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CABINET
DEFENCE AND OVERSEA POLICY COMMITTEE
SUB-COMMITTEE ON UNITED KINGDOM RELATIONS WITH
THE REPUBLIC OF IRELAND

MINUTES of a Meeting held at
10 Downing Street on
THURSDAY 23 MAY 1985 at 4.30 pm

PRESENT

The Rt Hon Margaret Thatcher MP
Prime Minister

The Rt Hon Viscount Whitelaw
Lord President of the Council

The Rt Hon Sir Geoffrey Howe QC MP
Secretary of State for Foreign
and Commonwealth Affairs

The Rt Hon Michael Heseltine MP
Secretary of State for Defence

The Rt Hon John Biffen MP
Lord Privy Seal

The Rt Hon Douglas Hurd MP
Secretary of State for
Northern Ireland

The Rt Hon Earl of Gowrie
Chancellor of the Duchy of
Lancaster

The Rt Hon Sir Michael Havers QC MP
Attorney General

The Rt Hon John Wakeham MP
Parliamentary Secretary, Treasury

SECRETARIAT

Sir Robert Armstrong
Mr C L G Mallaby
Mr D R C Christopher

SUBJECT

ANGLO-IRISH RELATIONS

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ANGLO-IRISH RELATIONS

The Sub-Committee considered a Note by the Secretary of the Cabinet (OD) (I) (6) 2 on the stage reached in the exploratory talks with the Irish Government on matters affecting Northern Ireland.

THE SECRETARY OF THE CABINET said that the latest draft of the British proposal, attached to his Note, took account of the last two meetings with the Irish but had not as a whole been put to them; the fourth paragraph, however, the version of which in the previous draft had given rise to considerable difficulties with the Irish, had been shown to them in its present form, as approved by the Prime Minister, the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland, and had been accepted by the Irish side ad referendum to their own Ministers. Section II of the latest draft was new, but he had reason to believe that the Irish would be prepared to accept it.

In a detailed discussion of the text of the proposal the following points were made -

- a. The reference to "aspirations" in the sixth sub-paragraph of Section I might be offensive to Unionists. While in the Irish context this was a relatively unemphatic word, it would read better in the second half of the sentence in place of "objectives".
- b. Although a united Ireland might not be the most likely or the best future for the island, there was no need to object to a reference in the proposal to the possible future establishment of a united Ireland by consent. But paragraph 2(3) as drafted raised the question of how consent might be expressed. For greater clarity the word "formally" should be inserted before "consented".
- c. The word "joint" should be avoided in the Committee's title, which should be "The Standing Intergovernmental Committee".

d. Explicit reference in the last sentence of paragraph 5 to a joint Secretariat in Belfast would make the latter a potential target for terrorists as well as political critics of the agreement. Nor should meetings necessarily take place in Belfast, at least in the early period of the agreement's operation. The sentence should be replaced by: "The appropriate Secretariat would be provided by the two Governments".

e. It would be unwise to lock future British Governments into an agreement with no legal way out. There might be circumstances in which the British Government would wish unilaterally to terminate or suspend the work of the Committee. There was, however, the difficulty that a review mechanism, if it also applied to Section II, could enable a future Irish Government to repudiate its commitments concerning the status of Northern Ireland. It should therefore be confined, if possible, to the operation of the Standing Intergovernmental Committee and not apply to the agreement as a whole. It should not terminate the agreement automatically after a given period but should take effect at the discretion of either Government. Officials should devise appropriate language which might be inserted at the end of paragraph 3.

f. The reference in paragraph 7 to exclusion from the Committee's remit of matters transferred to a devolved administration was insufficiently clear; it should be ensured that the text as a whole was clear on this point.

g. In paragraph 11 the word "major" should be inserted before "legislation on Northern Ireland matters", in order to discourage the Irish from seeking to put forward views on innumerable minor matters.

h. While the United Kingdom version of the reference to joint courts in paragraph 17 would annoy the Lord Chief Justice of Northern Ireland it was considered unlikely to cause his resignation. In view of the importance attached by the Taoiseach to the subject of joint courts

it was most unlikely that the Irish would settle for anything less. The British version should therefore stay in the text, and the Irish version should be deleted. Ministers would wish to look again at this point at a later stage.

- i. The statements by the Irish delegation that their government would be willing to accede to the European Convention for the Suppression of Terrorism signified an important change and a valuable step forward with positive implications for extradition cases.

THE PRIME MINISTER, summing up the discussion, noted that the Northern Ireland Secretary planned to hold initial discussions about a possible Anglo-Irish agreement with the leaders of the four constitutional parties in Northern Ireland during the month of June. The line to be taken would be discussed with the Secretary of State for Foreign and Commonwealth Affairs. The Irish Government should be informed. In view of the approach of the season of commemorative marches in Northern Ireland, it would be inappropriate to look for an agreement with the Irish Government before September. The text of the draft British proposal should now be amended to incorporate the points raised in discussion. The amended version, also incorporating language about a review mechanism, should be approved by Ministers and then conveyed to the Irish Government. She would arrange for the matter to be brought to the Cabinet to be given a suitable opportunity to be informed of and comment on the latest developments.

The Sub-Committee -

1. Took note, with approval, of the Prime Minister's summing up.
2. Invited the Secretary of State for Northern Ireland and the Secretary of the Cabinet to be guided accordingly.

Cabinet Office

28 May 1985