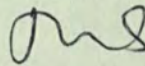


Ref. A085/2926

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

13 November 1985

Prime Minister

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.



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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 ^{Communities} ~~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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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

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Ireland: Taoiseach. PC-11