

Ref. A085/2925

PRIME MINISTER

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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