

Ref. A085/2767

PRIME MINISTER

Cabinet: Northern Ireland Affairs

Flag A _ The Cabinet discussed this subject on 25 July. Since signature of the Anglo-Irish Agreement is now planned for mid-November, the purpose of this week's discussion in Cabinet is to reach a decision on whether to go ahead. The meeting will have before it a memorandum by the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland (C(85) 25), to which the draft Agreement and the draft Summit Communiqué are annexed. For security reasons, this does not mention the likely date and place of signature of the Agreement, and I suggest that you should if possible avoid these matters in the discussion.

Flag B _

HANDLING

2. I suggest that it would greatly aid the discussion if you were to introduce the subject briefly yourself. You could say that the negotiations have produced a package which in certain respects - notably the fact that the Irish Government is no longer prepared to envisage an amendment to Articles 2 and 3 of the Irish Constitution - falls short of what we originally wanted but which still offers definite advantages, notably the formal reassurance by the Irish Government as well as the British Government to the unionists in Article 1 of the Agreement that the status of Northern Ireland would only change if a majority there so wished, and also the prospect of improved co-operation with the Irish Republic against terrorism; and that efforts have been made through drafting amendments to minimise the potential disadvantages, notably the creation of any impression that the new Intergovernmental Conference could share in decisions in

Northern Ireland. You may wish to add that the proposed package offers the political advantage that the Government would be seen to be making a serious attempt to achieve progress on one of the most agonising problems that have faced this country.

3. You could then invite the Secretary of State for Northern Ireland and the Foreign and Commonwealth Secretary to speak, I suggest in that order.

4. You could then structure the discussion to cover the main issues in turn -

a. Mixed Courts. You could say that we have been extremely explicit to the Irish at every level (including your own and the Taoiseach's) about our unwillingness and inability to commit ourselves to the establishment now or in the future of mixed courts, and that the mention of the subject in Article 8 of the draft Agreement, which would involve us only in discussion without commitment in the Intergovernmental Conference, has been watered down since the Cabinet last discussed the draft Agreement and is the least that the Irish will wear. The Lord Chancellor will wish to speak.

b. European Convention on the Suppression of Terrorism. When we finally convinced the Irish that we would not undertake any commitment on mixed courts, they said that they could not maintain their decision to accede to the European Convention on the Suppression of Terrorism. In further discussion, we brought them back to a willingness to announce, when the Agreement was concluded, their intention to accede to the Convention (paragraph 7 of the draft Communiqué). The preparation and passing of the legislation needed to pave the way for accession would take 12 to 18 months. The implication is that they would then decide on accession to the Convention, taking account of

progress meanwhile regarding relations between the security forces and the nationalist community and regarding the latter's confidence in the administration of justice. Officials have been instructed to make it clear to the Irish Government that, while it would be acceptable for the Irish Government to say that their intention to accede was "in the context of" or "having regard to" the Anglo-Irish Agreement, it would not be acceptable for them to say that a decision to accede would be in any way conditional upon progress or performance on matters contained in the Agreement (or any part of it on the introduction of mixed courts). You should invite the Solicitor General who has been invited to attend the discussion in the absence of the Attorney General, to speak.

c. The Role of the Intergovernmental Conference and the Secretariat. The Agreement now makes absolutely clear, notably at the end of Article 2(b), that the Intergovernmental Conference would not take decisions. The Irish wish for a Secretariat with a certain power to act off its own bat has been rejected. It is agreed that the Conference would as a rule meet in Belfast, and that the Secretariat would be located there; but the location for the first meeting of the conference and the timetable for the establishment of the Secretariat in Belfast will be for further discussion with the Irish Government, having regard to considerations of security (there is some danger that the Irish side of a Secretariat could become a focus for the attention of loyalist paramilitary groups).

d. The Security Forces. The Irish were earlier pressing us for significant changes, especially regarding the Ulster Defence Regiment. We have resisted, and the very limited steps which we are taking - the initial training of recruits to the part-time cadre of the UDR to be increased from 8 to 14 days; the regular army and RUC to play a

greater part in training the UDR; new recruits to the UDR not normally to make arrests - have been approved by the Secretary of State for Defence as intrinsically worthwhile. They would be implemented unilaterally and would not be part of the Agreement.

e. The debate in Parliament. When the Cabinet discussed this subject in July, it was decided that there should be a debate in Parliament before the Agreement entered into force. Article 13 now provides for the Agreement to enter into force after the two Governments have exchanged notifications of their acceptance of it. The draft Summit Communiqué states the two Governments would not exchange such notifications until the two Parliaments had approved the Agreement. You may wish to ask the Lord Privy Seal and the Chief Whip to speak.

f. Publicity. You may wish to inform colleagues that your own personal commitment to the Agreement would be made publicly clear from the moment of signature, through your joint press conference with the Taoiseach, your initial statement in Parliament and your opening of the debate in Parliament.

g. Likely reactions in Northern Ireland. The intelligence assessments are reasonably reassuring. See in particular JIC(85) (IA) 57 of 28 October. You should ask the Secretary of State for Northern Ireland to comment.

h. Likely international reactions. You should ask the Foreign and Commonwealth Secretary to comment. A particular point of interest is that an Anglo-Irish Agreement concluded in the coming weeks could significantly increase the chances that the United States Congress will



approve the supplementary extradition treaty between the United Kingdom and the United States. The Home Secretary should be asked to comment.

CONCLUSIONS

5. I suggest that you should lead the Cabinet to decide that the proposed Agreement, while far from being a "final solution" to the problems of Northern Ireland, would be a modest but useful step forward in Northern Ireland, offering gains which on balance outweigh the risks. Moreover, a decision at this stage not to go ahead would offer no gains and as great or greater risks. You could invite the Cabinet to agree that, unless the situation in Northern Ireland should sharply deteriorate in the near future, you should be prepared to sign the Agreement at a meeting with the Taoiseach in the coming weeks.

6. Please could you ask colleagues to leave all copies of the memorandum on the Cabinet table for collection after the discussion.

MS

for

ROBERT ARMSTRONG

29 October 1985