES DELAYING FINAL SUMMIT ACCORD':

THREE OUTSTANDING ISSUES ARE NOW HOLDING UP FINALISATION OF AGREEMENT IN THE ANGLO-IRISH TALKS, IT HAS BEEN LEARNED. AN ELEMENT OF BRINKMANSHIP HAS ALSO ENTERED INTO THE FINAL DAYS OF NEGOTIATIONS, WHICH ARE ALSO BEING AFFECTED BY WHAT ONE SOURCE DESCRIBED AS 'LAST-MINUTE NERVES'.

THE THREE STICKING POINTS ARE UNDERSTOOD TO CONCERN THE SPEED OF IMPLEMENTATION OF AN AGREEMENT, PARTICULARLY THE PLACING OF IRISH CIVIL SERVANTS IN BELFAST; THE ROLE OF THE NORTHERN IRELAND OFFICE IN THE WORKING OF THE CONSULTATIVE MACHINERY TO BE ESTABLISHED TO GIVE THE REPUBLIC A ROLE IN NORTHERN AFFAIRS; AND THE METHOD OF PRESENTATION OF THE PACKAGE.

THE BRITISH FOREIGN SECRETARY, SIR GEOFFREY HOWE, AND THE NORTHERN IRELAND SECRETARY, MR TOM KING, ARE EXPECTED TO MEET THE TANAISTE, MR SPRING, AND THE MINISTER FOR FOREIGN AFFAIRS, MR BARRY, AGAIN EARLY NEXT WEEK IN AN ATTEMPT TO REACH AGREEMENT ON THESE ISSUES.

SOURCES CLOSE TO THE TALKS IN LONDON INDICATE THAT THE BRITISH PRIME MINISTER, MRS THATCHER, IS RESISTING DEMANDS FROM DUBLIN THAT A PERMANENT SECRETARIAT OF CIVIL SERVANTS DRAWN FROM BOTH GOVERNMENTS TO SERVICE A JOINT COMMISSION OF MINISTERS BE PUT IN PLACE ALMOST IMMEDIATELY.

LONDON SEES SUCH A MOVE AS GIVING UNIONISTS A FOCUS FOR OPPOSITION TO THE PACKAGE IN THE DAYS IMMEDIATELY AFTER THE SUMMIT AND WANTS TO PHASE IN THE PRESENCE OF A PERMANENT SECRETARIAT OVER A PERIOD OF MONTHS OR EVEN LONGER.

THE IRISH GOVERNMENT IS SAID TO BE CONCERNED THAT ANY DELAY WOULD BE TAKEN AS A SIGNAL BY THE UNIONIST LEADERS TO MOUNT A SUSTAINED CAMPAIGN TO BRING ABOUT A WATERING-DOWN OF THE

THE IRISH GOVERNMENT IS SAID TO BE CONCERNED THAT ANY DELAY WOULD BE TAKEN AS A SIGNAL BY THE UNIONIST LEADERS TO MOUNT A SUSTAINED CAMPAIGN TO BRING ABOUT A WATERING-DOWN OF THE AGREEMENT, AS HAPPENED AFTER SUNNINGDALE. IT IS BELIEVED THAT THE IRISH ARE ALSO INSISTING THAT OTHER ELEMENTS OF THE PACKAGE BE IMPLEMENTED WITH SPEED.

THE ROLE OF THE NORTHERN IRELAND SECRETARY IS EMERGING AS CRUCIAL IN HOW THE AGREEMENT IS IMPLEMENTED. SOURCES SAY THE IRISH HAVE EXPRESSED RESERVATIONS THAT IF THE NIO IS LEFT TO WORK THE CONSULTATIVE ARRANGEMENTS ON ITS OWN, ELEMENTS OF THE AGREEMENT MIGHT BE PUT IN JEOPARDY AS THE NIO IS MORE SUSCEPTIBLE TO PRESSURE ON THE GROUND IN BELFAST FROM UNIONIST OPPOSITION.

MR KING IS SAID TO WANT TO "PUT HIS MARK" ON THE AGREEMENT AND HOW IT WORKS AND IT IS THOUGHT THAT HIS OFFICIALS MAY BE OPPOSING ANY DILUTION OF THE NIO'S AUTHORITY AFTER THE SUMMIT. THE IRISH GOVERNMENT IS UNDERSTOOD TO BE SEEKING A BROADER BRITISH GOVERNMENT INVOLVEMENT AND COMMITMENT.

THE GOVERNMENT IS ALSO SAID TO BE CONCERNED ABOUT THE HANDLING OF ANY POTENTIALLY DIVISIVE INCIDENTS IN THE NORTH AFTER THE SUMMIT, SUCH AS A FATAL SHOOTING INVOLVING SECURITY FORCES. IF THE NEW MACHINERY DID NOT OFFER IMMEDIATE REDRESS THEN NATIONALIST VOICES IN THE NORTH MAY BE RAISED TO ASK "WHAT HAS CHANGED?"

THE TAOISEACH, DR FITZGERALD, IS BELIEVED TO HAVE INSISTED THAT THE PRESENTATION OF ANY PACKAGE BY DUBLIN OR LONDON AIMED AT GIVING THE REPUBLIC A ROLE IN THE NORTH SHOULD BE WORKED OUT JOINTLY BEFOREHAND WITH BOTH SIDES COMMITTED TO ITS TERMS. THIS HAS NOT YET BEEN RESOLVED, THOUGH BRITISH SOURCES SAID LAST NIGHT IT WOULD NOT BE A MAJOR PROBLEM.

THE AIM OF JOINT PRESENTATION WOULD BE TO REVEAL THE PACKAGE IN SUCH A WAY THAT UNIONISTS WOULD NOT BE "RUSHED OVER THE BRINK" WHILE NATIONALISTS WOULD SEE IT AS IMAGINATIVE AND WORTHY OF SUPPORT.

SOME SOURCES CLOSE TO THE TALKS INSIST A DATE FOR A SUMMIT HAS BEEN SET, WHILE OTHER EQUALLY WELL PLACED SAY THIS CANNOT BE DONE UNTIL ALL OUTSTANDING ISSUES HAVE BEEN RESOLVED. IT IS BELIEVED THAT THE DATE, IF AND WHEN AGREED, COULD BE SUBJECT TO "MISINFORMATION" FOR SECURITY REASONS.

GOODISON

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DLLNAN 0448

NNNN

BASÁID NA HÉIREANN. LONDAIN



IRISH EMBASSY, LONDON.

17 Grosvenor Place

SW1X 7HR

*Prime Minister*  
*C&P*  
*8/11*

8 November 1985

Dear Private Secretary

Following our telephone conversation this morning I have now received from Dublin the original of the letter addressed to the Prime Minister by the Taoiseach, Dr Garret FitzGerald, which Dr FitzGerald was anxious should reach her before the weekend.

The text of the message was given this morning to Ambassador Goodison in Dublin and I understand that it will have reached you by now.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Noel Dorr', is written above the typed name.

Noel Dorr  
Ambassador

Mr Charles D Powell  
Private Secretary to the Prime Minister  
10 Downing Street  
London SW1



~~27~~  
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SECRET AND PERSONAL

B.07202

MR POWELL

*mb*

Anglo-Irish Negotiations: Prime Minister's  
Meeting on Saturday, 9 November

The Irish Government will meet on Tuesday 12 November to take a definite decision on whether to conclude the Agreement. An Armstrong/Nally meeting will take place in Dublin in the second half of the same day. Cabinet on 14 November will provide the opportunity for the Ministers directly concerned with the negotiations to fulfil the mandate to report back to colleagues before signature.

The Taoiseach's message of 8 November

2. The location of the meetings of the Intergovernmental Conference and the site of the Secretariat, which were much discussed between British and Irish <sup>Ministers and</sup> officials this week and are the subject of the Taoiseach's message, will be the main item for the Prime Minister's meeting. The Secretary of State for Northern Ireland had a telephone conversation with Mr Barry on the subject today; his office are sending you a report.

3. We have agreed with the Irish that their element in the Secretariat will not be a public complaints bureau; that it will be small; and that the members will not be accompanied by their families. Irish officials have on occasion been willing to agree, in addition, that Mr Lillis, as Irish Secretary, might be present for a number of days at a time, so that other members of the Irish element would provide the continuing presence.



SECRET AND PERSONAL

4. There will be quite a long gap between signature of the Agreement and the first meeting of the Intergovernmental Conference. If the debate in the House on the Agreement takes place 10 to 11 days after signature and the first meeting of the Conference takes place 2 to 4 weeks after that, the gap between signature and the first meeting of the Conference is likely to be 4 weeks at least. It is impossible to predict what the security situation will be at that time. One way of proceeding, if the forceful Irish case for starting as you mean to go on is accepted, might be for us to tell the Irish -

a. we agree that the Intergovernmental Conference should normally meet in Belfast and in principle that its first meeting should take place there;

b. we agree that the Secretariat should be located in Belfast and <sup>in principle that it</sup> should be established there shortly before the first meeting of the Conference;

c. security must however be over-riding and we reserve the right to make alternative suggestions if the situation in Belfast following the Agreement makes this essential.

5. I suggest that we could only go further to meet the Irish on this if we could find premises for their element of the Secretariat which were completely secure - for instance within our own office complex at Stormont. NIO officials have been considering this question further and the Secretary of State for Northern Ireland may have something to report on premises at the Prime Minister's meeting. The Secretary of State for Northern Ireland will also be able to report on his plans for filling the slot of British Secretary, also raised in the Taoiseach's message.



SECRET AND PERSONAL

Texts

6. There are no outstanding points on the draft Agreement. I attach the draft Communique, incorporating the revised paragraph 9, agreed when the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland met Mr Spring and Mr Barry on 6 November.

The Status of Northern Ireland

7. When British and Irish Ministers met on 6 November, they agreed to abandon the idea of a paragraph in the Communique on the status of Northern Ireland. We shall of course say that Northern Ireland is part of the United Kingdom. The Irish will say that Articles 2 and 3 of their Constitution still stand. I think they will agree to say also that they accept as matters of fact that Ireland is not politically united and that HMG are responsible for the government of Northern Ireland; and that in accordance with Article 1 of the Agreement, the aspiration to Irish unity must be pursued peacefully and through consent. Both sides would stress that Article 1 reflected common ground on the important issue, namely that there would be no change in the status of Northern Ireland without consent and that this consent did not at present exist. We could add, if necessary, that in Article 1 the Irish Government goes further than ever before, in that it recognises not only that the status of Northern Ireland would only change if a majority there so wished but also that the present wish of a majority is for no change; and that these points are embodied for the first time in a binding international Agreement. We could further add, if appropriate, that the whole Agreement recognises repeatedly that the United Kingdom Government is responsible for Northern Ireland.

Border Security

8. In his message the Taoiseach claims that "all misunderstandings have now been eliminated" on security co-operation.





SECRET AND PERSONAL

This was broadly the conclusion of the British and Irish Ministers on 6 November. We shall continue to press in the Intergovernmental Conference for enhanced efforts.

Summit Arrangements

9. The Prime Minister may wish to discuss some of the points in Mr Appleyard's letter of 8 November.

United States views

10. The Prime Minister may wish to ask Sir Robert Armstrong to report to her meeting about his visit to Washington.

11. I am sending copies of this minute to the Private Secretaries to the Foreign and Commonwealth Secretary, and the Secretary of State for Northern Ireland, and to Michael Stark.

C L G Mallaby

8 November 1985

As amended on 8 November 1985  
(changes from last draft underlined)

Anglo-Irish Summit Meeting

Joint Communiqué (Draft)

1. The Prime Minister, the Rt Hon Margaret Thatcher FRS MP and the Taoiseach, Dr Garret FitzGerald TD, met at ..... on .....  
It was the third meeting of the Anglo-Irish Intergovernmental Council to be held at the level of Heads of Government.
  
2. The Prime Minister was accompanied by ..... and the Taoiseach was accompanied by .....
  
3. The Prime Minister and the Taoiseach signed a formal and binding Agreement between their two Governments, with the aims of promoting peace and stability in Northern Ireland; helping to reconcile the two major traditions in Ireland; creating a new climate of friendship and co-operation between the people of the two countries; and improving co-operation in combating terrorism.

4. The establishment of an Intergovernmental Conference in which the Irish Government will put forward views and proposals concerning stated aspects of Northern Ireland affairs; in which the promotion of cross-border co-operation will be discussed; and in which determined efforts will be made to resolve any differences between the two Governments.

5. The Prime Minister and the Taoiseach committed themselves to implementing and sustaining the measures set out in the Agreement with determination and imagination and undertook to encourage people of both the unionist and nationalist traditions in Ireland to make new efforts to understand and respect each other's concerns with a view to promoting reconciliation.

6. The Agreement provides for entry into force as soon as each Government has formally notified the other of acceptance. This exchange of notifications will not be completed until the Agreement has been approved by the British Parliament and by Dail Eireann. The two Governments intend that action to implement the provisions of the Agreement should begin once the

exchange of notifications has been completed. The first meeting of the Intergovernmental Conference will take place as soon as possible thereafter. The British side will be led by the Secretary of State for Northern Ireland and the Irish side by the Minister designated as the Permanent Irish Ministerial Representative

7. The two Governments envisage that the meetings and agenda of the Conference will not normally be announced. But they wish it to be known that, at its first meeting, the Conference will consider its future programme of work in all the fields - political, security, legal, economic, social and cultural - which come within its competence. It will concentrate at its initial meetings on:

- relations between the security forces and the minority community in Northern Ireland;
- ways of enhancing security co-operation between the two Governments; and

- seeking measures which would give substantial expression to the aim of underlining the importance of public confidence in the administration of justice.

In the interests of all the people of Northern Ireland the two sides are committed to work for early progress in these matters. Against this background, the Taoiseach said that it was the intention of his Government to accede as soon as possible to the European Convention on the Suppression of Terrorism.

8. In addressing the improvement of relations between the security forces and the minority community, the Conference at its first meeting will consider:

- a. the application of the principle that the Armed Forces (which include the Ulster Defence Regiment) operate only in support of the civil power, with the particular objective of ensuring as rapidly as possible that, save in the most exceptional circumstances, there is a police presence in all operations which involve direct contact with the community;

b. ways of underlining the policy of the Royal Ulster Constabulary and of the Armed Forces in Northern Ireland that they discharge their duties even-handedly and with equal respect for the unionist and nationalist identities and traditions.

9. In its discussion of the enhancement of cross-border co-operation on security, the first meeting of 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.

10. In addition to concluding the new Agreement, the Prime Minister and the Taoiseach reviewed the wide range of work being done under the auspices of the Anglo-Irish Intergovernmental Council to develop further the unique relationship between the two countries. The fact that in the past year there have been more than twenty meetings between Ministers of the two Governments demonstrates the closeness of co-operation. Among the areas where progress has been made in the past year is the planning of new areas of co-operation in education,

notably in curriculum development between schools. The Prime Minister and the Taoiseach decided that the work under the Council's auspices in these various fields should be actively continued, in the interests of friendship between all the people of both countries.

11. The Prime Minister and the Taoiseach held a full and friendly discussion of current international issues, including matters concerning the European Community. They paid particular attention to .....

12. The Prime Minister and the Taoiseach agreed to meet again at an appropriate time to take stock of the development of relations between the two countries and of the implementation of the Agreement which they have signed.

SECRET

PERSONAL

From THE PRIVATE SECRETARY

283

21  
20  
C. J. P.



NORTHERN IRELAND OFFICE  
WHITEHALL  
LONDON SW1A 2AZ

L Appleyard Esq  
Principal Private Secretary  
Foreign and Commonwealth Office  
Downing Street East  
London SW1

8 November 1985

Dear Len

Peter Barry telephoned the Secretary of State yesterday evening to report the views of the Irish Government on some of the points left open for further consideration at the meeting on 6 November. This followed a meeting of the Irish Cabinet and it was clear that Mr Barry was speaking under instructions. This letter records the main points of the conversation and outlines Mr King's thinking on the issues.

