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PUS/L/1430/MLR

Permanent Under-Secretary of State
Sir Robert Andrew KCB

Sir Robert Armstrong GCB CVO
Cabinet Office
70 Whitehall

25 September 1986

Dear Robert,

ANGLO-IRISH AGREEMENT

Since Sir Fred Catherwood's speech last Friday, Ken Bloomfield and I have been wondering again whether there is anything we can do to encourage the political parties to enter into a dialogue. The DUP response that they would only participate in a round-table conference if the Government suspended the Anglo-Irish Agreement and stopped the work of the Secretariat, coupled with our own statement and that of the Irish Government indicating that we are not prepared to do those things, suggests that this particular initiative which in our view was not very well-judged - will go the way of its predecessors. But we are reluctant to accept that there is no way of getting a dialogue started and that continuing confrontation is all that we can look forward to.

It is clear that if we are going to get the Unionists to the conference table we have got to offer them something. So far their demands have been for the abandonment or suspension of the Agreement which we cannot accept. Our offer to operate the Agreement sensitively and fit in a conference on devolution between meetings of the Inter-governmental Conference is clearly not enough and would, in any case, carry dangers of indefinite suspension. Could we instead offer to review the working of the Agreement if, but only if, stringent conditions are satisfied? An immediate and unconditional review would

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be seen as a triumph for the unionists and denounced by the nationalists as surrender to the Orange card; the Irish Government would be strongly opposed. But what if we linked review specifically to progress on devolution?

So far we have merely said - reflecting Articles 5 and 10 of the Agreement - that devolution would reduce the scope of the Intergovernmental Conference by removing from it the topics which were devolved. We have not said that the working of the Conference itself would be reviewed in accordance with Article 11. In practice there may not be very much difference. Devolution would compel us to re-examine the activities of the Conference to remove from it those economic and social issues referred to in Articles 5 and 10 which had been transferred from the responsibility of the Secretary of State to the new administration. But there is nothing immutable about the matters which can be devolved. They could include some of the human rights issues in Article 5 and some of the bodies listed in Article 6 and eventually, in theory at least, some aspects of the relationship between the security forces and the community which is the subject of Article 7. At that stage discussion between the two governments would be largely confined to Articles 8 and 9. What I am arguing is that devolution, bringing into being an internal body on which nationalist interests could be directly represented by the SDLP rather than through the Irish Government, would be such an important step that it would warrant a review of the whole working of the Conference. The review could only come about if a widely acceptable scheme of devolution (in practice one in which the SDLP would participate) had been negotiated. In this context David Goodall's report of his discussion with John Hume about the Irish dimension at the BIA Conference is interesting. Under Article 11 such a review is in any case mandatory in November 1988 and can be requested earlier by either government.

The sort of formula I have in mind is this:

"Once a system of devolved government acceptable to both communities in Northern Ireland is introduced [the two Governments will review] [the British Government will request a review of] the working of the Conference in accordance with Article 11 of the Agreement."

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I recognise that even a cautious statement like this could be interpreted as a weakening of our commitment to the Agreement: but provided that we insist on the element of conditionality I think our position would be defensible. The word 'review', with its implication of change, could be presentationally important for the unionists; and it is just possible that a commitment to "review the Hillsborough Accord", as it would no doubt be (mis)represented, would persuade some of them that it was worth making a serious attempt to achieve devolution. That attempt might fail: but at least there would be a considerable incentive to make it succeed. I would hope that the Irish Government would go along with the idea, bearing in mind that during the negotiation of the Agreement they attached more importance than we did to devolution as a means of putting pressure on the unionists. Whether the two governments would reach agreement in the review itself is difficult to forecast especially if by then the Irish Government was headed by Mr Haughey who wanted to re-negotiate Article 1 or otherwise move the accord in the direction he favours; but for the moment we are only concerned with the fact of a review, not its outcome.

We should need to consult Ministers before approaching the Irish on this matter. But for the moment all I am seeking is a personal reaction from yourself and David Goodall, to whom I am copying this letter. It would be helpful if I could have it by next Monday (29 September) when my Secretary of State will be returning after a few days absence from the office.

Yours ever,

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