

Prime Minister
I don't think the points in paras. 3 & 4 need to be raised in Cabinet.
In particular, the date of the first meeting of the IAC is sensitive.

Ref. A085/3064

PRIME MINISTER

Cabinet: Anglo-Irish Agreement

You might however ask the Northern Ireland Secretary what help he needs from colleagues
in working on Unionist opinion.
CJP
29/xi

Although this subject is not on the agenda of Cabinet - and most of the meeting may be devoted to social security - it is very likely that the Secretary of State for Northern Ireland will raise it under Parliamentary Affairs. Four aspects in particular may require discussion.

The debate and its repercussions

2. The Secretary of State for Northern Ireland will no doubt give his assessment of the situation following the debate.

Unionist MPs could start resigning their seats tonight or tomorrow. The question of writs for by-elections may not come up until the New Year, but the Lord Privy Seal will be briefed to speak on this if necessary. The Secretary of State for Northern Ireland may also wish to give an assessment of the position of the SDLP: Mr Hume in his speech made some remarks, but not very specific ones, about talking to Unionists on "how we shall administer the affairs of Northern Ireland in a manner that is acceptable to both traditions" and about support for the security forces.

Notification of acceptance of the Agreement

3. Paragraph 6 of the Summit communiqué said that the exchange of notifications, to bring the Agreement into effect, would not be completed until the Agreement had been approved by the British and Irish Parliaments. The Foreign and Commonwealth Secretary will be briefed to suggest when this should be done.

Once the House of Commons has voted to approve the Agreement, the exchange can - and should - be completed, as the communiqué envisaged, without delay.

The first meeting of the Intergovernmental Conference

4. Paragraph 6 of the communiqué said that the first meeting would take place as soon as possible after the exchange of notifications. The Secretary of State for Northern Ireland should be asked to suggest a date. I understand that he has a location in Belfast in mind. Paragraph 7 and 9 of the communiqué provide a good basis for making security co-operation a major subject for the first meeting. We should identify specific objectives in this field. It would be helpful, not least presentationally, if the Chief Constable of the Royal Ulster Constabulary and the Commissioner of the Garda were present at the meeting. The Secretary of State for Northern Ireland will have views.

Contact with unionists about the work of the Intergovernmental Conference

5. Criticism of our failure to consult unionists during the negotiations has come from several directions. There is interest, also not confined to unionists, in the questions of informing Parliament and of informing unionists outside Parliament about the work of the Conference. Your reply to Mr McNair-Wilson's question yesterday about informing Parliament made clear that not everything said in the Conference would be made public but that you were giving urgent consideration to how meetings could be reported to the House. An announcement of arrangements for this will presumably be needed before the first meeting of the Conference, so that what happens at that meeting can be reported accordingly afterwards. (If unionist MPs are absent from Westminster at the time of the first meeting, there may be the further question of whether to inform the unionist parties separately). Especially given the statement in the communiqué that "the two Governments envisage that the meetings and agenda of the Conference will not normally be announced", it will be necessary to inform the Irish Government of the

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arrangements we intend before we make them public. The
Secretary of State for Northern Ireland and the Lord Privy Seal
will wish to speak.

RA

ROBERT ARMSTRONG

27 November 1985



HOUSE OF COMMONS
LONDON SW1A 0AA

ANGLO-IRISH AGREEMENT

As An Amendment to the Prime Minister's Motion

SIR JOHN BIGGS-DAVISON
MR. JULIAN AMERY MR IVOR STANBROOK
VISCOUNT CRANBORNE
MR. NICK BUDGEN
MR. MICHAEL BROWN

MR. CHRISTOPHER MURPHY

Line 1, leave out all after "House" and insert

"takes note of the Anglo-Irish Agreement (Cmd 9657) signed on 15th November by the Prime Minister and the Taoiseach, Dr. Garret FitzGerald; but regrets that it is not based on reciprocity; fails to provide for the renunciation by the Irish Republic of its formal claim to sovereignty over Northern Ireland; gives the Government of the Irish Republic a formal role in matters within the domestic jurisdiction of the United Kingdom; and is unlikely to achieve the two Governments' stated purpose of peace and stability in Northern Ireland."

E.R.

DRAFT SPEECH ON ANGLO-IRISH AGREEMENT FOR THE LORD PRESIDENT

cc CDP
TE
N
OG

My Lords,

1. It is fatally easy for those who have had responsibility in Northern Ireland to live in the past rather than face the future. Today I intend to avoid that danger. But I cannot escape two personal reflections which are relevant to our consideration of this new Anglo-Irish agreement. The first is that, contrary to the unfortunate impression given by some politicians in the province, there are many people there who only want to live in peace with their neighbours and to carry on a normal life in the beautiful country which is their home. Amidst all the trouble and difficulties, no-one should forget these friendly and warm-hearted people to whom we in the rest of the United Kingdom owe our understanding and help as their fellow citizens. Secondly, it has been so dangerously easy to destroy and equally so immensely difficult to construct plans to end the conditions of violence and intimidation which lead to despair that the temptation to just keep going becomes almost irresistible.