Emphasising the seriousness which the Irish attached to his points, Mr Barry said that the Conference must hold its first meeting in Northern Ireland within 14 days of the Agreement coming into force, (allowing for a second meeting before Christmas), and that the Secretariat must be located in Belfast by then. He understood the security considerations troubling HMG but it was for us to provide adequate security to match the threat. It was an essential part of implementation of the Agreement that from day 1 the Irish were "on site" as a physical manifestation of the Agreement for the minority community. The Irish had always understood that their Secretariat would live and work at Stormont (although he did say he was not totally wedded to their living on the Stormont estate). Wherever the Secretariat was to be sited it had to be close to the seat of Government in Northern Ireland and Mr Barry mentioned Stormont House as a suitable location.

The Secretary of State understood the Irish concern but before he could agree to the location of the Secretariat he had to satisfy himself over security. He was looking into this urgently and considering possible sites. However it was more important for the Agreement to work and be seen to work over a period of time than to move too quickly towards locating the Conference or the Secretariat in Belfast. There were many local sensitivities in Northern Ireland and to locate the Secretariat too close to Stormont Castle or Stormont House would constitute severe provocation to unionists.

The Secretary of State told Mr Barry he would be meeting senior colleagues this weekend and would discuss the Irish points then. He would telephone Mr Barry early next week. Mr Barry mentioned that his Government would take final decisions on the Agreement after Mr Nally had reported on the final round of Armstrong/Nally talks. He reiterated the importance which his Government attached to the points he had raised.

SECRET

PERSONAL

/.....



SECRET

PERSONAL

My Secretary of State felt that, in this conversation, Mr Barry made no real attempt to take on board the very real difficulties. His lack of understanding and lack of realism, for example over the idea of having two meetings before Christmas, are disturbing.

Mr King made his position clear at Wednesday's meeting. While he understands the long term objective over the location of the Secretariat, he continues to believe that we must reserve our position on the short term arrangements. As the Minister responsible for the implementation of the agreement in Northern Ireland, he does not wish to be committed to giving undertakings which, in his judgement, could greatly increase the level of hostility towards the Agreement within the Province and which might well threaten its longer term prospects. In particular, there is a danger that the immediate location of the Irish civil servants within the Stormont complex would encourage the belief that they were to be an integral part of the government machine and lend weight to the argument that we are seeking to achieve joint authority by the back door.

The Stormont estate includes Stormont Castle and Stormont House but is also a public park to which there must be regular access for people visiting the Assembly and Government departments located within the park. The secure parts (the immediate vicinity of the Castle and House) present the greatest difficulty both in terms of symbolism and because they are the centre of executive Government. Police advice is that if the Secretariat were located at Stormont large scale demonstrations could disrupt the work of the whole estate. The Secretary of State intends early next week to have a further look at possible sites to see if there are any worth pursuing.

I have informed Mr King that the Prime Minister has received a message from the Taoiseach about these issues. He would be grateful if decisions on the terms of any reply could be deferred until tomorrow afternoon's meeting.

Finally, we should like the report of the meeting with Irish Ministers contained in your letter of 7 November to be amended in one respect; three lines from the bottom of page 2 the word "eventually" should be added after "Belfast".

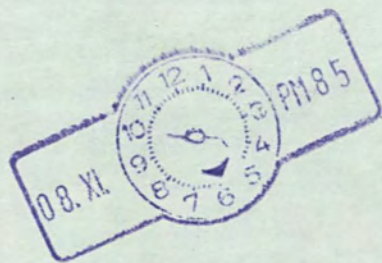
I am copying this letter to Charles Powell (No 10) and Michael Stark (Cabinet Office).

Your sincerely  
Jim

J A DANIELL

SECRET

PERSONAL



ADVANCE COPIES

27

NORTHERN IRELAND

PS (6)  
PS/LADY YOUNG  
PS/PUS  
MR GOODALL

PS/ S of S  
PS/MR R ANDREW, OAB 1/56  
MR BRENNAN  
MR BURNS  
MR PN BELL

NIO

HD/RID  
HD/FUSD (2)  
HD/INFO DEPT  
HD/NEWS DEPT

SIR R ARMSTRONG  
DIO  
PS/ NO 10 DOWNING STREET (3)

CABINET OFFICE

~~RESIDENT OFFICE~~

14.11.85

DLLNAN 0444  
CONFIDENTIAL  
DD FCOLN 081700Z  
FM DUBLI TO FCOLN  
081625Z NOV  
GRS

IMMEDIATE

CONFIDENTIAL  
FM DUBLIN  
TO DESKBY 081700Z FCO  
TELNO 760  
OF 081625Z NOVEMBER 85

*ms*

DRAFT INTERNAL POLITICAL BRIEF

1. AS REQUESTED IN TELECON MORRIS/MILLS OF 7 NOVEMBER, FOLLOWING IS A DRAFT BRIEF ON THE INTERNAL POLITICAL SCENE IN THE REPUBLIC.

BEGINS

2. DR FITZGERALD'S COALITION GOVERNMENT BADLY NEEDS A POLITICAL SUCCESS. AFTER NEARLY THREE YEARS IN OFFICE IT IS TRAILING THE OPPOSITION BY SOME 15% IN THE POLLS. FOLLOWING DEFECTIONS OVER FAMILY PLANNING REFORM IT NO LONGER HAS AN OVERALL MAJORITY IN THE DAIL, ALTHOUGH IN PRACTICE THE DEFECTORS GENERALLY SUPPORT GOVERNMENT POLICY.

3. THE COALITION HAS HELD TOGETHER WELL, DESPITE TENSIONS CAUSED BY ITS DETERIORATING POSITION IN THE OPINION POLLS, AND IN PARTICULAR BY THE LABOUR PARTY'S DECLINING FORTUNES. UNPOPULAR ECONOMIC POLICIES HAVE BEEN INTRODUCED AND ADHERED TO, BUT LITTLE HAS BEEN ACHIEVED IN THE WAY OF SOCIAL REFORM AND DISAGREEMENTS BETWEEN THE PARTIES HAVE LED TO LENGTHY DELAYS IN INTRODUCING LEGISLATION.

ECONOMY

4. THE LONG WET SUMMER OF 1985 CONTRIBUTED TO A MOOD OF GLOOM AND DESPONDENCY. FARMERS, WHO SUFFERED EXTENSIVE CROP LOSSES ARE PARTICULARLY ANGRY AT WHAT THEY SEE AS LOW LEVELS OF GOVERNMENT AID. ELSEWHERE THERE ARE POSITIVE TRENDS IN THE ECONOMY: A THREE YEAR ECONOMIC PLAN INTRODUCED LAST YEAR IS FAIRLY WELL ON TARGET, WITH INFLATION AND INTEREST RATES BOTH BELOW UK LEVELS. THE 1985 TRADE BALANCE IS EXPECTED TO BE IN SURPLUS FOR THE FIRST TIME. BUT THE GOVERNMENT STILL FACES FORMIDABLE

FOR THE FIRST TIME. BUT THE GOVERNMENT STILL FACES FORMIDABLE PROBLEMS. UNEMPLOYMENT HAS BEEN CONTAINED AT A PAINFUL 17%, BUT THERE IS NO SIGN THAT IT CAN BE BROUGHT LOWER THAN THIS. THE CURRENT BUDGET DEFICIT WILL EXCEED 8% OF GNP (THE HIGHEST EVER EXPERIENCED), AND CANNOT BE REDUCED WITHOUT INCREASING THE ALREADY HIGH LEVEL OF PERSONAL TAXATION OR FURTHER CUTTING PUBLIC EXPENDITURE. NEITHER OPTION IS POLITICALLY ACCEPTABLE.

#### SOCIAL REFORMS

5. DR FITZGERALD'S CONSTITUTIONAL CRUSADE RAN INTO THE SANDS EARLY ON WITH THE 1984 REFERENDUM ON ADOPTION (NOT AN ISSUE OF HIS OWN CHOOSING). NEW LEGISLATION EARLIER THIS YEAR TO INCREASE THE AVAILABILITY OF FAMILY PLANNING ONLY 7'S @95 26, AND THE TAOISEACH IS NOT ANXIOUS TO REPEAT THE EXPERIMENT HIS HAND MAY, HOWEVER, BE FORCED ON DIVORCE. DR FITZGERALD BELIEVES THAT A REFERENDUM ON THE SUBJECT NOW WOULD FAIL, AND DO MORE HARM THAN GOOD, BUT THE LABOUR PARTY HAS DECIDED TO INTRODUCE A BILL THIS SESSION TO GIVE THE DAIL THE RIGHT TO LEGISLATE ON DIVORCE. AN ATTEMPT BY LABOUR TO SECURE CABINET ENDORSEMENT OF THE BILL AND TO HAVE IT CONSIDERED DURING A GENERAL DEBATE ON DIVORCE DUE TO BEGIN ON 14 NOVEMBER HAS BEEN REJECTED, AND IT WILL HAVE TO WAIT ITS TURN AS A PRIVATE MEMBERS BILL. ALTHOUGH MANY IN FINE GAEL ARE UNHAPPY AT THE PARTY'S FAILURE TO LIVE UP TO ITS PROMISES IN THE FIELD OF SOCIAL REFORMS, THE GOVERNMENT BELIEVES THAT IT IS IMPORTANT TO AWAIT A NATIONAL CONSENSUS ON THE NEED FOR REFORM.

#### NORTHERN IRELAND

6. WHETHER AS CAUSE OR EFFECT OF THE GOVERNMENT'S PERCEIVED FAILURE TO DELIVER ON OTHER FRONTS, THE ANGLO-IRISH PROCESS HAS COME TO OCCUPY A DOMINANT PLACE IN DR FITZGERALD'S PRIORITIES, AND HENCE IN HIS OWN STANDING IN THE COUNTRY. A SUCCESSFUL AGREEMENT WILL BE PRESENTED AS VINDICATION OF HIS EFFORTS, AND AS A TRIUMPH OF CONSTITUTIONAL DEMOCRATIC METHODS OVER TERRORISM AND SUBVERSION. THE MAIN IMPACT OF A SUCCESSFUL AGREEMENT IS LIKELY TO BE IN RALLYING HIS WON TROOPS AROUND HIM, RATHER THAN IN ANY IMMEDIATE UPSURGE OF PUBLIC SUPPORT IN THE REPUBLIC. BUT IF THE AGREEMENT IS NOT GENERALLY SEEN AS A SUCCESS THIS WOULD BE THE BEGINNING OF THE END FOR THE TAOISEACH PERSONALLY. MUCH WILL DEPEND ON THE SDLP'S POSITION IN THE AFTERMATH OF AN AGREEMENT.

#### FIANNA FAIL

7. FIANNA FAIL IS PLAYING A WAITING GAME. RIDING HIGH IN THE POLLS IT SEEMS TO HAVE ACCEPTED THAT AN EARLY ELECTION IS UNLIKELY. MR HAUGHEY'S POLICY NOW IS TO LET THE GOVERNMENT SINK IN ITS OWN UNPOPULARITY, KEEPING AS QUIET AS POSSIBLE ABOUT HIS OWN FUTURE INTENTIONS. THE REST OF THE PARTY TOES THE LINE. MR HAUGHEY'S INTERVENTIONS ON THE ANGLO-IRISH PROCESS SO FAR HAVE BEEN CAREFULLY WORDED. WHILST INDICATING HIS INTENTION TO STICK FIRMLY TO TRADITIONAL FIANNA FAIL ASPIRATIONS AND POLICY IN A DAIL DEBATE ON THE AGREEMENT IT LOOKS AS IF HE WILL STOP SHORT OF THREATENING TO REPUDIATE THE AGREEMENT IF RETURNED TO OFFICE.

#### CONCLUSIONS

8. THE POLITICAL MOOD IN DUBLIN IS DISTINCTLY EDGY, BUT THERE IS NO EXPECTATION OF AN EARLY ELECTION. A GOVERNMENT RESHUFFLE EXPECTED LATER THIS YEAR, AND THE SUCCESSFUL CONCLUSION OF THE UNCOMFORTABLY PROLONGED ANGLO-IRISH TALKS SHOULD HELP CALM THE ATMOSPHERE. BUT THERE IS NO DOUBT IN POLITICAL CIRCLES THAT THE GOVERNMENT'S PRESENTATION OF THE ANGLO-IRISH AGREEMENT WILL BE A TESTING TIME, ON WHICH ITS FATE MAY ULTIMATELY TURN.

PRIME MINISTER

## ANGLO-IRISH RELATIONS: NORTHERN IRELAND

You are to meet the Northern Ireland Secretary, Foreign Secretary and Sir Robert Armstrong tomorrow to consider outstanding matters. Sir Robert is to meet Mr. Nally again next Tuesday. The Irish Cabinet will meet that same day to consider whether to accept the agreement.

The points to consider at the meeting are:

The Location of the Conference and the Secretariat

A. The Taoiseach has sent you a rather stern message on this insisting that the Conference should meet, and the Secretariat be located in Belfast, from the beginning. He implies that this is unnegotiable; and that it is up to us to provide whatever level of security is necessary.

B. The Northern Ireland Secretary has also discussed the matter with Mr. Barry and repeated his objections on security grounds. He has also pointed out the political sensitivity of having the Secretariat located at the heart of the Northern Ireland Government in Stormont.

C. The Cabinet Office have suggested a compromise under which we agree in principle that the first meeting takes place in Belfast (and the Secretariat set up base there); but that a decision is postponed until we can assess the security situation at the time.

My only comment is that this issue is in effect the first tussle of wills under the Agreement: allowing the Irish to face us down will be a bad precedent.

Staffing of the Secretariat

The Irish persist in their intention to send Lillis (a Deputy Secretary). The Northern Ireland Office are not keen: but he does know the negotiations and the agreement inside out. You will want to ask the Northern Ireland Secretary whom we intend to send.

Border Security

The Taoiseach's message says this is settled. You will want to assure yourself that the Northern Ireland Secretary is satisfied.

Convention on Suppression of Terrorism

The Irish are still considering whether they can agree to sign the Convention now.

United States Views

You will want to ask Sir Robert Armstrong to report.

Parliamentary Handling

We understand in confidence Enoch Powell intends to rise before you make your statement on 18 November and ask the Speaker to rule on the constitutionality of the Agreement. You might ask the Northern Ireland Secretary to ensure that his officials brief Bradshaw so that he can advise the Speaker in advance what to say.

Practical Arrangements for the Signing

D The Foreign and Commonwealth Office have written about this, setting out various scenarios for various possible locations. You will want to instruct Sir Robert Armstrong to insist on Aldegrove. (The Irish alternative, Dromoland



FILE

SECRET AND PERSONAL



10 DOWNING STREET

*From the Private Secretary*

8 November 1985

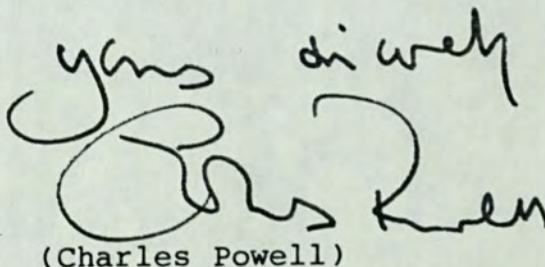
Dear Henry,

PROPOSED ANGLO-IRISH AGREEMENT

The Prime Minister has considered the Solicitor-General's minute of 7 November in which he dealt with the risk that the proposed Anglo-Irish Agreement could be subject to judicial review and with the further question whether the provisions of the Agreement might be enforceable in our own Courts.

The Prime Minister was very grateful for the Solicitor-General's advice which she found reassuring.

