



Prime Minister  
Agree to no

2/NO  
①

QUEEN ANNE'S GATE LONDON SW1H 9AT

debate before  
announcement of 8<sup>th</sup>  
the decision to  
renew the optional  
but maybe one  
October 1985

But why do we  
want to renew  
them - they  
suit

Dear Foreign Secretary

with this trouble and I thought it

clauses:  
afterwards?

CDD  
9/K

EUROPEAN CONVENTION ON HUMAN RIGHTS: RENEWAL OF OPTIONAL CLAUSES 25 AND 46  
(RIGHT OF INDIVIDUAL PETITION AND COMPULSORY JURISDICTION OF THE COURT)

at that proposed to renew was only  
because of the risk of  
not doing

In his letter to you of 29 July, Leon Brittan recorded for the benefit of colleagues who were not at the Prime Ministerial meeting on 17 July that it had been decided to renew Article 25 (the right of individual petition) and 46 (the compulsory jurisdiction of the court). He proposed that we renew for a five year period.

public opinion  
not

He also said that the form and timing of an announcement would have to take account of Parliamentary pressure for a debate and vote on the issue; and that though we were not committed to a debate we should perhaps discuss it with John Biffen when Parliament returned.

Teddy Taylor has now put down a Parliamentary Question for 24 October about Government policy on renewal of the right of individual petition. I would like to use this opportunity to announce our intention to renew both optional articles for 5 years; but we need to consider how to respond to the further demands for a debate which will undoubtedly follow.

We did not debate accession to the European Convention on Human Rights and we have never debated acceptance or renewal of the optional articles; and in reply to a Parliamentary Question on 2 May 1985 from Mr Fred Silvester (who is opposed to renewal), David Mellor said that no undertaking could then be given that Parliamentary time could be made available for a debate on renewal.

My inclinations are therefore against a debate. However, there was some pressure in Parliament in the Immigration Rules debate for a debate and vote on renewal. Mr Kaufman (who is in favour of renewal) accepted that it is the Government not the House which had final responsibility, but said that the Government should first ensure that there was a majority in the House for renewal. Mr Powell referred to Parliament's "legislative servitude" to Strasbourg which had never been justified to Parliament or to the country through debate. He considered that "we have secured what I hope can be understood to be an undertaking from both sides of the House" that the opinion of the House would be sought in debate for renewal.

The Rt Hon Sir Geoffrey Howe, QC, MP

I do not think we can possibly contemplate a vote before announcement of renewal since we are not seeking a mandate from Parliament. If there is to be a debate I think it should follow the announcement and we shall have to consider the case for it in the light of Parliamentary reaction to the announcement.

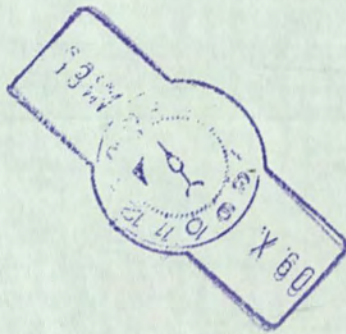
I should be grateful if colleagues could indicate their agreement to announcing, in reply to Teddy Taylor's Question, the renewal of the optional articles for a further period of 5 years. I would also welcome observations by colleagues - and in particular from John Biffen - at this stage as to the desirability or otherwise of a debate. I really need replies by 22 October at the very latest as the Question is tabled for the 24th.

Copies of this letter go to the Prime Minister, the Lord President, the Lord Chancellor, the Secretary of State for Trade and Industry, the Secretary of State for Defence, the Secretary of State for Education and Science, the Secretary of State for the Environment, the Secretary of State for Employment, the Secretary of State for Northern Ireland, the Lord Privy Seal, the Attorney General, the Lord Advocate, the Chief Whip and the Secretary of the Cabinet.

*T. Morrison*  
*S. W. Byrnes*

Approved by the Home Secretary  
and signed in his absence

Euro Pol: Human Rights 11/80





*Flesher*

10 DOWNING STREET

*From the Private Secretary*

16 October 1985

The Prime Minister has seen the Home Secretary's letter of 8 October to the Foreign and Commonwealth Secretary about the question of a debate on the renewal of Optional Clauses 25 and 46 to the European Convention on Human Rights.

The Prime Minister agrees with the Home Secretary's inclinations against a debate, subject of course to the views of colleagues.

I am copying this letter only to Joan MacNaughton (Lord President's Office), Len Appleyard (Foreign and Commonwealth Office) and David Morris (Lord Privy Seal's Office).

TIMOTHY FLESHER

Stephen Boys Smith, Esq.,  
Home Office.

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