

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~~ <sup>with the principles proposed</sup> 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,

/...

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, *pride*.

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.

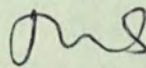
6. I believe that this Agreement represents a positive contribution to progress on this long-standing and difficult problem. The two Governments are committed to implementing it fully and effectively. We call on all people of goodwill to join us in promoting peace.

Ref. A085/2926

MR POWELLAnglo-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 Molyneaux. The second provides additional material for use with Mr Molyneaux.

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



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. CJD.



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## 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

SECRET





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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.

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13 November 1985

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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