I am copying this letter to the Private Secretaries to the Northern Ireland Secretary and the Foreign Secretary and to Sir Robert Armstrong.

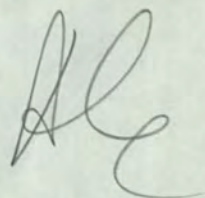
Yours sincerely  
  
(Charles Powell)

Henry Steel, Esq., C.M.G., O.B.E.,  
Law Officers' Department.

SECRET AND PERSONAL

DA  
b/c

19  
18







~~10 DOWNING STREET~~

CDP

Mike Horne left this  
for you.

The Irish embassy  
received it over a  
fax line & then  
sent a copy - -  
no classification!!

JB

7/11

Mike,  
We note about  
this draft.

Yours  
Fred Smyth  
7 Nov. 1983

Sample card.

<u>Press</u>		<u>Photo</u>
Anglo Irish Summit Name . . . . .		
Organisation	NO	

to be worn on lapel.

Size of Card: c.  $3\frac{1}{2}$  inches

across by  $2\frac{1}{2}$  inches

colour: yellow.

Cards laminated

DRAFT PRESS RELEASEAnglo-Irish Summit <sup>1985</sup> - Press Arrangements

Press accreditation will be required in the event of an Anglo-Irish Summit being held during the coming weeks. Forty-eight hours notice will be given of the date when it is decided. No prior announcement will be made regarding the location which may be in either country. Accredited media representatives will be transported to that location and details of the assembly point or points will be announced later.

Media representatives seeking accreditation must apply to the Department of Foreign Affairs (or to the British authorities in London) by ~~1800~~ <sup>1500</sup> hours on ~~Thursday~~ <sup>SATURDAY</sup> 9 November. Applications received after that date cannot be considered.

Applications, accompanied by two photographs and a letter of authentication from the employing organisation should indicate acceptance of transport or other charges. Applications should contain the following information:

- name
- address
- date of birth
- name and address of employing organisation
- press card number
- description of role (i.e. print-journalist, photographer, electronic media)

Department of Foreign Affairs (Press)

November, 1985





Foreign and Commonwealth Office

London SW1A 2AH

7 November 1985

ms

 Prime Minister  
 CDP  
 7/xi

Dear Charles,

Anglo-Irish Negotiations

As foreshadowed in Mr King's minute to the Prime Minister of 5 November, the two Secretaries of State met the Tanaiste, Mr Spring, and the Irish Foreign Minister, Mr Barry, on 6 November to take stock of the position reached in the Anglo-Irish negotiations. The usual small supporting team of officials on either side was also present.

The discussion covered the ground outlined in Mr King's minute of 5 November within the limits set by your letter to Jim Daniell of 6 November. The Irish showed no disposition to question the need for British Ministers to be able to say firmly that Northern Ireland is part of the United Kingdom and will remain so. As we had expected, however, they made it clear that they, like us, would find it difficult to have language in the communique reflecting an agreed interpretation of Article 1 of the Agreement. It was agreed that the best way forward on this might be for the two Heads of Government to make it clear that, on the question of status, the two Governments started from different historical perceptions and, so to speak, from differing title deeds; but to stress that Article 1 reflected the common ground between them: namely that there could be no change in the present status of Northern Ireland without the freely given consent of a majority of its inhabitants and a recognition that this consent did not at present exist. It was agreed that it would be useful for officials to work out comparable but not identical forms of words for use by the two Heads of Government on this point. The Irish indicated that the Taoiseach would probably wish to cover the point in his introductory statement at the joint press conference; and they gave us a preliminary draft (which they stressed had no status) for consideration at the next Armstrong/Nally meeting on 12 November.

Mr King stressed the importance for us of significant and sustained improvements in cross border security cooperation. In response, the Irish assured us that they would fully honour their commitments under Article 9(a) of the Agreement and that they recognised the need for improved cooperation: what they could not accept was language which implied that the improvement must be all on the Irish side of the border and that the Irish authorities were doing less than they should be doing to combat terrorism. They

/ accepted



accepted without demur the revised language for the relevant paragraph of the communique suggested towards the end of paragraph 4 of Mr King's minute. Mr King gave notice that we would be pressing in the Intergovernmental Conference for an enhanced effort, eg on cross-border intelligence.

We made the case outlined in paragraph 5 of Mr King's minute for early Irish signature of the European Convention for the Suppression of Terrorism, stressing that this would be particularly helpful in the context of our declared readiness to retain the reference in Article 8 of the Agreement to the possibility of mixed courts. The Irish said that they were already examining the question whether they could sign the Convention instead of simply announcing their intention to accede to it. There were, however, likely to be constitutional difficulties for them in signing an agreement for which the necessary legislation had not yet been enacted by the Dail. The Irish Attorney General had been asked for his opinion on this point and they hoped to let us have this within the next few days. Meanwhile, they recognised the importance we attached to this suggestion and undertook to reflect on it. The question of mixed courts was not re-opened by either side.

There was a lengthy discussion of the role and location of the proposed Secretariat. It was common ground between us that the Conference would normally meet in Belfast and that the Secretariat would need to be located there in order to service it. The Irish recognised the legitimacy of our concern for the security of the officials involved. But they pointed out that they had abandoned their original idea of a Secretariat to which the public would have access; had accepted our view of the restricted nature of the Secretariat's role; and had agreed that it could be located within the Stormont complex where there was already maximum security protection. They insisted that some continuing Irish official presence in Belfast from the outset, plus the visible fact of the Intergovernmental Conference meeting there, would be essential to the SDLP's perception of whether the Agreement was meaningful or not; and they argued that, if it was our intention that the Conference and Secretariat should be in Belfast we should implement that intention from the start; otherwise loyalist opposition would build up and make it impossible. Mr King said that all the indications were that the Secretariat would be a principal focus of unionist resentment and there were very real practical and security difficulties about having the Secretariat located in Belfast as soon as the Agreement had been ratified. He accepted of course that the Secretariat would need to be in Belfast, but the practical problems of finding suitable premises had still to be resolved. It was moreover impossible at this stage to predict what the security situation in

/ Belfast



Belfast would be following ratification of the agreement and we therefore had to reserve our position on the location of the first meeting of the Conference. It was left that this question would need to be pursued further by officials. Meanwhile it was agreed that, without prejudice to the question of location, it should be publicly announced that the first meeting of the Conference would take place within a stated period of time (perhaps three or four weeks) from the date on which the agreement entered into force. Discussion of the precise role of the Secretariat was inconclusive, but the Irish accepted that its functions would be confined to servicing the Conference and that it would not have any contact with the public.

In response to our suggestion that they should encourage the SDLP to come into the assembly, or at least to participate in the next assembly elections, Mr Barry said that this was an issue on which the SDLP was divided. To press them to make a commitment at this stage would be to risk splitting the party. The Irish Government's present concern was to ensure that the SDLP were united in support of the Agreement. But although he thought it would be counter-productive to press them to join the assembly now, he did not exclude the possibility of encouraging them to do so in six months' time if the Agreement was seen by then to be working well.

The Irish also reverted to the question of the UDR, on which they said that they had as yet seen very little evidence of the increased RUC presence at UDR check-points and on UDR patrols which we had promised. We reminded the Irish that we had warned them that this policy could not be implemented overnight; but Mr King undertook to look into the situation.

At the end of the meeting it was agreed that, subject to final Ministerial scrutiny by both Governments, neither side had any further points to raise on the texts of the Agreement or the communique. The line to be taken by the two Heads of Government at the press conference could be discussed further at the Armstrong/Nally meeting on 12 November, which could also tackle the final arrangements for the Summit meeting. Meanwhile, the search for suitable premises for the Secretariat would be pursued urgently; and further consideration would need to be given to the question of diplomatic immunity for the Irish members of its staff. The Irish indicated that they were prepared to meet the cost of housing the Irish element of the Secretariat, but would expect the British Government, in accordance with normal international practice, to meet the cost of security protection.

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It was agreed that, in response to press enquiries, care should be taken to avoid indicating the stage that the negotiations had reached; it would be sufficient to say that discussions were continuing and that a number of points still remained to be settled. Guidance has been given to press officers accordingly.

Copies of this letter go to the Private Secretaries to the Secretary of State for Northern Ireland and to Sir Robert Armstrong.

*Yours ever,*

*Len Appleyard*  
(L V Appleyard)  
Private Secretary

C D Powell Esq  
10 Downing Street

SECRET AND PERSONAL



CC OPS; MASTER

12A  
17A

Prime Minister

CDD  
27/11

PRIME MINISTER'S  
PERSONAL MESSAGE  
SERIAL No. T209A/85



Oifig an Taoisigh  
Office of the Taoiseach

7 November, 1985.

SECRET AND PERSONAL

The Rt. Hon. Margaret Thatcher,  
Prime Minister.

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Dear Margaret,

Dick Spring and Peter Barry have had two useful meetings with Geoffrey Howe and Tom King since I received your letter of 4th October. Our officials on both sides have done a good job in trying to work out common ground but I believe that contact at the political level is essential so that our two Governments can be confident that we understand each other clearly.

I think that my colleagues were, at yesterday's meeting, able to set Tom King's mind at ease on a matter which is, of course, a common concern to us both, viz. security co-operation between us. It is important that we have no doubts about each other's commitment on this crucial issue and I believe that all misunderstandings have now been eliminated.

Having heard Dick's and Peter's account of yesterday's exchange, I must say, however, that we for our part have a very serious concern about one central aspect of the implementation of what we are seeking to do, involving a number of matters relating to the Intergovernmental Conference and the Secretariat, which we regard as essential, viz.

1. That all meetings of the Conference be held in Belfast;

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Oifig an Taoisigh  
Office of the Taoiseach

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2. That the Secretariat be located in offices at Stormont, from the first meeting of the Conference onwards and that its office and residential accommodation be secure and adequate;
3. That the two Heads of the Secretariat be officials of a rank compatible with the importance to both of us of this Agreement, and be selected as people in whom each of us has special confidence.

The business of the Agreement which we are now close to concluding is centred on co-operation between our Governments over a range of matters in relation to Northern Ireland. It is, in my belief, essential both for credibility and effectiveness, that the Conference meet in Belfast from the beginning and that its Secretariat be established there on a continuing basis in or near the building where the Conference is to meet, which I understand to be Stormont House.

Tom King has explained very clearly, and we understand, the difficulties that he faces. We believe, however, that any temporising about the implementation of this would be seen as weakness and could create the risk that our two Governments would be back in the situation of May 1974 when an important and promising political effort was damaged by divided counsels and consequent hesitations. I know that Tom's concern is with security and with the desirability of minimising tensions at a time of considerable unionist anxiety. Our belief is, however, that there are some difficulties that simply must be faced by both of us. Any delays or hesitations would only serve to make the implementation of these elements more difficult as time went on.

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Oifig an Taoisigh  
Office of the Taoiseach

3.

The Secretariat is an integral part of the machinery of the Conference and we believe its establishment on a continuing basis is essential to the success of what we are trying to achieve together. We have made it clear that it is not the purpose of the Secretariat to act as a public complaints bureau or as a public access office, but to service the Conference during and between its formal meetings and to provide a central point of communication.

It seems to me that the essence of what we are trying to do is to intensify co-operation between our Governments on matters arising from the problems of Northern Ireland in a number of spheres, notably the political, security and economic areas. I am absolutely convinced that, to give substance to this commitment, there must be the closest possible communication between those centres in our Governments to which you and I assign responsibility on these matters. Without a Secretariat operating on a continuing basis in Belfast we would not be able to have the sort of communication that will ensure that the two Governments avoid running into problems unnecessarily, or be able to create the clear understanding essential to heightened co-operation.

I have with Peter Barry decided to nominate a senior official from the Department of Foreign Affairs to be the Irish joint head of the Secretariat precisely because I am confident that his whole approach will be to co-operate and create common understanding through the Secretariat with officialdom on the other side. This is an officer who was at one time my diplomatic adviser and who has been involved from the beginning in the current discussions between our Governments.

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Oifig an Taoisigh  
Office of the Taoiseach

4.

As I have said we envisage that the Irish side of the Secretariat would involve initially, besides this officer, only two posts at senior level, with two at secretarial level. One of the two senior posts would be filled by officers competent in security co-operation matters to which we both attach great importance, while the other post would deal with general affairs.

I have to say that we are concerned about the difficulty which your authorities are finding in identifying accommodation in the Stormont complex which would meet conditions which we would regard as necessary to provide for five people to work and live at any one time even in the most limited circumstances. We have made it very clear that there is no question, for example, of family members being involved at this stage. I gather that the best that has been suggested is an isolated temporary structure. While we understand that there are administrative limitations on space, to me this suggestion is not consistent with concern about security or even ordinary standards of decent accommodation.

On both sides we are now approaching fundamental decisions about whether to proceed or not with what is now before us. It is only right that I should let you know in complete frankness that, so far as we are concerned, it is essential that clear understandings are reached now in relation to the matters addressed above, and are implemented in full from the beginning. I would hope that Robert Armstrong will be able to reassure Dermot Nally fully about these matters when our officials meet again on Tuesday next.

Best wishes

Yours

Janet

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cc/pc 18

Prime Minister 17



PRIME MINISTER

Thanks on  
very much  
not

The Solicitor-General  
advised that the point  
raised by Mr. Molyneux  
and Dr. Paisley has no  
substance.

PROPOSED ANGLO/IRISH AGREEMENT

CDP  
7/xi

1. At the meeting of Cabinet on 31 October I was invited "to consider the risk that the Agreement could be subject to judicial review" and to inform you, the Foreign and Commonwealth Secretary and the Northern Ireland Secretary of my conclusions. The question had been raised with particular reference to the suggestion made by Mr. Molyneux and Mr. Paisley, when they called on you the previous day, that, if the Agreement was binding in international law (and they apparently saw registration with the United Nations as crucial to this), the fact that it related wholly to matters within our domestic jurisdiction somehow made it enforceable in our own courts. However, I have not confined my consideration of the matter to that limited argument: I have also considered whether, on any basis, the provisions of the Agreement will be enforceable in our own courts. My conclusion is set out at paragraph 12, below.

2. I shall deal first with the particular argument apparently advanced by Mr. Molyneux and Mr. Paisley. That argument seems to be based on a number of misconceptions. First, the proposed Agreement will, as I interpret it, be binding on the two Governments in international law in any event and irrespective of whether it is registered under Article 102 of the United Nations Charter. It seems to me to be the clear intention of the parties, as I deduce them from the terms of the Agreement, that what they are concluding is a binding treaty within the meaning of the Vienna Convention on the Law of Treaties, i.e. "an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation". Registration under Article 102 of the Charter does not materially affect the position. It does not in itself turn an instrument into a binding treaty (though

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it is evidence that the parties themselves so regard it) and non-registration does not prevent an instrument from being a binding treaty. What Article 102 does is, first, to impose an obligation on the parties to a treaty to register it and, second, to preclude the parties to a treaty from invoking it before any of the organs of the United Nations if it is not registered: the important organ in this context is the International Court of Justice. As I understand it, it is the intention that the proposed Agreement should be registered, partly because of the obligation imposed by Article 102 to which I have just referred and partly (on our side) because of the value of thus formally placing on public record the express acceptance by the Irish Government of the propositions contained in Article 1.

