



10 DOWNING STREET

Prime Minister

You will not want to reach a firm decision on these points yet. Too much remains to be settled on the substance for that. But if Dr. Fitzgerald presses you, I suggest you point to:

- mid-October
  - signature at a bilateral meeting between you & him
  - ideally at Chepers (which has the virtue of being familiar).
- Agree in principle. C.D.P.

Ref. A085/1755

MR POWELL

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Anglo-Irish Relations: Northern Ireland

--- I attach a note by Mr Mallaby on the timing, method and venue for the conclusion of the Anglo-Irish agreement.

Timing

2. No timing is ideal. The Irish are fearful lest delay until after the summer holiday should cause the agreement to become unravelling, and have been pressing for conclusion next month. We think that it may well not be practicable to complete the work before the end of July, and that it would in any case be better to wait until after the marching season. Late August avoids that danger, but is not perhaps an ideal time in other respects. Late September is a possibility: but is that too close to the party conferences in Britain? Perhaps mid-October would be safer: but the Taoiseach will not want such a long delay.

Method of Conclusion

3. I hope that the Prime Minister would put the weight of her authority behind any agreement by signing it herself. I am sure that that would give it the best chance of the greatest possible degree of support, both in this country (including Northern Ireland) and in the Republic of Ireland. The agreement could subsequently be debated in Parliament: that could be related to a motion to ratify the agreement, but UK-Irish agreements have not hitherto contained provision for ratification, and it may be preferable not to provide for it this time.

4. The alternative would be that the agreement should first be initialled, by the Foreign Ministers or by me and Mr Nally; then

debated in Parliament; then signed. The fact that it would not yet be binding at the time of debate could encourage its opponents to attack it harder, in order to try to overthrow it; or it could be presented as giving Parliament a chance to pronounce on it before it became binding.

Venue for Signature

5. I would exclude Dublin and Belfast, and probably London. I would also exclude a third country - either a European country or the United States at the time of the United Nations General Assembly. One of the other "national" capitals in Britain - Cardiff or Edinburgh - might be a possibility. The other possibility is the Isle of Man or the Channel Islands. They are not part of the United Kingdom. The Isle of Man is roughly half way between England and Ireland; but is believed to be a regular holiday haunt of members of the IRA. An outside possibility might be Caernarvon or Anglesey - the bits of Great Britain geographically closest to Ireland.

6. I am sending copies of this minute to the Private Secretaries to the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland.

ROBERT ARMSTRONG

26 June 1985

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B.07035

SIR ROBERT ARMSTRONG

cc R J Andrew Esq CB, NIO  
A D S Goodall Esq CMG, FCO

Anglo-Irish Relations: Northern Ireland

Mr Powell's letter of 20 June asked the Cabinet Office to prepare a brief for the Prime Minister's meeting with the Taoiseach in Milan next weekend and also a range of options for the timing and method of conclusion of an agreement which the Prime Minister could explore with the Taoiseach. Since the latter aspect has not yet been addressed formally by officials, I am dealing with it in this minute, separately from the general brief for the Prime Minister's meeting with the Taoiseach. I have consulted the Foreign and Commonwealth Office and the Northern Ireland Office.

The timing of the conclusion of an agreement

2. The Irish side have spoken recently of late July or late August. Late July is open to the objection that two major demonstrations take place in early August - the Loyalist march of the Apprentice Boys of Derry and the Roman Catholic anti-internment demonstration (in which Galvin featured last year). These could become the focus of criticism of an agreement. There is also the consideration that we still have quite a lot of work to do before conclusion of any agreement: agreeing the exact arrangements for the Standing Intergovernmental Committee, working out the public line on each element, devising our first moves in the Committee. Late July and August are also open to the objection that there would be a long lapse of time from the conclusion of an agreement until Parliament could debate it after resuming in late October. This might antagonise the Unionist MPs at Westminster, and

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would give the Unionists a long time to mount a campaign against the agreement. The timing of late September, which we have had in mind, seems preferable, despite the Irish fears that leaks might make it hard to hold the package together throughout the summer.

The method of concluding an agreement

3. The Irish will want an agreement to be signed at a bilateral Summit. This will probably also be the general expectation in the media. Signature at another level would be unlikely to reduce the publicity surrounding the agreement. Indeed, it might add an unwelcome element of speculation on the lines that the Prime Minister was not committed to the agreement.

4. It would be possible to initial an agreement some time before it was signed. This could be done by the two Foreign Ministers, by you and Mr Nally, or by Foreign Ministers and Ambassadors in both capitals. Initialling would not make the agreement politically or legally binding: it would merely denote completion of negotiation on the text. If we chose to publish the agreement before signature and possibly to debate it in Parliament (which would be unusual but possible), the fact that it was not yet binding might encourage its opponents to attack it all the harder in the hope of making signature impossible. This was roughly what happened to the Sunningdale Agreement in 1974.

5. It would probably be preferable to leave aside the idea of initialling and move straight to signature. The latter would represent a firm political commitment but, if the agreement provided for ratification, would not make it legally binding. Not all international agreements provide for ratification. UK/Irish agreements hitherto have not done so.

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But such a provision in this case would present a natural way of giving Parliament a say. A debate could be arranged early in the new session, and could be followed by ratification.

The place for a Summit

6. The choice of Dublin for a Summit would be unsuitable for security reasons and because it would tend to antagonise the Unionists. The latter objection would also apply to Belfast. A Summit in London might not attract the Taoiseach; critics of the agreement in the Republic might exploit his journeying here to sign it.

7. Chequers is an obvious possibility, but the Taoiseach might object to holding a third Summit running there. If he did object, Manchester or Cardiff might be suitable alternatives; there should be reasonable conference facilities, but Manchester is affected by the local government legislation and in both cities security would need careful consideration. Leeds Castle is another possibility. Signature in the Irish Republic elsewhere than Dublin would also present some security problems. Signature in a third country would be unusual for a bilateral agreement. The Prime Minister and the Taoiseach are not due to meet again at a European Community meeting until the European Council in December. Signature at the United Nations, if Mrs Thatcher and Dr Fitzgerald were both to be there in October, might attract the Irish but might work to our disadvantage, by encouraging United Nations interest and the habit of Warsaw Pact and many Third World countries to criticise us about Northern Ireland regardless of the facts.

Line to take with the Taoiseach

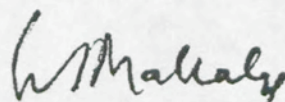
8. I suggest that the Prime Minister should take the following line with Dr Fitzgerald:

- late September seems to be the best time for concluding the agreement, not least because

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of the need for a debate in Parliament reasonably soon afterwards.

- Will the Irish want conclusion to take the form of signature at a Summit? For Parliamentary reasons, we think that should be followed by ratification.
- We should like the Summit to be in the United Kingdom. Would London or Chequers suit Dr FitzGerald? Failing those, perhaps Cardiff?



C L G Mallaby

25 June 1985

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