

NATIONAL ARCHIVES

IRELAND



Reference Code:	2015/51/1571
Creation Date(s):	19 November 1985
Extent and medium:	6 pages
Creator(s):	Department of Foreign Affairs
Access Conditions:	Open
Copyright:	National Archives, Ireland. May only be reproduced with the written permission of the Director of the National Archives.

185
9-1 Section
Hillsborough (Lanc.)
● Manchester

Criticism of Hillsborough Agreement in Dail Debate

19 November

J The Taoiseach in his opening statement called for a calm and serious debate. This was echoed by Mr. Haughey. The debate has been conducted accordingly, free of interruption.

Mr. Haughey

Agreement Unconstitutional

The Forum Report identified as a fundamental reality "the desire of nationalists for a united Ireland in the form of a sovereign, independent Irish state to be achieved peacefully and by consent" (5.4). The Government is acting in a manner repugnant to the Constitution by fully accepting British sovereignty over a part of the national territory and by purporting to give legitimacy to a British administration in Ireland. "For the first time the legitimacy of partition has been recognised by the Republic". "If Dail Eireann were to accept and approve this Agreement, it would, by doing so, derogate from the concept of Irish unity ~~by~~ seeking to confer legitimacy on an administration and a political entity the existence of which is a denial of that concept of unity." The Government is "acting in a manner which is manifestly contrary to the Constitution". If a lawful Government puts the end above the Constitution and the law, "then it deprives itself of the moral authority to condemn other groups who seek to do so".

No additional validity to Irish views on N.I.

Since the summit in Dublin Castle in December 1980 it has been accepted that the Irish Government has the right to give expression to its views on matters affecting Northern Ireland. No additional validity is conferred on our views by this Agreement. In return for getting this formalised arrangement of an already existing right we have given everything away. The impression is conveyed to our friends around the world that we are now fully satisfied about the situation in Northern Ireland. "The whole trend of these developments is towards

seeking to bolster up the existing political structure which in itself is the cause of the trouble".

No obligation to Consult

The Conference will have no executive role. "There is definitely no undertaking to consult." The Agreement does not speak of resolving differences over views and proposals. "If that is what is meant, then one would expect the Agreement to say so".

No change in N.I. security system

The Agreement achieved nothing of substance in changing the security system. "There are, in fact, no major specific changes set out in the Agreement". The basic situation of the UDR will remain unchanged.

Registration at U.N. a central issue

We are totally opposed to registering the Agreement at the United Nations. Registration of the Agreement will operate to prevent Ireland ever raising the British presence in Northern Ireland in the Councils of the United Nations. This is a central issue and our position is very heavily influenced by this potentially disastrous sequel. A state cannot plead its own law as an excuse for non-compliance or non-recognition of an international obligation, unless what was done was manifestly contrary to a rule of its internal law of fundamental importance.

What consent means

The Communique of May 1980 was entirely compatible with our view that while no part of the Irish nation has the right to opt out of the nation, we recognise that unity cannot be imposed by force, and can only come about by negotiation and agreement. "When we speak of the need to secure the agreement

of the unionist population, that agreement applies to the n arrangements for, but not to the concept of, a united Ireland". "There is no affirmation in this Agreement by t Irish Government of its wish to ensure the unity of Ireland agreement and in peace".

Ending the Guarantee - quoting Hume

John Hume says in the Uncivil Wars (page 100) that British policy should be that there are no guarantees for any section any more. "We fully support that view and it is because we so that we cannot accept Article 1 of this Agreement and could have been led to believe that the SDLP would agree with us on that issue."

No advance towards unity

The Taoiseach has tried to make an issue of an acknowledgement that if a majority of the people of Northern Ireland clearly wish for and formally consent to the establishment of a united Ireland, the British Government will introduce and support the necessary legislation. This has always been implicit in the British position, and in any case it would be totally indefensible and unsustainable for them to take any other position.

Constitutional Conference the first step to Unity

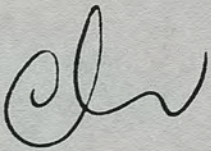
Only Irish unity will provide lasting peace and stability in Ireland. The first step towards this objective is to convene an all round constitutional conference under the auspices of the Irish and British Governments.

Constitutional Nationalism Undermined

The Agreement undermines the very basis of constitutional nationalism. Fianna Fail is "the moral barrier against a violent and abhorrent form of nationalism. We will not be

deflected from that role and will continue to work for the reunification of Ireland and the withdrawal of British presence. Does the Taoiseach believe that it will serve the cause of lasting peace and stability to make a present of the priceless heritage of the concept of Irish unity to violent men?"

(A spokesman for Fianna Fail is reported in today's ^{IRISH TIMES} ~~Press~~ as saying that the Party does not propose to take a legal action in the High Court to test the legality of the Agreement.)



Mr. Gerry Collins

Agreement will lead to worst of all possible worlds

Under the Agreement Irish sovereignty is being effectively abandoned. The Government is giving away our basic nationalist position in exchange for nothing. The Government is now committed to supporting an internal settlement. The Agreement will lead to the worst of all possible worlds. Nationalists will not see any tangible effects and unionist fears will be heightened.

Expect no new concessions

Any concessions have already been made. Will the Secretariat even be in Belfast or will we find that, as Mrs. Thatcher indicated at her press conference, it cannot be in Belfast because of "security advice". Will we even get repeal of the Flags and Emblems Act.

British only interested in security

The British are only interested in one thing and that is security.

What is a "clear" wish for unity

51% might not be regarded by the British as a "clear" wish for unity.

What is "widespread acceptance" for Devolution?

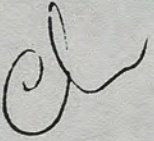
Is the Government pressurising the SDLP to accept devolution on "an unsatisfactory basis?"

Mr. John Kelly

Internal solution would be preferable

An internal solution arrived at by talking with the unionists

would be preferable. The Agreement should be given a fair trial but "I have feeling in the pit of my stomach" that the British cannot be relied upon. It remains to be seen whether the Agreement will work. If the presence provided for the Irish Government in the Agreement works, it will be a very substantial advantage.

A handwritten signature or set of initials, possibly 'J' or 'L', written in dark ink.