3. I was not asked to advise on whether the Agreement, once registered, could be enforced against us in the International Court of Justice, but it may be helpful if I briefly touch on that matter. Registration of a treaty under Article 102 of the Charter does not of itself make disputes arising under that treaty justiciable before the Court: it merely clears one possible obstacle out of the way. For such disputes to be justiciable before the Court, both the parties to the treaty must also have accepted the jurisdiction of the Court in a way which embraces those disputes. The United Kingdom has in fact made an acceptance of the compulsory jurisdiction of the Court under Article 36(2) of the Charter in terms which would be wide enough to cover disputes relating to the interpretation or observance of this Agreement; but, so far as I can see, the Republic of Ireland has not done so. Unless, therefore, the Republic of Ireland has made an appropriate acceptance of the jurisdiction of the Court under some provision other than Article 36 of the Charter - I have no reason to think that this is so but I have no information on this matter and, since it does not strictly arise on the question referred to me, I have not pursued it - the International Court of Justice would have no jurisdiction to entertain suits in disputes arising out of the Agreement.

4. In any event, even if the Court were in theory competent to exercise jurisdiction in respect of disputes arising under the Agreement, that jurisdiction would have no practical significance unless the Agreement imposed obligations

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on us which were sufficiently concrete and specific to be invoked before the Court. I do not think that it does, but I deal with that aspect of the matter below, in the more practically important context of possible proceedings in our own courts.

5. I turn then to the argument, put forward by Mr. Molyneux and Mr. Paisley, that enforceability in international law entails enforceability in domestic law. This, too, seems to me to be founded on a misconception. The fact that an agreement is binding in international law has no necessary implication for its status in municipal law. Whether it is enforceable in municipal law depends solely on whether the domestic courts will themselves construe it as an instrument which was intended to create, and does create, rights and obligations in municipal law which can be asserted either by the parties themselves inter se or by other persons against one of the parties.

6. One possible way in which a domestic court might conclude that the proposed Agreement is an instrument of that kind would be if it interprets it as operating as a municipal law agreement (i.e. a contract) as well as an international agreement. Such operation on both the international and municipal planes is not unknown. But I see nothing to support a suggestion that the proposed Anglo/Irish Agreement has that effect. The fact that it deals with matters within our domestic jurisdiction is not material: many purely international agreements (e.g. extradition treaties) do that without in any way operating as agreements in municipal law. Accordingly, if the suggestion is that the proposed Agreement operates as a municipal law agreement, I think that it falls at this first hurdle.

7. A further - and, as I think, equally fatal - hurdle is the requirement that the obligations imposed by the agreement should be sufficiently concrete and specific to be capable of judicial identification and enforcement. In general, I do not think that the relevant provisions of the proposed Agreement meet that test. If we were at some point to refuse, or fail, to co-operate in good faith in working the machinery established by the Agreement (e.g. if we refused to attend meetings of the Conference or to allow the Conference to discuss matters

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that were properly within its remit, or if we refused to take part in a review of the working of the Conference as required under Article 11), I can conceive that a court, if it could be properly seized of the matter, might hold that this constituted a breach of the Agreement. But, short of that, I do not see any ground on which a court could find such a breach, even if it had jurisdiction.

8. There is also the question of who (on the assumption that we are dealing with a municipal law contract) could seize a domestic court of a dispute arising under it. The "contractual" obligations imposed on the two Governments by the Agreement, such as they are, are owed by them to each other and I do not see how anybody else could plausibly claim to have a right of action under the Agreement if they were disregarded. The Irish Government would themselves have a right of action against us, but I would think that the prospect of the Irish Government submitting to the jurisdiction of the United Kingdom courts in order to seek enforcement of this Agreement is remote.

9. The other basis on which it might be argued that the proposed Agreement will be enforceable in our domestic courts - and it may well be this that Mr. Molyneux and Mr. Paisley have in mind - is that, as well as imposing obligations on the United Kingdom Government, vis-à-vis the Irish Government, in international law, the Agreement is somehow also incorporated into our municipal law as a source of (non-contractual) duties owed by the British Government to the public at large, so that any member of the public who claims to be injured or aggrieved by a breach of those duties can apply to our courts for redress.

10. I do not think that any such argument would be accepted by our courts. In the first place, our legal system (unlike some others) has no general doctrine of the incorporation of international agreements into municipal law: the basic rule is that, if a treaty requires a modification of domestic law, either to create rights or to confer obligations, specific legislation must be enacted for that purpose. Nor, as I have said, do I consider that the obligations imposed on the United Kingdom by the proposed 'Agreement are sufficiently concrete and specific to be capable of enforcement by the domestic courts. Even if they were, I do not see

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anything in the proposed Agreement which would justify the contention that it purports to create, or can properly be construed as creating, rights in or obligations towards anybody other than the parties to it. I therefore do not think that any private litigant (from whichever end of the political spectrum) would have "sufficient interest" to move the Court successfully for relief by way of judicial review.

11. Finally, there is the question whether our courts would regard judicial review as an appropriate remedy in the sort of case that we are contemplating. Given the nature of the obligations in question (and even leaving aside what I have said about their lack of concreteness and specificity), I think it extremely unlikely that an English court would think it right to make a declaration - and I see no other form of relief by way of judicial review which would be appropriate - that the United Kingdom Government was bound, as a matter of law, to discharge its treaty obligations in a particular way when the Government had decided that it was not in the national interest to do so. Judicial review is a discretionary remedy, and I do not see our courts as at all likely to exercise that discretion so as to intervene in what is so clearly the field of international relations.

#### Conclusion

12. Accordingly, I advise that the point raised by Mr. Molyneaux and Mr. Paisley has no substance, and that there is no risk of the proposed Agreement being enforced against us in our domestic courts, whether by way of an application for judicial review or otherwise. This is not to say that an application for judicial review could not be made. But I see no risk of it succeeding. For the avoidance of doubt, I add that this is a different question from the question whether proceedings could be mounted in our domestic courts, by way of an application for judicial review, to challenge the very conclusion of the Agreement, on the ground that it was in conflict with the 1973 Act or with other legislation or was in some other way unlawful or unconstitutional. The Attorney-General and I have both already advised on this latter question. Our advice was that an application for judicial review on those grounds could be launched - in the sense that the courts would have jurisdiction to entertain it - but that we should have a good defence to it and it should not succeed.

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13. I am sending copies of this minute to the Foreign and Commonwealth Secretary, the Northern Ireland Secretary and the Secretary of the Cabinet.

*Salih Kayhan*

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7 November, 1985

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*Mr Prime Minister* 16A  
*You will want to look at these, particularly those which I have outlined in yellow.*

SECRET AND PERSONAL

B.07201

MR POWELL

cc Mr Ingham, No 10  
Mr Stark

Anglo-Irish Agreement: Possible Questions and Answers

*I don't like the references to giving the Irish Governor a "formal role" in the North. Better to say that the Agreement "provides a systematic means of taking account of Irish Governor views,"*  
*CDP*  
*9/xi*

The attached material has been drawn up in discussion between British and Irish officials. It seeks to identify some of the questions that may be asked in the period after conclusion of the proposed Agreement and to suggest how these could be answered by the two Governments without significant divergence appearing between them.

2. The material is extensive and, on some matters, detailed. Officials realise that the individual suggested answers are unlikely to be used as they stand. The material is intended rather as a quarry for both Governments to draw on, whether at the press conference by the Prime Minister and the Taoiseach after the Summit or subsequently in the two Parliaments and elsewhere.

3. The material is in two parts. Part I contains the more important questions likely to be addressed to the Prime Minister or to the Prime Minister and the Taoiseach. Part II contains other questions likely to be addressed to the Prime Minister or to the Prime Minister and the Taoiseach, as well as questions likely to be addressed to the Taoiseach alone.

4. Consideration is still being given to draft answers to questions about the status of Northern Ireland and about mixed courts.

5. The material incorporates some comments by the Secretary of State for Northern Ireland and by Sir Robert Armstrong. It will also be submitted to the Foreign and Commonwealth Secretary.

C L G Mallaby

7 November 1985

PART I: THE MORE IMPORTANT QUESTIONS TO THE PRIME MINISTER

1. By giving the Irish Government a role in relation to Northern Irish affairs, surely the agreement infringes sovereignty?

Answer No. There is no derogation from sovereignty and the agreement makes this clear.

2. (Also for So is the Irish role merely "consultative?"  
the  
Taoiseach)

Answer The Intergovernmental Conference will be a unique mechanism. There is no single word to describe its role. It will not have executive functions: Article 2(b) of the agreement makes clear that there will be no derogation from sovereignty and that each Government retains responsibility for the decisions and administration of government within its jurisdiction.

*no decision making functions*

*[I hope you won't vblutter]*

~~But the Conference will be more than just consultative in that~~ <sup>may</sup> The Irish Government will put forward views and proposals on its own initiative (as well as being invited to do so); there is an obligation on both sides in the Conference to make determined efforts to resolve any differences; and one of the Conference's functions will be to promote cross-border co-operation between North and South in Ireland.

Note: It is accepted by both sides that the words "consultative" or "consultation" should not be used to describe the agreement.

3. So the Irish will after all share in decision-making ?

Answer As Article 2(b) of the agreement makes clear, each Government retains responsibility for the decisions and administration of government within its own jurisdiction. On matters covered by

the agreement, however, the British Government in reaching its decisions will take full account of any views and proposals put forward by the Irish side, and also of the obligation on both sides to make determined efforts to resolve any differences.

4. (Also for What happens when differences cannot be resolved in the the Intergovernmental Conference? Taoiseach)

Answer

Article 2(b) makes it clear that each Government retains responsibility for the decisions and administration of government within its own jurisdiction. But a key point of the agreement is that we are both committing ourselves to determined efforts to resolve differences. Moreover the agreement reflects the careful consideration that the two Governments have given to minimising differences: it envisages for example a variety of levels at which matters can be considered and also provides for the convening of special meetings up to Ministerial level when required by either side.

5. In November 1984 in the communiqué issued after their Summit the Prime Minister and Taoiseach agreed "that the identities of both the majority and minority communities in Northern Ireland should be recognised and respected, and reflected in the structures and processes of Northern Ireland in ways acceptable to both communities". How will the Prime Minister and the Taoiseach test the the acceptability of the agreement to unionist community?

Answer

The identity of the majority community is already recognised and respected, in the way the majority desire, by virtue of Northern Ireland being and remaining part of the United Kingdom. Article 1 of the agreement confirms that position. This agreement also provides means for the expression of the

identity of the minority. The agreement thus furthers the aim of making the structures and processes in Northern Ireland acceptable to both communities.

The elected representatives of the people of the United Kingdom as a whole will have the opportunity to express their views when Parliament debates the agreement shortly.

6. Is the agreement not the first step on the slippery slope to Irish unity?

Answer

No. The agreement commits the Irish Government to acknowledging the rights and identity of unionists. It commits the two Governments to the view that any change in the status of Northern Ireland would\* only come about with the consent of a majority of the people of Northern Ireland; and that the present wish of a majority is for no change. This is the most formal commitment to the principle of consent made by an Irish Government, and should provide reassurance to unionists.

[Note: \*The agreement says "would" not "could".]

7. The agreement establishes special channels for conveying the nationalist minority's views to the British Government. Why is nothing comparable proposed for the unionist majority?

Answer

The question is not comparing like with like. The unique arrangement we have made with the Irish Government reflects the position of a minority which <sup>some of</sup> looks to Dublin to express its aspirations. The unionists by definition identify with the United Kingdom; they have, and will continue to have, ready means of access to the British Government, including unionist Members of Parliament in Westminster; and the Government pays close attention to their views.

8. Why has Her Majesty's Government failed to secure the abolition of Article 2 of the Irish Constitution?

Answer Questions about the Irish Constitution should be put to the Irish Government. The agreement is the outcome of a thorough process of negotiation in which each side had to take account of the constraints on the other. What is significant is that Article 1 formally commits the Irish Government, like the British Government, to the position that the status of Northern Ireland will remain as it is so long as a majority there so wishes.

9. This agreement seems to have something for everybody in Ireland except Ulster Unionists. Are there any concessions at all to fundamental unionist concerns in this agreement?

Answer The agreement is designed to promote peace and stability, to the benefit of all of the people in North and South. There is also much in it which should be especial value to unionists. For instance, Article 1 confirming the status of Northern Ireland; the intensified security co-operation provided for in the agreement and already beginning to take place; and the Irish Government's acceptance of the validity of the unionist tradition in Ireland. [The Taoiseach has also stated his Government's intention to accede to the European Convention on the Suppression of Terrorism].

10. Twelve years ago, the loyalists in Northern Ireland defeated an Anglo-Irish agreement based on power-sharing and a Council for Ireland. Won't they do the same this time?

Answer I believe that the great majority in Northern Ireland have a deep longing for peace. The Government have made a decision that action is necessary to support the democratic process in Northern Ireland and that it would be damaging and even dangerous to do nothing. Indeed, the two major unionist



parties recognise in their policy documents that it is necessary to take action to accommodate the nationalist tradition. This agreement tries to accommodate both traditions. I am determined that it should work, and work to the benefit of all.

11. The clear implication of this agreement is that the RUC has failed to discharge its duties fairly and even-handedly in the past. Are you not, therefore, accepting nationalist criticisms as valid?

Answer We have always had full confidence in the RUC and all the security forces. I hope that following the agreement the minority community will increasingly share that confidence.

12. The UDR are a particular reassurance to unionists in a minority position in border areas. Will you guarantee that the role of the UDR as a bulwark against IRA assassins be maintained in these areas?

Answer The UDR will not be disbanded. They are brave and dedicated people who have a major role in providing security in Northern Ireland. I recognise that there are difficulties in the Regiment's relations with the minority the community. The Government keep the role of security forces including the UDR under review in the light of community relations as well as operational needs. Improvements will continue to be made.

13. What guarantees have you got from Dr FitzGerald that the South will cease to provide a haven for IRA fugitive terrorists?

Answer No doubt there are fugitive terrorists in the South, as in the North. On both sides of the border strenuous efforts are made to catch them. One of the main purposes of the agreement will be to enhance the co-operation against terrorism which already takes place between North and South. Article 8 of the

agreement foresees further consideration by the two Government in the Intergovernmental Conference of the question of fugitive offenders. [Moreover, the Taoiseach has announced his Government's intention to accede to the European Convention on the Suppression of Terrorism.]

14. What proposals does the Secretary of State for Northern Ireland have for encouraging a return to devolved government in Northern Ireland?

Answer

The Government remain committed to a return to devolved government in Northern Ireland as the best basis for political stability. We will do all we can to identify a scheme of administration acceptable to both sides of the community. We hope that the political parties in Northern Ireland will respond constructively to the opportunities this agreement offers, and will help to work out satisfactory proposals for a newly devolved administration.

15. Do you still reject the Forum Report?

Answer

The British Government welcomed many positive elements in the Forum Report. We welcomed such principles as the clear acceptance that political change requires consent, the commitment to the politics of peaceful persuasion, and unqualified opposition to violence and those who support violence. We welcomed the recognition and respect which the Report gave, on the part of nationalists, to the distinctive identity of Northern Ireland unionists including their loyalty to the United Kingdom.

(If pressed again on the "three illustrative models"): I have already said that I welcome many of the innovative features of the Report. But I do not think anyone would expect the British Government to endorse it in its entirety.

16. The agreement falls far short of the options in the New Ireland Forum Report

Answer

Let us concentrate on what the two Governments have agreed. The agreement represents the outcome of prolonged and serious negotiations. The arrangements it embodies are unique, reflecting both the closeness of the Anglo-Irish relationship and the special problems of Northern Ireland. The New Ireland Forum's meetings and reports helped to create the climate in which these negotiations became possible. The new agreement accords with the spirit of conciliation which characterised much of the Forum Report.

PART II: Other Questions

1. Question to the Prime Minister Is this agreement not meaningless?

Answer

No single agreement is going to resolve the problems of Northern Ireland. This one is a useful step forward. It promotes the development of closer and more systematic co-operation between the British and Irish Governments without affecting the position of Northern Ireland as part of the United Kingdom. The agreement is also a useful step on the road to reconciliation between the two communities in Northern Ireland.