2. Yet no-one, either in Northern Ireland or outside, should be under any illusion. The status quo is not an acceptable option, Your Lordships will not need me to remind them of what that is - of the many outrages that have occurred over recent years; of the tragic loss of life and the bombings of property in an attempt to stifle the normal community and commercial life which the rest of us enjoy.

3. But that is not to say that on the mainland we have been immune to events in Northern Ireland. Many people here have lost relatives and friends in terrorist incidents. All who admire the service given by the police and security forces are saddened when they are attacked. We all share responsibility to support any practicable step to isolate and defeat the men of violence.

4. It is clear that responsible opinion from many parts of the political spectrum accept that that is what the Agreement is designed to do. In the special conditions of Northern Ireland, reaction has been more deeply divided. We all think we know why. But I do hope people of good will will make every effort to see

the Agreement in its proper perspective. I know it will be difficult; but only in that way can progress be made towards peace, stability and prosperity in Northern Ireland.

5. In seeking, therefore, the approval of your Lordships' House to the Agreement, I want first to stress that it is not the Agreement some have made it out to be. It is not "joint authority" by some other name; it does not give the Republic of Ireland a veto over the exercise of our powers and responsibilities in Northern Ireland; and above all it does not derogate from our sovereignty.

6. But neither is it, as some have argued, an Agreement which will change nothing. Of course, it will not solve all Northern Ireland's problems. But we hope that it will change things in Northern Ireland, in a measured and responsible way, in the direction which successive Governments have wished to go.

7. Underlying the Agreement is recognition by the two Governments of the differing identities and culture of the two communities in Northern Ireland. This is essential. Each of the two must be able to feel secure in its own identity and tolerant of the other's. The Agreement offers important safeguards to both.

8. The majority in Northern Ireland wish to retain the link with Great Britain. We have never wavered from the position that a change in the status of Northern Ireland could come about only with the consent of a majority there. The present wish of a majority is against change. Both Governments know all this and have affirmed it in a binding international Agreement. There are no ambiguities: I do implore people who think there may be to look at what the Agreement actually says on this. It says that there is no derogation from the sovereignty of the United Kingdom and that the Government retains responsibility for the decisions and administration of Government with its own jurisdiction.

9. Thus it is that Her Majesty's Government is seeking the approval of this House, and of another place, to an Agreement which combines this affirmation of the status of Northern Ireland with a commitment that, if at some future date a majority of the people in Northern Ireland were to consent formally to a united Ireland, the Government would introduce and support in Parliament legislation to that effect.

10. Contrary to what some may say and feel, that should give no cause for misapprehension or uncertainty among Unionists. Their loyalty is, absolutely properly, to the Crown in Parliament. Only by an Act of the Crown in Parliament could the status of Northern Ireland be changed. That position is not altered by the Agreement, and I do earnestly hope that all sections of the community will remember that in our system of Parliamentary democracy the decisions of Parliament are binding and must be respected.

11. As well as reassurance for the majority, we also believe that we cannot make progress towards reconciliation in Northern Ireland - and that is the main essence of the agreement - unless we can also reflect, understand and take account of the minority viewpoint. We need to create conditions which will provide the minority with the confidence that they have a role to play in the affairs of Northern Ireland. It is here that the Irish Government has a vital contribution to make. Of course, it already raises with us many questions about events in Northern Ireland, particularly where they affect the minority community. What the Agreement will do is formalise this procedure so that the Irish Government's views and proposals can be taken into account in a more structured and methodical way.

12. I will now explain briefly how the Agreement sets out to achieve this. It provides in Article 2 for the establishment of an Intergovernmental Conference. This will extend and build upon the framework of the existing Anglo-Irish Intergovernmental Council. The Conference will serve as a framework within which - I quote from the Agreement itself - "the United Kingdom Government and the Irish

Government work together for the accommodation of the rights and identities of the two traditions which exist 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."

13. The Conference will deal on a regular basis with matters relating mainly to Northern Ireland - on political issues, security and related matters, legal matters including the administration of justice and the promotion of cross-border co-operation. We are committed to consider carefully these views and to make determined efforts to resolve any differences. That means neither that we are obliged to accept the suggestions that are put to us by the Irish, nor that the Irish are granted a veto. It means simply that we will try our hardest to reach agreement. But we are realists. It will remain the clear responsibility of the British Government to take final decisions.