The essence of the agreement is in two elements. It incorporates formal Irish recognition that the status of Northern Ireland will remain as it is so long as a majority of the people there so wish, and that the present wish of a majority is for no change. It also incorporates formal British recognition that the Irish Government may advance views and proposals on aspects of Northern Ireland affairs and commits both Governments to make determined efforts to resolve any differences between them.

2. Question to the Taoiseach This is all promises. It is full of commitments "to study" and "to consider" etc but it is short of actual concrete measures to end alienation. After months of build-up to this Summit aren't the results really an anti-climax?

Answer

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No. This agreement marks a new stage in the development of the Anglo-Irish dialogue, giving the Irish Government for the first time a formal role in relation to Northern Ireland, involving systematic arrangements for resolving

*we must only*

differences on the problems of Northern Ireland and a new level of co-operation between North and South. It will make a real difference to nationalists in Northern Ireland by providing new means for the expression of their identity and giving new scope for the expression of their aspirations. It would be selfish and irresponsible of us to withhold the progress involved here for the minority in Northern Ireland, merely for the sake of ideological concerns.

As to alienation, the problems of nationalists in Northern Ireland have been focussed on politics, security, human rights and the law. All of these problem areas have been provided for in this agreement, and of course the very first meeting of the Conference will address all of these areas, notably the especially difficult area of relations between the minority community and the security forces, on which progress is already taking place.

Obviously this agreement cannot resolve all the problems of Northern Ireland. But the agreement is an important stage in the search for peace and stability. What it does is to provide within a new context the basic legal and institutional machinery through which the two Governments can fulfil their commitment of November 1984 to work together for the accommodation of the rights and identities of the two traditions in Northern Ireland. The new arrangements established today are, so far as I know, unique. This reflects the special nature of the Northern Ireland problem.

3. Question to the Taoiseach

Can you really say that this agreement is based on the Forum Report? Does it not fall substantially short of joint authority, the least of the options proposed by the Forum?

Answer

The Irish side throughout these negotiations based their approach on the Forum Report. The necessary elements for progress proposed in Chapter 5, paragraph 2 of the Forum Report are all accommodated in today's agreement. I believe above all that they are reflected in the commitment of the two Governments to work together for the accommodation of the rights and identities of the two traditions in Northern Ireland on the basis of the new arrangements and the shared priorities established by this agreement. You will recall, moreover, that the Forum Report indicated the openness of the participants to discuss all other views which would contribute to political development, ie views other than the three particular options set out in the Report. The purpose of any negotiation is to reach an accommodation of views and the British and Irish Governments have achieved that in this agreement.

4. Question to the Prime Minister

*The Agreement*  
Is not setting Northern Ireland apart from the rest of the United Kingdom by giving another country a part in government there?

Answer

There is a unique situation in Northern Ireland because of the division within the community. The agreement reaffirms the present status of Northern Ireland and makes clear that Her Majesty's Government remain responsible for the decisions and administration of government there.

5. Question to the Prime Minister

The agreement says in Article 2(b) that "Determined efforts shall be made through the Committee to resolve any differences". In the context, these are differences relating to views and proposals which the Irish Government have put forward on matters relating to Northern Ireland. What does this provision mean?

Answer

Let me start by emphasising the desire of both Governments to implement the agreement in a spirit of co-operation and goodwill. That being so, we are not starting off in the belief that we shall continually confront differences; the whole point of meeting together will be to find common ground, bearing in mind that the sentence you quote speaks of serving "the interest of promoting peace and stability". But if there are differences, both sides will work hard to resolve them, recognising that each Government retains responsibility for the decisions and administration of government within its jurisdiction.

6. Question to the Taoiseach

Will you now hold a referendum on Articles 2 and 3 of the Constitution?

Answer

The changing of Articles 2 and 3 of the Irish Constitution is not a part of this arrangement. I would again draw your attention to Article 1 of this agreement. That provision involves a formal, solemn and joint reaffirmation by the two Governments of the principle of consent. It will be perfectly obvious that the overwhelming majority of Irish nationalists determinedly reject the use of force or threat of force in seeking to realise the aspiration of Irish unity. This was a basic principle of the Forum Report and a point strongly emphasised at the time. This agreement puts the principle of consent beyond question and therefore gives a clear reassurance to unionists.

7. Question to the Taoiseach

Is this agreement the first step on the road to British disengagement and a united Ireland?

Answer

Article 1 explains that any change in the status of Northern Ireland would only come about with the consent of a majority in Northern Ireland. It also recognises

that consent does not at present exist. If in the future a majority wished for and formally consented to a united Ireland, the two Governments would introduce and support legislation in the respective Parliaments to give effect to this.

8. Question to the Taoiseach

Doesn't the agreement maintain all the ambiguities in the Irish nationalist approach to Northern Ireland. Haven't you and Mrs Thatcher simply agreed to differ on this point so that there is no real concession to unionist concerns?

Answer

This agreement involves a formal, solemn and joint reaffirmation by the two Governments of the principle of consent. That is something new - something special - and something which I am sure unionists will welcome. That principle is now clearly beyond question.

Furthermore the agreement makes clear the rejection by both Governments of any attempt to promote political objectives by violence or the threat of violence: this is a concern basic to constitutional nationalism in Ireland and it was a concern highlighted in the Report of the New Ireland Forum.

What both sides must do, and this is also explicitly recognised in the agreement, is to continue their efforts to reconcile and to acknowledge the rights of the two major traditions that exist in Ireland. For our part we have made it clear that we have no designs on the rights of unionists. We accept and acknowledge their Britishness. While we shall by dialogue seek to persuade, we respect and will respect their reasons for opposing Irish unity.



Perhaps most important of all, this agreement offers both communities in Northern Ireland a new opportunity to rebuild society - free from the tensions, the turmoil and animosities of the past - and to participate fully in the structures of government. I believe that unionists, no less than nationalists, fervently seek in Northern Ireland just such an opportunity.

9. Question to the Prime Minister Is the concession of a major role for Dublin not an admission of the failure of British and unionist policy in Northern Ireland over the past sixty years?

Answer

No. I am concerned with the future, not the past. The agreement shows that the two Governments are determined to work together in seeking peace and reconciliation in Ireland.

10. Question to the Taoiseach and the Prime Minister The agreement represents a betrayal of the nationalist cause and the abandonment of the goal of unity.

Answer

This is more a question for the Irish Government. But as the agreement makes clear, if at any time in the future a majority of the people of Northern Ireland formally consent to unity, then the two Governments will take the necessary steps to bring it about.  
[Additional points for the Taoiseach: This means that other considerations would not constitute obstacles to Irish unity if the principle of consent was satisfied. There is no abandonment of the aspiration to Irish unity, to be achieved peacefully and by democratic means.]

11. Question to the Taoiseach The Preamble speaks about diminishing the divisions in Northern Ireland? Isn't the real division the division of Ireland? What does this agreement do to end partition?

Answer

It is not the division of the territory of Ireland in my view which is the fundamental problem. Unity cannot be achieved and partition ended by erasing a line on a map. The basic division which we face is that arising from the competing identities and conflicting loyalties of nationalists and unionists in Ireland. That means that we can only proceed through persuasion and agreement as the Forum Report emphasises.

The immediate priority must be to improve conditions on the ground for the nationalist minority in Northern Ireland; this has been a fundamental concern of my Government and it is a concern which is overriding in this agreement.

It is very important to note that this is the first formal agreement in which the British Government commits itself to introduce and support legislation to give effect to their desire for Irish unity, if a majority of the people of Northern Ireland should formally consent to this.

12. Question to the Taoiseach Is this not yet another effort to make Northern Ireland work on the basis of a purely internal solution?

Answer

No. This agreement gives the Irish Government for the first time an important role in relation to Northern Ireland. In the agreement, the British Government accepts that the Irish Government will put forward within the new Conference views and proposals on matters relating to Northern Ireland and, in the interest of

peace and stability, undertakes with us to make determined efforts to resolve differences. By providing these practical arrangements through which the two Governments can work together for the accommodation of the rights and identities of the two traditions, the agreement acknowledges the obvious reality that the Irish Government is involved in efforts to promote peace and stability in Northern Ireland.

13. Question to the Taoiseach The Leader of the Opposition in Dublin has called Northern Ireland a failed political entity. Is this agreement not propping up this failed political entity?

Answer

So far as I am concerned we are talking about new political structures in Ireland; measures which accommodate the identity of Northern nationalists; measures which provide for the first time an important role for the Irish Government in the affairs of Northern Ireland; measures which put unionists and nationalists on an equal footing. I am interested in working for peace and stability. I am not interested in the question of whether Northern Ireland has or has not been a failure. So far as I am concerned these arrangements meet the requirement of the Forum. They transcend the context of Northern Ireland. They will benefit people in both North and South.

14. Question to the Taoiseach Why should the rights of unionists be placed on a par with those of nationalists given that nationalists represent the overwhelming majority of the people of the island of Ireland?

Answer

My immediate concern is to ensure that the rights of the nationalist minority in Northern Ireland are respected; this is an essential feature of the agreement and of the Chequers Communiqué of last year. Article 1

reiterates the principle of consent in relation to unity. In this we have acknowledged a fundamental political reality; unity - true unity between all the people of Ireland - cannot be achieved by force, or coercion or subjection. Each of the two traditions must acknowledge and accommodate the concerns and the rights of the other; were the Irish nationalist tradition to seek supremacy or domination over unionists, the result would be even greater division and turmoil in Ireland.

15. Question to the Taoiseach Some of the proposals under consideration by the Conference may have application in the Republic. What does this mean?

Answer

It simply means that certain measures taken in Northern Ireland - eg those designed to improve relations between local communities and the police force - may be found to have relevance and value outside the strict context of Northern Ireland. They might for example, be seen to be of value in the South and indeed in Britain and be applied, as the case may be, in either jurisdiction.

16. Question to the Prime Minister How will the agreement improve the human rights situation in Northern Ireland?

Answer

The Government has introduced many major improvements in recent years to ensure that human rights in Northern Ireland are protected as effectively as possible. The answer to your question is in the agreement. Article 5 in particular provides that the Conference will discuss measures in this field.

17. Question to the Prime Minister Do you now propose to introduce legislation:

- a. giving the vote at local elections to Irish citizens resident in Northern Ireland;

b. permitting the use of Irish as an official language;

c. enabling the Irish tricolour to be flown from City Hall, Belfast and other public buildings in Northern Ireland?

Answer

All these matters are among those for consideration by the Conference. I should not anticipate that discussion.

18. Question to the Prime Minister

The agreement means that the Irish Government will be able to interfere with the work of the security forces in Northern Ireland. This will greatly undermine their morale and efficiency.

Answer

There is no question of interference, and the Intergovernmental Conference will have no operational responsibilities. It will be to everyone's advantage to establish a systematic means of taking account of the Irish Government's views about security matters. I very much hope that this will reassure the minority community. The co-operation foreseen in the agreement will not be all one way. The agreement will intensify security co-operation between the authorities in both parts of Ireland and this should be greatly welcomed by all who wish to defeat terrorism.

19. Question to the Prime Minister

Are you not in Article 6 giving Dublin a right of veto on matters fundamentally affecting the security and well-being of the people of Ulster?

Answer

No. As Article 6 makes clear, the Irish Government may put forward views and proposals on the role and composition of various bodies appointed by the Secretary

of State for Northern Ireland and his Departments. It does not give the Irish Government a veto but every effort will be made by both sides to resolve any differences which may emerge.

20. Question to the Taoiseach What concrete commitments have you got in relation to changes in RUC policy, practice and structure? What concrete changes do you believe are necessary to ensure minority confidence in the RUC?

Answer

This agreement (Art 7) indicates that the Conference will address matters relating to RUC policy issues as well as serious security incidents and forthcoming events. This would include, for example, parades and processions.

The two Governments see the need for a programme of special measures to improve relations between the security forces and the nationalist people. The Conference will also consider the composition and role of the Police Authority. The first meeting of the Conference will consider measures which would underline respect for the rights and identity of nationalists as well as unionists on the part of the police.

21. Question to the Taoiseach In the context of this agreement, would you be free to criticise the RUC as you have done in the past or would you not be obliged to bear some of the blame in the event of another tragedy?

Answer

The commitment of the Irish Government and of the British Government is to make this Agreement work in relation to all matters within its scope and that very much includes the police.

22. Question to the Prime Minister Are the SDLP now expected to support the RUC and to encourage Catholics to join the force?

Answer

Everyone should support the security forces. It has long been the wish of HMG to see more members of the minority community joining the RUC. We hope, following the agreement, that this will happen more and that the SDLP will feel able to encourage Roman Catholics to join.

23. Question to the Taoiseach What concrete commitments have you got on the disbandment of the UDR? Is the regiment going to be phased out?

Answer

The UDR is a major concern to us and to the nationalist community in Northern Ireland, who have often seen it more as a focus of division than of harmony between themselves and the unionists. At the same time, it has considerable importance to unionists, particularly in isolated rural areas. I recognise that there are many honourable men and women in the UDR and I condemn without reservation the campaign of murder against them. Changes have already begun in relation to the UDR's contact with the public, which is where the main problems have arisen. The first meeting of the Conference will review progress. In particular it will consider the application of the principle that the UDR operate only in support of the civil power, with the particular objective of ensuring as rapidly as possible that, save in the most exceptional circumstances, there is a police presence in all operations which involve direct contact with the community. The Conference will furthermore consider ways of underlining the policy that the UDR discharge their duties evenhandedly and with equal respect for the unionist and nationalist identities and traditions.

24. Question to the Prime Minister Will you now move towards a general amnesty in Northern Ireland? Will prisoners with indeterminate sentences now be given a definite date for release?

Answer Those possibilities do not arise from the agreement itself. Any question of speeding up release from indeterminate sentences, if the agreement led to a real reduction in violence, would be for the Secretary of State for Northern Ireland.

25. Question to the Prime Minister Why are mixed courts highlighted in the agreement?

Answer Other ideas, such as extradition and the harmonisation of the criminal law, are also mentioned in the same Article of the agreement.

26. Question to the Taoiseach Do you contemplate new legislation to facilitate extradition of IRA offenders? Will you accede to the European Convention?

Answer I have said that it is the Irish Government's intention to accede as soon as possible to the European Convention. The communiqué has committed the two sides to work for early progress in relations between the security forces and the minority community in Northern Ireland, ways of improving security co-operation between the two Governments and seeking measures which would give substantial expression to the aim of underlining the importance of public confidence in the administration of justice. It is against this background that the Irish Government has announced its intention to accede as soon as possible to the European Convention on the Suppression of Terrorism.



27. Question to the Prime Minister Will the agreement not encourage the Provisional IRA in their murderous campaign?

Answer One of the main effects of the agreement will be that the British and Irish Governments will strengthen their co-operation in the fight against the men of violence. [The Provisionals have already denounced the agreement, which hardly suggests that they feel encouraged by it.]

28. Question to the Prime Minister and the Taoiseach Will you now accept that the electoral success of Sinn Fein and the PIRA's campaign of violence including attacks on British cities, have brought both of you together in this agreement today. Is this not confirmation of the success of the ballot box/armalite strategy?

Answer Absolutely not. This agreement is a rejection of terrorism. We are seeking to build up hope for the future, where the IRA have sought only to destroy. We are seeking peace and reconciliation, where the IRA have brought only strife, turmoil and tragedy. This agreement will reinforce the position of all who seek peace and stability by constitutional means.

29. Question to the Prime Minister Where will the Secretariat be located and how will it be staffed?

Answer The Secretariat will be very small. Its function will be to service the Intergovernmental Conference which will [normally] meet in Belfast, and to act between meetings as a channel of communication. [The Secretariat will be located in Belfast.]

[Note: this answer is subject to the outcome of continuing negotiation with the Irish.]

30. Question to the Taoiseach Will the permanent Irish Ministerial representative have direct contact with the nationalist community in Northern Ireland?

Answer

The role of the Permanent Irish Ministerial Representative will be to implement the agreement on behalf of the Irish Government, as joint chairman of the Conference. This will not alter the Irish Government's freedom to maintain contact with people in Northern Ireland.

31. Question to the Taoiseach There are four vacancies still outstanding on the Police Authority? Are these to be your nominations? Is this marginal number of vacancies which has been set aside for your views an indication of what consultation will mean in practice?

Answer

The Irish Government will be putting forward views in relation to all present vacancies on the Police Authority for Northern Ireland as well as in relation to any vacancies which may arise in future. The precise number of vacancies which may happen to exist at the present time is less important than the Agreement's recognition that the Irish Government may put forward views and proposals on the role and composition of this body and that there is an obligation on the two sides to make determined efforts to resolve any differences in the interest of peace and stability.

32. Question to the Taoiseach You have a say in appointments to a number of bodies in Northern Ireland. Are Northern nationalists now expected to co-operate with these bodies as they are currently structured and to accept their legitimacy?

Answer

In presenting views on appointments and other matters relating to these bodies, the Irish Government will

naturally be taking account of nationalist concerns and priorities. But my objective will be to ensure that all of these bodies adequately reflect the concerns of the entire community.

33. Question to the Prime Minister Do you expect the SDLP to support this agreement and to participate more in the political life of Northern Ireland?

Answer We hope that the nationalist community as a whole will see this agreement as evidence that progress can be made by constitutional means.

34. Question to the Prime Minister and the Taoiseach Do you now expect the SDLP to enter the Assembly?

The agreement makes it clear that both Governments support a policy of devolution which would command widespread acceptance throughout Northern Ireland. The question of whether the SDLP should enter this or any future Assembly is a matter for that party to decide.

35. Question to the Prime Minister and the Taoiseach The reports that the United States Government will offer a large sum for expenditure in Ireland suggest that Her Majesty's Government entered into the agreement in order to obtain US financial support.

Answer The agreement has been concluded on its merits. We naturally hope that friendly states, including the United States, will welcome it.

[N.B. Article 10(a) says that the two Governments will consider the possibility of securing international support for the promotion of economic and social development in Ireland. It is preferable not to be drawn on the meaning of this until US offers of money have been made.]

36. Question to the Prime Minister and the Taoiseach Is it part of the package that the Irish Republic will modify its policy of neutrality?

Answer No.

NB: The next two questions would arise after a United States announcement

37. Question to the Taoiseach Will contributions from America (and Europe) be matched by a contribution from the Dail?

Answer

Any funds made available by the United States and the member states of the European Community are intended to be specifically international expressions of support for the work of promoting reconstruction and reconciliation in Ireland. This is separate from the efforts of the Irish and British Governments, so that the question of my Government contributing to the Fund, as such, does not arise.

38. Question to the Prime Minister Why is the British Government not contributing to the Fund when the United States Government is offering \$.... million?

Answer

The British Government already makes a massive annual contribution to the Province which is now running at around £1.5 billion per annum.

39. Question to the Taoiseach Since the review provision applies only to the operations of the Conference and not to the declaration on status, have we not recognised Northern Ireland without obtaining a corresponding guarantee that future British Governments will continue to accept that we have a policy role in Northern Ireland?

Answer

Article 1 of this agreement incorporates the principle of consent enshrined in the Report of the Forum and accepted in communiqués by successive Heads of Government in both countries. It also incorporates the agreement of the two Governments to support Irish unity in the event there is consent to that aim.

The two Governments have entered into this agreement determined to make it work, but experience may show that adjustments are desirable to the role and nature of the Conference's activities. The Review Clause will enable the two Governments to make such adjustments.

40. Question to the Prime Minister Is such an agreement possible without legislation?

Answer

Yes. The agreement is fully consistent with statute law relating to Northern Ireland.

[Note: This answer is subject to the further consideration being given by the Law Officers Department to the question whether the agreement could be subject to judicial review.]



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10 DOWNING STREET

*From the Private Secretary*

Mr. Mallaby

**ANGLO-IRISH RELATIONS:  
PRIME MINISTER'S SPEECH**

Thank you for sending me the current draft of the speech. I have pencilled in some suggestions which may save trouble later.

CDP

7 November, 1985.

SECRET AND PERSONAL



CG/PC 10  
15

Covering SECRET AND PERSONAL

B.07199

MR POWELL

Anglo-Irish Relations: Prime Minister's  
Statement in the House and Speech in the Debate

Sir Robert Armstrong will shortly respond to your minute of 1 November by sending you the drafts of both the Statement and the speech in the Debate, meeting the deadlines you have set. The draft speech is now being seen by the Secretary of State for Northern Ireland, the Foreign and Commonwealth Secretary and Sir Robert Armstrong. Meanwhile I attach the present draft of the speech in case you wish to comment at this stage. It is mainly the work of the Northern Ireland Office.

C L G Mallaby

7 November 1985

Mr Christopher  
c - Mr Malby

DRAFT SPEECH FOR THE PRIME MINISTER

As at 5 November 1985

Introduction

Last week, Mr Speaker, Garret FitzGerald, the Irish Taoiseach, and I signed a new Anglo-Irish agreement. It is the result of the dialogue which has continued since we met in 1984. [This unique] <sup>is a small but significant step</sup> The agreement [opens up a new phase] in relations between the United Kingdom and the Republic of Ireland. It [extends and deepens] <sup>strengthens</sup> the relationship between us. And it offers the hope of [an important step] <sup>progress</sup> towards reconciliation between the two communities in Northern Ireland.

No single agreement can resolve the problems of Northern Ireland - tragic, deep-rooted and complex as they are. But this agreement <sup>is a step</sup> [sets us] on the way. It <sup>establishes</sup> [points to] a new [common] approach - and new agreed solutions -] to some of the problems that <sup>our two governments</sup> [we] face on both sides of a common border.



Mr Speaker, I want first to describe what the agreement does. Then perhaps, in view of some of the wilder claims that we have heard, I will make clear what it does not do.

First, the agreement incorporates for the first time in a formally binding international accord a recognition by the Irish Government that the status of Northern Ireland will remain unchanged as long as that is the wish of a majority of the people of Northern Ireland. Also for the first time, it incorporates Irish formal recognition that the present wish of the majority is for no change in that status.

The agreement then recognises the interest of the Irish Republic in the affairs of the North. That interest <sup>is not new</sup> [has always existed]. [The nationalist community in Northern Ireland and its constitutional elected representatives have long looked to Dublin to give authority to their views. That <sup>is</sup> is a reality. It is not going to change and we cannot pretend it does not exist. In this agreement we acknowledge that reality. And we seek to channel it in a way that will help both our countries. For in the past the Irish interest has

at times been expressed in critical or negative terms. That does not help us. It does not help our relations with the Irish Government. It certainly does not help harmony between the communities of Northern Ireland.

So the agreement <sup>provides for</sup> gives a formal role to the Irish Government <sup>in</sup> advancing views and proposals on matters relating to Northern Ireland so that they can be put constructively and methodically. And it commits both Governments when differences do arise to make determined efforts to resolve them. Finally, it also commits our two Governments to work closer together in a wide range of security, economic and social matters.

I will look at the Agreement in more detail in a moment. But first I must say something about what is not in the agreement. It does not affect the status of Northern Ireland within the United Kingdom. The change is institutional, not constitutional. The agreement does not set us on some imagined slippery slope to Irish unity. I regard it as dangerously irresponsible nonsense to claim that it does. Anyone with eyes in their head can read Article 1. That echoes the provision in

Section 1 of the Northern Ireland Constitutional Act - that Northern Ireland remains part of the United Kingdom as long as a majority there so wish. That again is a recognition of reality. The guarantee for the majority lies in the fact that they are a majority. The principle of consent must prevail in Northern Ireland. It is a principle that neither I nor any Government led by me will forsake.

The second thing I want to make clear is that the agreement does not detract from British - or for that matter Irish - sovereignty. But however this agreement is interpreted, it cannot be held to undermine our sovereignty. We, the United Kingdom Government accountable to Parliament, remain responsible for the government of Northern Ireland. Yes, we will listen to the views of the Irish Government. Yes, we will make [every] effort to accommodate those views. Indeed we welcome ideas and suggestions particularly from a country with whom we have uniquely close relations. But at the end of the day [the] decisions <sup>north of the border</sup> will continue to be <sub>and south of the border by the Republic</sub> made by us. Sovereignty is fully preserved.

This agreement was reached only after long and careful consideration of how to move forward in Northern Ireland where for too many years we have failed to light the beacon of hope for the future. At the heart of that failure has been a failure to reconcile the two communities in Northern Ireland.

On the one hand the unionist community, firmly loyal both to the Crown and to the United Kingdom. They represent a proud tradition of devotion to the Union which everyone in these islands should respect - and which this agreement does respect. They have a right to our unswerving support. They have a right to be secure in the knowledge that we will not try to force them into new constitutional arrangements against their will. The agreement confirms that security.

On the other hand is the nationalist community, who think of themselves as Irish in terms of their identity, their social and cultural traditions and their political aspirations. This House can respect their identity too - and their aspirations, even though we may not see the prospect of their being fulfilled.

It is reconciliation between these two communities that is the goal of this agreement. And it is a goal that the people of the United Kingdom and the Irish Republic - who have together watched with sorrow and horror the agonies of Northern Ireland over the past one-and-a-half decades - will, I am sure, whole-heartedly support.

#### The Agreement

Mr Speaker, much of what I have just said is summed up in the preamble to the agreement. It sets out our joint commitment to work for reconciliation; our wholesale rejection of violence; our recognition and respect for the separate identities in Northern Ireland; our acceptance of the right of each to pursue their aspirations by peaceful means.

Article 1 of the agreement makes it clear for all those who wish to see that this agreement presents no threat whatsoever to unionists' heartfelt desire to remain part of the United Kingdom. It contains an affirmation by our two Governments that any change in the status of Northern Ireland would only come about with the

consent of the majority of the people there. It recognises that the present wish of the majority is for no change in that status and declares that, if in the future a majority formally consented to a United Ireland, the two Governments would support legislation accordingly.

Article 2 builds upon the framework of the Anglo-Irish Intergovernmental Council that was set up after my Summit in November 1981 with Mr Haughey and has been developed since Dr FitzGerald became Taoiseach. It establishes an Intergovernmental Conference concerned with aspects of Northern Ireland affairs and the development of cross-border co-operation. This Conference will consider on a regular basis political, security and legal matters, including the administration of justice. Security matters will be considered together with cross-border co-operation. The matters of concern to the Conference are spelt out in Articles 4 to 10.

This House, Mr Speaker, is sufficiently aware of the mettle of this Government to know that we would not have consented to any arrangement that would give another country authority over any part

of the United Kingdom. Responsibility for decisions and administration will continue to rest with Her Majesty's Government who will remain accountable to Parliament. This is a fundamental point. There can be no misunderstanding.

One point in the agreement is worth a special mention. The Intergovernmental Conference will concern itself with the matters set out in the agreement as long as there is no return to devolution in Northern Ireland. If devolution is restored - and in the agreement the Irish Government supports our commitment to seek an acceptable form of devolved government - then those matters that become the responsibility of the devolved government will no longer be considered in the Intergovernmental Conference. We hope that the agreement will encourage the elected representatives of both communities to come together to form a local administration acceptable to both.

And before I leave the agreement I should draw the particular attention of the House to Articles 9 and 10 which promote cross-border co-operation. No-one in this House will, I believe, question the

desirability of exploring ways of improving co-operation between our two Governments - particularly in the field of security - or the priority which will be given to this aspect of the work of the Conference.

Finally, Article 10 records our intention to co-operate on economic and social development. It also refers to the possibility of securing international support for this work. [Already President Reagan has reacted to the agreement with an offer of financial assistance. That act of great generosity represents a massive endorsement of what our two Governments are trying to achieve.]

#### The Benefits

Mr Speaker, I believe that this agreement holds out two main prizes. Both are valuable. That is why I have given the long negotiations my closest personal attention.

The first of the prizes is the development of our relationship with the Republic. I have already referred to that. The process begun in 1981 has



been significantly extended. Both our countries will benefit.

But also there is the prize for the two communities in Northern Ireland. I know that the agreement is being represented in some quarters as one-sided, as a threat somehow to unionists. But I appeal to anybody who may be alarmed by such claims. Look at the agreement on its merits. Look at the balance it strikes. Look at what it really has to offer. I believe that any objective observer will come to see it not as favouring one side or the other, but as benefiting Northern Ireland as a whole - and therefore all the people of these islands. Let me explain why.

It confirms and clarifies the attitude of both Governments to Northern Ireland's present status. There can be no grounds for uncertainty now. That must be in the interests of stability.

It promises closer co-operation between the two Governments. That must be helpful. In the security field, particularly, it is invaluable in making further progress in ridding Northern Ireland of the menace of terrorism.

It ensures that Irish views reach us in a constructive, methodical way - not, as has sometimes happened in the past, as critical responses to events where neither side had properly understood the position of the other. That can only be an improvement.

It recognises the identity, rights and aspirations of both communities. It acknowledges that there can be divergence in what each community wants in the long term. And it commits us to seeking an approach that accommodates that divergence rather than seeking to steamroller one side into acceptance of the other's view. Can anyone find fault in that?

Finally, the agreement offers a guarantee to the minority in Northern Ireland that their views will be heard and that they have a vital role to play. I believe that this is the way to assure the nationalist community that government deserves their support, to bring them to play their part in confronting and dealing with the host of difficult issues that exist in Northern Ireland. And if we succeed in that aim, it is not just the minority who benefit. All in Northern Ireland benefit from

the sea-change that will occur in inter-communal relations as the two communities work together for a more stable, peaceful and prosperous society. In the last analysis, that is the greatest prize to be won.

#### General Policy

But, Mr Speaker, as I said earlier, this agreement cannot work miracles. It is not on its own going to be enough. I make no such claims for it. Nor, I know, would the Taoiseach.

No, it must be accompanied by a considered, determined and co-ordinated drive to deal with the other issues that face us in Northern Ireland. And that drive must rest on clear and consistent principles of justice, equity and fairness. In all we do we must insist on observance of the rule of law, protection of individual rights, and respect for the needs of the two communities in Northern Ireland. Certainly there must be no second-class citizens anywhere in the United Kingdom.

So, on the economic front, we must continue to pay special attention to Northern Ireland's needs. During direct rule spending on economic and social programmes has risen from £590 million in 1972-73 to £3,600 million last year - an increase of over 50 per cent in real terms. These resources have been used to secure much needed improvements in infrastructure, services and the fabric of society in Northern Ireland. There could be no more effective way of giving the lie to those who say that Her Majesty's Government does not care about the problems of Northern Ireland and its people. Our concern will continue.

In the security field our efforts will also continue. And here, of course, we expect the new agreement to bear early and invaluable fruit. Thanks to the magnificent work of our policemen and soldiers, we have already made great strides. Those who go to Northern Ireland today find it unrecognisable from the dark days of the early seventies. The security statistics tell their own story. We still have much to do. We cannot rest until terrorism is eliminated from Northern

Ireland. But our security forces can take new heart from the promise of a greater security co-operation that will flow from the agreement.

As for political development within Northern Ireland, that is where we have little to show. This Government, like its predecessors, seeks a return to devolved government in a form that is broadly acceptable across the two communities. That principle of acceptability is inescapable if any new system of devolved government is to be workable. And it is enshrined in the agreement. We are therefore even more firmly committed to that path and will continue to seek a way of bringing the parties together so that progress can be made.