14. We welcome this arrangement on two accounts. Firstly it will enable the Government better to take account of the minority views. It creates conditions whereby the minority community can be confident that they have a vital role to play in the affairs of Northern Ireland; and we hope too that it will increase their confidence in the institutions of Northern Ireland.

15. Secondly we welcome it because it provides a new framework for more effective co-operation in a wide range of economic, social, cultural and security matters. Our foremost priority in Northern Ireland must be the complete eradication of terrorism which has menaced both Northern Ireland and the Republic and indeed the mainland of the United Kingdom for many years. This requires the closest co-operation between the United Kingdom and the Irish Governments as spelt out in Article 9 of the Agreement. We therefore very much welcome the Irish Government's commitment in the

Agreement to work with us to ensure that those who adopt or support violence do not succeed. We hope to make early progress against terrorism which is to the benefit of all the people of Northern Ireland. We look forward to tackling this problem with the Irish. We also welcome the Irish Government's intention announced in the Communique to accede as soon as possible to the European Convention on the Suppression of Terrorism.

16. The confidence of all law-abiding citizens in the security forces and the courts is essential if they are to be wholly effective in upholding the law and in dealing with terrorism. The security forces in Northern Ireland are already highly esteemed throughout the United Kingdom for their dedication, bravery and professionalism and I would like to take this opportunity of paying a special tribute to them. I should add also no less a tribute to the judiciary who, as we have come to expect, have maintained the standards of impartiality and integrity of which we are proud. But we must never relax our efforts to secure the support of all sections of the community, including the minority, for the security forces; and to enable them to have full confidence in the judicial system in Northern Ireland.

17. The Intergovernmental Conference will be one way in which we can do this. Article 8 mentions, as one possible approach, the idea of mixed courts. We have made it clear, and I will repeat now, that we cannot see any easy or early way round the very considerable difficulties in the way of that particular proposal. We have undertaken to consider this possibility but entirely without commitment.

18. Relations between the security forces and the minority, cross-border security co-operation and public confidence in the administration of justice are issues which will be considered in the first meeting of the Conference. I cannot say when that will be. But we hope for an early meeting.

19. Let me now say something about the response to the Agreement from some Unionists. They have taken bitter exception to the granting of a role to the Irish Government in the consideration of the affairs of Northern Ireland. They claim that it is unprecedented. And that it is in itself a breach of sovereignty. But my Lords, there is nothing unprecedented nor any breach of sovereignty in two neighbouring states setting up machinery to work together for the security and well being of their people. How can there be a breach of sovereignty when the final decisions rest with us - as they must and will? It is of course true that the situation in Northern Ireland is in itself unprecedented with the divisions and conflicting aspirations there and the relationship that exists between the minority community and the Irish Government - all these are unprecedented.

20. The arrangements set out in the Agreement do not represent an alternative to the search for devolution: indeed the Agreement reaffirms both Governments' commitment to find an acceptable form of devolved administration in Northern Ireland - and that means one which would secure widespread acceptance throughout the Community. We want the people of Northern Ireland to take over responsibility for the everyday decisions which affect their lives but there needs to be agreement across the community.

21. Both Governments however recognise that devolution can be achieved only with the co-operation of constitutional representatives within Northern Ireland of both traditions there. We hope that the Agreement will encourage the elected representatives of both communities to come together to discuss arrangements for forming a devolved structure acceptable to both. And should a devolved administration be established, the Intergovernmental Conference would cease to consider any matters which would become the responsibility of a new local administration.

22. My Lords, no single Agreement will solve all of Northern Ireland's problems. I know from first hand experience the complexities of the situation in Northern Ireland, the depth of divisions and the magnitude of the task in trying to reach a solution. I have learned the hard way through experience that progress can only be made slowly, one step at a time. I firmly believe that this agreement offers an important step in the right direction - it offers a real opportunity to make progress towards reconciliation between the two communities in Northern Ireland and to tackle cross-border terrorism in a determined way. It contains reassurances for both communities that their rights will be safeguarded. It will create an improved climate of friendship and co-operation between the United Kingdom and the Republic of Ireland. It is thus in the interests of all the people of Northern Ireland that we do not let this opportunity pass. They should also be under no illusion. The people within the rest of the United Kingdom will certainly expect them to work together constructively for its success.

23. That is the reality of the circumstances in which we find ourselves and the circumstances in which we as a Government thought it right to seek an agreement of this kind. We did so, my Lords, in the full understanding that it would not, and could not, produce a solution at a stroke. No agreement could do that. What it does offer - and I very firmly believe this - is the chance to make progress in a situation where for some years progress has not seemed possible.

My Lords, I commend the motion to this House.