*We hope that all the constitutional difficulties in Northern Ireland will now put ~~the~~ <sup>demands</sup> ~~the~~ <sup>to reach</sup> ~~the~~ <sup>agreement</sup>.*

Peroration

I hope I have explained, Mr Speaker, the reasons why we have entered upon this enterprise, and the benefits that I believe it will bring. [It is my heartfelt wish that the members of both communities in Northern Ireland will come to share my view of those benefits.] Our common objective is peace and progress in Northern Ireland.

I have heard the claims that this agreement is unacceptable to certain members of the unionist community. I have to say that those claims were being made before those making them knew what the agreement contained. They had decided to find fault with the agreement regardless of what was in it. So now, even though they may have found that it did not match their own advance scare-stories, they find themselves locked into opposition irrespective of the agreement's merits. I can only hope that they will reconsider now that they know the reality of the situation.

I have also heard the demands that we should submit this intergovernmental agreement to some test of acceptability in Northern Ireland. Mr Speaker, I am not prepared to conduct government by referendum. Relations between sovereign states are a matter for the Governments of those states, accountable to their Parliaments. Northern Ireland is part of the United Kingdom, and the people of Northern Ireland must accept what flows from that. That includes acceptance of the policy of the freely elected Government of the United Kingdom in respect of relations with other Governments - including the Irish Republic.

But I would prefer to dwell on the positive reaction that has been given to this agreement. I am in no doubt that it will find favour on both sides of this House. I have already been gratified by the popular welcome that it has received. And we will all have noted the international response to it.

It will not solve all our problems in Northern Ireland. But I do genuinely believe that it does present a way forward. / It provides a better opportunity for the peaceful, constructive expression of minority views than has ever before existed. It simultaneously gives unparalleled formal recognition to the rights of the majority. And it deepens the unique relationship between us and the Irish Republic.

It provides  
recognition  
for the  
Unionist minority  
view  
which will  
strengthen  
the  
United Kingdom.

That I believe to be a precious combination. It offers a real hope of making progress towards lasting peace and political stability - if men and women of goodwill take advantage of the

opportunities it provides. I am confident that the welcome given to it already throughout these islands and abroad will be echoed in this House.

I beg to move.





*82APX*  
*15*  
*14*  
bc: Sir P. Cradock

*ME INSHRM*

## 10 DOWNING STREET

*From the Private Secretary*

SIR ROBERT ARMSTRONG

ANGLO-IRISH AGREEMENT: PRACTICAL MATTERS

Thank you for your minute of 6 November raising a number of practical matters about the Anglo-Irish Agreement. I have obtained the Prime Minister's views on them. To take them in order:

- (i) The Prime Minister will make the initial statement on the Anglo-Irish Summit on Monday 18 November. The Chief Whip sees no difficulty about warning MPs to expect a statement on the Monday once news of the Agreement is made public;
- (ii) The Prime Minister confirms that the debate should be in the week beginning 25 November. I understand the Chief Whip takes the view that the Government should not necessarily volunteer a two-day debate. It will be for the Government's business managers to settle the date(s) in the week 25 November. The Prime Minister could not manage 27 November which is the date of the Anglo-German Summit;
- (iii) The Prime Minister agrees that the Command Paper should be presented jointly by her and by the two Secretaries of State, and that it should be distributed on the morning of Monday 18 November;
- (iv) The Prime Minister thinks that the Westminster Party leaders must be briefed before the Summit. We shall therefore fit them into the diary on the evening of Thursday 14 November. Can I assume that the Northern Ireland Office will arrange for the Northern Ireland Party leaders to be available on the Friday? (We should of course make the arrangements only at the last minute);
- (v) It is unlikely that the Prime Minister will be able to see Mr. Utley, although I do not absolutely exclude it.

I am copying this minute to the Private Secretaries to the Foreign and Commonwealth Secretary and the Northern Ireland Secretary.

Charles Powell

7 November 1985

PRIME MINISTERANGLO-IRISH NEGOTIATIONS

The points for decision in the attached minute are:-

- |  | <u>Yes</u>                          | <u>No</u>                           |
|--|-------------------------------------|-------------------------------------|
| i) confirm that you will make a statement to the House on Monday 18 November? Since this is unusual, the Whips will need to trail it on Friday 15 November (once the meeting is public knowledge).   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| ii) agree that the debate should be on Tuesday 26/Wednesday 27 November? The Irish will debate on 19/20 November in the Dail, but I don't think this matters.  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| iii) agree that the Command Paper should be presented jointly by you and to the Secretaries of State?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| iv) agree that it should be distributed on 18 November, the day of your statement? It would be difficult to do so on 15 November, the day of the agreement, since the Command paper should include the Communique which won't be finalised until that day. | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| v) agree to try to fit in briefings of all Party leaders on 15 November, doing the 'mainland' ones on your return from the Summit?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

They would have to be warned in advance since its a Friday.

C D P

6 November 1985Charles Powell



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

SECRET AND PERSONAL

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 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 POWELL

5 November 1985

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

*mt*

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CC PC  
10

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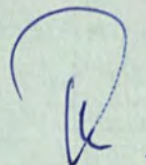
✓ d. to ensure that the Irish have fully thought through the implications of including the present weak reference to mixed courts;

✓ 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.

SECRET

PERSONAL



Prime Minister <sup>9</sup>  
Some interesting and  
rather sensitive detail  
on the US negotiating  
position. CDP  
5/xi

Ref. A085/2829

PRIME MINISTER

I sent a message to Mr McFarlane at the White House at the end of last week, letting him know that I should be in Washington later this week to brief the Administration on the Anglo-Irish Agreement, offering to visit him, but making it clear that I should understand if he was too preoccupied with preparations for Geneva to have time to see me.

2. My message produced the attached reply, which not only agrees to see me but gives some interesting background to the President's position on arms control.

3. You will see that this background is not being passed to the Foreign and Commonwealth Office or the Ministry of Defence.

RA

ROBERT ARMSTRONG

5 November 1985

GRS 240

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TO IMMEDIATE FCO  
TELNO 747  
OF 041230Z NOVEMBER 85

STATEMENTS BY MR HAUGHEY

1. AT THE ANNUAL CONFERENCE OF FIANNA FAIL'S YOUTH MOVEMENT IN CORK THIS WEEKEND MR HAUGHEY SPOKE ON THE ANGLO-IRISH TALKS AND EXTRADITION.

ANGLO-IRISH TALKS

2. MR HAUGHEY SAID THAT IF RECENT STATEMENTS BY THE SECRETARY OF STATE FOR NORTHERN IRELAND WERE A TRUE GUIDE TO WHAT THE ANGLO-IRISH TALKS WOULD PRODUCE, THE ENTIRE EXERCISE WOULD HAVE TO BE DISMISSED AS 'A FRAUDELENT WASTE OF TIME'. DESPITE THE SECRECY SURROUNDING THE TALKS MR KING HAD REPEATEDLY SAID THAT THERE WOULD BE NO CHANGE IN NORTHERN IRELAND'S CONSTITUTIONAL POSITION: 'IF THAT IS INDEED THE POSITION THEN FIANNA FAIL WILL HAVE NO OPTION BUT TO REJECT THE CURRENT ANGLO-IRISH PROCESS'. ALTHOUGH HE DID NOT WISH TO PREJUDICE THE OUTCOME OF THE TALKS, MR HAUGHEY FELT HE MUST SAY CLEARLY THAT FIANNA FAIL COULD NOT ACCEPT (REPORTED ELSEWHERE AS 'WOULD REJECT') ANY AGREEMENT WHICH WAS IN CONFLICT WITH THE OBJECTS OF NATIONAL UNITY ENSHRINED IN THE 1937 CONSTITUTION.

3. MR HAUGHEY SAID: 'WE WILL ALSO REJECT ANY AGREEMENT WHICH ATTEMPTS TO ENCLOSE (SIC) THE SO-CALLED CONSTITUTIONAL STATUS OF NORTHERN IRELAND AS PART OF THE UK. WE WILL REJECT ANYTHING THAT RUNS COUNTER TO IRELAND'S RIGHT TO UNITY OR ANYTHING THAT WILL DELAY THIS UNITY. IT IS OUR BELIEF THAT IT IS ONLY IN UNITY THAT PEACE AND JUSTICE CAN BE ACHIEVED. OUR VIEW IS THAT NORTHERN IRELAND IS A FAILED EXPERIMENT'. THE GREATEST SINGLE PROBLEM IN FINDING A SOLUTION FOR NORTHERN IRELAND WAS THE CONTINUING BRITISH GUARANTEE UNDERPINNING THE SPECIAL POSITION OF THE MAJORITY IN THE TERRITORY.

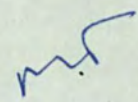
1.

EXTRADITION

EXTRADITION

4. REPLYING TO THE MOTION CONDEMNING EXTRADITION TO THE NORTH, MR HAUGHEY SAID THAT THERE WAS UNHAPPINESS WITHIN THE PARTY AT THE PROSPECT OF THE SUPREME COURT SITTING HURRIEDLY AT NIGHT TO RUSH A PERSON OUT OF THE JURISDICTION WHO HAD BEEN ACCUSED OF OFFENCES ACROSS THE BORDER. HE SAID 'WE IN FIANNA FAIL IN PURSUANCE OF OUR SOVEREIGN STATUS AS AN INDEPENDENT NATION WOULD WISH TO TRY PEOPLE IN OUR JURISDICTION WHO HAVE COMMITTED CRIMES IN OUR JURISDICTION IRRESPECTIVE OF OFFENCES COMMITTED ELSEWHERE . . . . I SHARE THE VIEWS OF THOSE WHO DO NOT HAVE ANY CONFIDENCE IN THE SYSTEM OF JUSTICE IN NORTHERN IRELAND.'

GOODISON



NORTHERN IRELAND PS/MR EGGAR  
LIMITED PS/PUS  
RID MR DEREK THOMAS  
NAD SIR W HARDING  
INFO D MR GOODALL  
WED MR BARRINGTON  
MAED MR O'NEILL  
NEWS D MR SAMUEL  
PUSD MR D C THOMAS  
SCD MR LONG  
RES D BUCKINGHAM PALACE  
PS  
PS/LADY YOUNG

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ANGLO-IRISH TALKS: DUBLIN PRESS COMMENT

SUMMARY

1. TODAY'S LEADERS HAVE AN IMPATIENT AND ANXIOUS TONE.

DETAIL

2. THE IRISH TIMES LEADER 'ANGLO-IRISH ROULETTE' BEGINS, 'THE ANGLO-IRISH NEGOTIATIONS ARE NOT GETTING A GOOD PRESS. CHARLES HAUGHEY, ON BEHALF OF FIANNA FAIL, IS PREPARING TO CRY SELL-OUT: UNIONISTS ARE IN VARIOUS DEGREES OF APOPLEXY'. IT GOES ON: 'ON THE SIDE OF THE AGREEMENT STAND THE IRISH GOVERNMENT, THE SDLP AND, WITH LUCK, SOME OTHER NATIONALISTS IN THE NORTH. SOLIDLY FOR IT, ACCORDING TO SCENT DOWNWIND, IS MRS THATCHER. AND WHY NOT? BRITAIN STANDS TO GAIN. BRITAIN HAS THE ORGANISATION AND MEANS TO TRUMPET HER SUCCESS AROUND THE WORLD'. THE TIMES LATER ASKS IF THE IRISH NEGOTIATORS 'SURELY A MATCH FOR ANY TEAM BRITAIN CAN FIELD' HAVE BEEN CAUGHT IN A TRAP 'IN THAT THEY HAVE BEEN STUCK WITH THE NEGOTIATIONS FOR A FULL YEAR'. IT ALSO WORRIES THAT 'THE IRISH GOVERNMENT IS IN A SPOT AS NONE OF ITS RECENT PREDECESSORS HAVE BEEN. THE REWARDS OF A SUCCESSFUL OUTCOME COULD BE MODEST ENOUGH ELECTORALLY: A REACTION MIGHT BE DISASTROUS NOT ONLY FOR THE COALITION BUT FOR NATIONAL MORALE, NORTH AND SOUTH OF THE BORDER'.

3. THE IRISH PRESS HEADS ITS MAIN NEWS ANALYSIS 'STRAIN IS SHOWING AS ANGLO-IRISH TALKS COME TO AN END'. THE PIECE DECLARES THAT THE TAOISEACH AND MR HAUGHEY ARE CLEARLY SET ON A COLLISION COURSE. 'FOR THE GOVERNMENT SUCCESS WILL BE AN UNDOUBTED POLITICAL PLUS. IT WILL BE THE EXACT OPPOSITE FOR FIANNA FAIL. THE SUCCESS OF THE PROCESS WOULD UNDERMINE MR HAUGHEY'S ASSERTION THAT THE TAOISEACH HAS ADOPTED A CRAVEN AND HUMILIATED POSTURE TO MRS THATCHER WHICH IS BOUND TO POINT TO ULTIMATE FAILURE.'

4. THE IRISH PRESS LEADER HAS IT THAT IN HIS CORK ADDRESS (MY TELNO 747) 'MR HAUGHEY SIGNALLED QUITE CLEARLY THAT ANY SETTLEMENT WHICH FELL SHORT OF CHANGE IN THE CONSTITUTIONAL STATUS OF THE NORTH WOULD BE UNACCEPTABLE TO HIS PARTY'. THE PRESS SPEAKS OF A CLAMOUR CREATED BY THE LEAKING OF INFORMATION FROM THE BRITISH SIDE AND BY THE CLUMSY HANDLING OF THE ISSUE BY THE IRISH GOVERNMENT. IT ASKS WHY THE IRISH GOVERNMENT DO NOT TAKE MR HAUGHEY INTO ITS CONFIDENCE ON THE ISSUE AND CONCLUDES THAT IT IS PAST TIME WHEN THE DETAILS OF THIS CHANGE WERE SPELT OUT. 'AT LEAST ALL THOSE JOINING IN THE CLAMOUR WOULD KNOW JUST WHAT THEY WERE TALKING ABOUT'.

GOODISON

NORTHERN IRELAND  
LIMITED  
RID  
NAD  
INFO D  
WED  
MAED  
NEWS D  
PUSD  
SCD  
RES D  
PS  
PS/LADY YOUNG

PS/MR EGGAR  
PS/PUS  
MR DEREK THOMAS  
SIR W HARDING  
MR GOODALL  
MR BARRINGTON  
MR O'NEILL  
MR SAMUEL  
MR D C THOMAS  
MR LONG  
BUCKINGHAM PALACE

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cc PC ✓

10 DOWNING STREET

*From the Private Secretary*

SIR ROBERT ARMSTRONG

ANGLO-IRISH RELATIONS: NORTHERN IRELAND

The Prime Minister has considered your minute of 1 November dealing with outstanding points on the draft Anglo-Irish Agreement.

The Prime Minister is content with the proposed amendment to Article 2(a) described in paragraph 3 of your minute. She is also ready to accept the proposed amendment to the last sentence of paragraph 9 of the communique, described in paragraph 4 of your minute. In both cases this is on the assumption that the Northern Ireland Secretary believes them to be defensible.

The Prime Minister remains adamantly opposed to putting any gloss or explanation upon Article 1 of the Agreement.

The Prime Minister notes that the Northern Ireland Secretary and Foreign Secretary will raise with Mr. Barry on 6 November the need for sustained efforts to improve policy on the border. I understand the Northern Ireland Secretary will be minuting on further points he proposes to raise with Mr Barry.

The Prime Minister thinks it may well be necessary for more than the first meeting of the Intergovernmental Conference to be held elsewhere than Belfast. The same security reasons could well apply to the second and third meetings at least. She would want you to warn the Irish side of this. She does not understand why we need produce reasons other than security. Surely security considerations must be paramount.

The Prime Minister has not commented on the possible appointment by the Irish Government of Mr. Lillis as the Irish Secretary.

I shall be in touch separately about a further Ministerial meeting. It is unlikely that 11 November will be possible.



I am copying this minute to the Private Secretaries to the Northern Ireland Secretary and the Foreign and Commonwealth Secretary.

C.D.P.

C D POWELL

4 November 1985

Ref. A085/2781

MR POWELL  
\_\_\_\_\_

Anglo-Irish Relations: Northern Ireland

I attach an "annotated agenda" for the Prime Minister's meeting with the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland.

2. It may be that you will conclude that a meeting of Ministers is not necessary at this stage.

3. There are two outstanding amendments to the draft texts. I have agreed the amendments with the Secretary of State for Northern Ireland; if the Prime Minister and the Foreign and Commonwealth Secretary agree, there is nothing to discuss on that score.

4. The most difficult question is the problem of "status", and the form of words for the joint communiqué set out in paragraph 5 of my minute of 31 October. The Secretary of State for Northern Ireland would in fact be content with that draft, subject to substituting "a political entity" for "united" in the second line. The Prime Minister made it clear yesterday that she wanted the last four lines deleted. But we now know that the Irish Government also have some comments on the draft. I do not expect to know what those are until Tuesday 5 November. I doubt therefore whether there is any need for a meeting of Ministers on this subject before then, on the clear understanding that I have no authority to agree a text which includes the last four lines. For the present it is sufficient to await the Irish comments, and to report further next week in the light of them.

5. On the question of border security and Irish co-operation, I do not think that there is any difference on the policy issue among British Ministers. It is a question of keeping up the pressure on the Irish Government. *[Worren held bec. no meet Mr Barry]*

6. On the questions relating to the location of the Intergovernmental Conference and the Secretariat, there is again no difference of policy that needs to be sorted out by British Ministers. It is more a question of bringing the Irish Government to accept the implications of the reality of the security situation. *[Amoray Nally]*

7. I understand that it has now been arranged for the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland to meet Mr Barry on Wednesday 6 November. This will provide an occasion at which to apply pressure on the Irish at Ministerial level on the questions of security co-operation and location, and perhaps also to pursue further the question of "status". That meeting is bound to become public knowledge, but I do not think that that is a conclusive argument against another meeting at Ministerial level ahead of the Summit meeting: if anything, it serves to reinforce the impression that there are still matters to be resolved before a final decision is taken. In any case, I do not think that we need a further meeting with the Prime Minister ahead of that meeting.

8. All things considered, therefore, I would not wish to press you to arrange a meeting between the Prime Minister and the two Secretaries of State before I meet Mr Nally on 5 November and the Secretaries of State meet Mr Barry on 6 November.



9. I think, however, that we shall need a meeting before the final official meeting due to be held on 12 November. I suggest that you might keep a provisional slot in the Prime Minister's diary for 11 November.

*W* No.

*RA*

ROBERT ARMSTRONG

1 November 1985

xpb 5



Ref. A085/2780

PRIME MINISTER  

---

Anglo-Irish Relations: Northern Ireland

This minute deals with the agenda for your forthcoming meeting with the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland.

2. We have two outstanding drafting points; one on the text of the agreement and one on the text of the communiqué.

3. The outstanding point on the text of the agreement is the proposed amendment to Article 2(a). You will remember that the Secretary of State for Northern Ireland proposed to delete the words "and in relation to Northern Ireland" from this paragraph. I understand that he would be content with the first of the two alternative amendments suggested in paragraph 3 of my minute of 31 October, so that the relevant text would read:

"the Intergovernmental Conference (hereafter referred to as 'the Conference') concerned with Northern Ireland and with the relations between the two parts of Ireland, to deal, as set out in this agreement, on a regular basis with:"

Agree?  
Yes

This keeps the reference to Northern Ireland but gives it parity with the reference to relations between the two parts of Ireland.

4. The outstanding point on the text of the communiqué relates to the last sentence of paragraph 9. I understand that the Secretary of State for Northern Ireland would accept an amendment in which the last part of the paragraph read



"... consider how the two Governments can most effectively and durably develop and enhance their joint commitment to combat terrorism, giving particular attention to the policing of border areas."

Agree?  
Yes m/s

5. The meeting ought to consider three questions of substance:
  - i. How to deal with questions about the status of Northern Ireland.
  - ii. What further steps we should take to persuade the Irish to improve policing on their side of the border on a lasting basis.
  - iii. Questions on the location of the Intergovernmental Conference and its Secretariat.

#### Questions on Status

6. The problem is that, when you and the Taoiseach are questioned about the agreement, by the press and in your respective Parliaments, questioners can be expected to try to probe for differences between you on the matter of status. We are apprehensive lest the Taoiseach might say something which appeared to go back on his clear statement in the Chequers communiqué that Northern Ireland is part of the United Kingdom; and the Irish Government are apprehensive that at the press conference after the signature of an agreement you might say something which the Taoiseach might feel obliged to qualify or even disagree with because of the need to protect himself from challenge in relation to Articles 2 and 3 of the Irish Constitution. We have discussed with the Irish drafts of questions and answers for you and the Taoiseach on these matters; but the questions which you would actually receive would not necessarily be those to which we have drafted answers, and the answers are long and carefully drafted but not

[Suppld]

necessarily readily useable in the heat of a press conference or a Parliamentary Debate. It therefore seemed to us that it might be useful to include in the communiqué a paragraph which would set out the position in terms which both you and the Taoiseach could accept, so that both of you could then refer questioners back to Article 1 of the agreement and that part of the communiqué as being the definitive position on these matters. The draft wording included in paragraph 5 of my minute of 31 October represented our attempt to draft such a form of words. You took strong exception to the last four lines of the draft when we were discussing it yesterday. I entirely understand that you would prefer not to appear to qualify the previous sentence in any way. But the reference to the Irish Constitution was intended to help the Taoiseach; and it seems to me that the sentence could provide additional reassurance to the unionists, the extra sentence would if anything reinforce the sentence that precedes it, in that it would make it clear beyond a doubt that the Irish Government were putting an aspiration to unification into the deep-freeze for the foreseeable future.

7. I had an opportunity of discussing this wording with the Secretary of State for Northern Ireland yesterday. He was content with it (including the last four lines). He would, however, like to take out the word "united" in line 2 and substitute "a political entity" - a periphrasis which might be less provocative to unionist opinion. I do not see any great problem in that.

8. I should say that Mr Nally gave me notice on the telephone yesterday that, following a discussion in the Irish Government yesterday, they would be proposing some changes in this form of wording. There will in any case have to be further negotiations on this whole subject.

Article 1 needs  
rather explanation  
no gloss  
ms



Security on the Border

9. The revised wording which I have already suggested for paragraph 9 of the communiqué gives us (to the satisfaction of the Secretary of State for Northern Ireland) what we need for that purpose. But it will be necessary to keep up the pressure on the Irish Government to make sure that they do not see the need for improvement in the policing south of the border as a merely temporary requirement; and we should also make it clear that, in the Intergovernmental Conference, we shall be keeping up the pressure upon them to improve both co-operation and their policing arrangements along the border. The Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland will be able to use their meeting with Mr Barry on Wednesday 6 November to make these and other points.

Location of the Intergovernmental Conference and Secretariat

10. There is no major issue of policy to discuss under this heading. It is agreed between the two Governments that the Intergovernmental Conference will as a general rule meet in Belfast, and that its Secretariat will be located in Belfast. If, however, the first meeting of the Conference were to be held in Belfast it could become the focus for unionist paramilitary attention; and so could the personnel of an Irish Secretariat located in Belfast. There are security reasons for holding the first meeting of the Intergovernmental Conference somewhere other than Belfast; and for limiting both the size and the length of time spent in Belfast by the Secretariat at the outset. There is another reason for holding the first meeting of the conference somewhere else: it could be convenient to establish from the outset that the Conference could meet somewhere other than Belfast, so that the decision to hold some later meeting somewhere other than Belfast would not be regarded as creating a precedent.

*is it?  
since then?*

*or possibly  
the 2-4  
3rd set up*





11. The Irish Government will be suspicious of our wishes in this respect; but they are evidently and increasingly aware of the security risks. My own judgment is that it will not be difficult to persuade them that the first meeting should be held in London (or at any rate somewhere else than Belfast). It would obviously help if we could devise some practical reason (other than security) why the meeting should be held somewhere else. By the same token I believe that we shall be able to persuade them to keep the size of the Irish Secretariat down to a very small number at the outset and that the Irish Secretary should not come to Belfast (other than ad hoc for particular meetings) until the first meeting of the Conference in Belfast. They will be anxious that, when the first meeting of the Conference in Belfast takes place, the Irish Secretary should be able to stay in Belfast after the meeting in order to write and agree the minutes of the meeting; and they will want to establish a permanent presence in Belfast as soon as is reasonably possible. They will press us to make that sooner rather than later. When the Secretaries of State meet Mr Barry next week this is one of the subjects they will wish to discuss with Mr Barry.

12. There is also the question of the grading and status of the Irish Secretary. We know that the Irish Government are thinking in terms of Mr Michael Lillis, who is a senior official in the Department of Foreign Affairs and has been part of the Irish team throughout the Armstrong-Nally talks. He is known to enjoy Dr FitzGerald's confidence. The Northern Ireland Office are inclined to think that he is too "high profile" both in security and in administrative terms, and are minded to press the Irish Government to send somebody more junior.

13. I am not sure that we should spend too much powder and shot on this. There can be no guarantee that any alternative to Mr Lillis would be better from our point of view. Mr Lillis has the advantage of having been involved in the Armstrong-Nally



talks: he will thus know at first hand the restrictions which we intend to impose upon the operations of the Secretariat and the reasons for them: he will also have a considerable stake in making the arrangements work. Finally, it is ultimately for the Irish Government to decide whom they appoint. If we make a very determined effort to get rid of Mr Lillis and the Irish Government insist upon him, we cannot make it a breaking point; we shall simply make it more difficult to deal with Mr Lillis and the Irish Government if and when he comes because of the suspicion and resentment that will have been created.

14. Again this does not seem to me to be a major policy issue.

Place for Summit Meeting

15. When I suggested Aldergrove Mr Nally did not by any means exclude it. He was going to consult the Taoiseach and I am waiting to hear the outcome. Meanwhile the Irish Government are, as a cover operation, making preparations for a meeting at the Royal Hospital, Kilmainham, near Shannon.

*I thought he  
agreed that there should  
be no cover operation.*

Timetable

16. I discussed this with the Secretary of State for Northern Ireland yesterday. What is proposed is that I should have a further meeting with Mr Nally on Tuesday 5 November. I envisage that this will be a restricted meeting; only two or three a side.

17. The Secretaries of State will meet Mr Barry on Wednesday 6 November.

18. As I told both you and the Secretary of State for Northern Ireland yesterday, it is proposed that emissaries should go from London and Dublin to Washington towards the end of next week to put the United States Government in the picture in greater



detail. It has been made clear that it would assist the United States Government and improve the prospects of a satisfactory outcome (in terms of money as well as of approbation) if the briefing at this stage could be undertaken by emissaries from capitals rather than by Ambassadors in Washington. It is proposed that Mr Donlon, the Permanent Secretary in the Irish Foreign Ministry, and I should visit Washington for this purpose on Thursday 7 November and Friday 8 November, if you will excuse me from attendance at Cabinet on Thursday 7 November.

19. You could then have a further meeting with the two <sup>*This is the matter expenditure*</sup> Secretaries of State on Monday 11 November to give officials instructions for a final meeting of the Armstrong-Nally talks to clear up remaining loose ends on Tuesday 12 November. <sup>*Cabinet*</sup>

20. I am sending copies of this minute to the Secretaries of State for Foreign and Commonwealth Affairs and for Northern Ireland.

RIA

ROBERT ARMSTRONG

1 November 1985

4

SECRET AND PERSONAL

PRIME MINISTER

NORTHERN IRELAND

The situation has moved on a bit in that the Northern Ireland Secretary and the Foreign Secretary are to meet Mr. Barry on Wednesday; and Sir Robert Armstrong will meet Mr. Nally on Tuesday. The time for a further Ministerial meeting is after these contacts. I have therefore presumed to cancel the proposed meeting on Sunday evening, but can easily reinstate it if you wish.

You may however wish to go through RTA's <sup>two</sup> minutes attached.

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(CHARLES POWELL)

1 November 1985

SECRET AND PERSONAL

SECRET AND PERSONAL



10 DOWNING STREET

*From the Private Secretary*

SIR ROBERT ARMSTRONG

ANGLO-IRISH RELATIONS: NORTHERN IRELAND

The Prime Minister has considered the points raised in your minute of 31 October. I understand that the Northern Ireland Secretary will also be minuting on some of them. The Prime Minister will wish to hold a further discussion with him and the Foreign and Commonwealth Secretary early next week. The purpose would be to approve instructions for a further talk between you and Mr. Nally. The Prime Minister would not want this delayed until the week beginning 10 November.

As you know, the Prime Minister is very strongly opposed to the proposal to include new language on the status of Northern Ireland in paragraph 4 of the joint communique. She does not want to put any gloss on the language of Article 1 of the Agreement itself.

I am copying this minute to the Private Secretaries to the Northern Ireland Secretary and the Foreign and Commonwealth Secretary.

CHARLES POWELL

1 November 1985

SECRET AND PERSONAL

*file No 3*

*TPJ*



10 DOWNING STREET

*From the Private Secretary*

SIR ROBERT ARMSTRONG

**ANGLO-IRISH RELATIONS: NORTHERN IRELAND**

Mr. Ryan of the Irish Embassy came to see me this morning at Michael Lillis' request. I have known them both for some years.

Ryan said that the Prime Minister's comment at her press conference in New York: "decisions about the North will continue to be taken in London, decisions about the South will continue to be taken in Dublin" had made the Taoiseach nervous. How the Agreement was presented after signature was crucial not only to the prospects of its success but to his own political future. He was literally putting his future in her hands. The line the Prime Minister had taken in New York woke memories of "out, out, out" after the Chequers Summit. The Taoiseach himself intended to lean over backwards at the joint press conference following the agreement to say things helpful to the Unionists. He hoped that the Prime Minister would be equally mindful of his political interests.

I said I was rather astonished by this approach. "Decisions about the North ...." was the most factual statement which could be made and seemed to me the very least that the Prime Minister could say. If there was any objection to that, we were all talking at cross-purposes. It represented a basic reference point and I was sure that the Prime Minister would go on using it. She was alive to the need to avoid reference to "consultative arrangements" and such like, but could not be expected to fudge the basic issues. Ryan said that it was not so much the substance of the remark that worried the Taoiseach but the risks of statements which simplified a complex situation. It was the style more than the substance which worried him. Something might just pop out which would severely embarrass the Taoiseach politically. I said that the Prime Minister was well aware of the political context of the agreement, both for the Taoiseach and for herself, and would not need any reminder. The Irish should not regard comments like "decisions in the north ...." as being made off the cuff. They were carefully calculated.

I should record that I also told Ryan that if Michael Lillis was going to be part of the Secretariat he should pay attention to the security advice and not insist on trying to

establish himself (or the Secretariat) in Belfast prematurely.

C.D.P.

CHARLES POWELL  
1 November 1985

BEMBBID



10 DOWNING STREET

*From the Private Secretary*

SIR ROBERT ARMSTRONG

ANGLO-IRISH RELATIONS: NORTHERN IRELAND

It is important that the Prime Minister should have plenty of time to work on her Statement on Northern Ireland and subsequent speech in the proposed debate.

*BF*

I should like to be able to put a draft Statement to her straight after the Guildhall speech on 11 November; and the draft speech in the weekend box on 16 November. I hope it will be possible to meet these targets.

I am copying this minute to the Private Secretaries to the Northern Ireland Secretary and the Foreign and Commonwealth Secretary.

*Trj.*

C.D. Powell  
1 November 1985



PART 10 ends:-

MEA to PM 31.10.85

PART 11 begins:-

CDP to RTA 1-11-85

