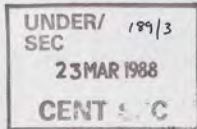


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Mr Spence

Mr Burns



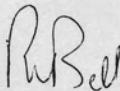
cc: Members of PUS' AISG
Mr Innes
Mr Daniell
Mr Hewitt
Mr F McConnell
Mr J McConnell
Mr Kirk
Mr Wood (L&B)

ANGLO-IRISH RELATIONS - THE GAME PLAN

As requested, I attach a paper on ways of broadening the agenda for discussion with the Irish over the coming months. It is meant to be self-explanatory, but two comments may be helpful: written from an NIO perspective, the paper recognises the importance of, but does not flesh out non-NI bilateral relationships. A point on which the FCO may wish to comment

2 Second, the salience of Anglo-Irish relations does not imply that our policies in Northern Ireland are only about Anglo-Irish relations. As I argued in my submission of 14 March to PS/Dr Mawhinney (not to all), a more balanced presentation would portray HMG pressing ahead over the coming months, undeterred by recent horrors with a range of measures in the socio-economic, security and political fields - but whose likely effectiveness will be substantially enhanced if we can develop the Anglo-Irish process imaginatively, in concert with our partners. Good governance, in other words, marches with the sensitive, and fuller development of Anglo-Irish relations. This double theme will, I hope, be reflected in the Secretary of State's forthcoming major speech later this week. And he may wish to give due weight on both the internal and external aspects of his policies and the necessary links between them if and when he decides to minute the Prime Minister and his colleagues about his strategies over the summer.

I am grateful to several colleagues for their comments on an earlier draft of the 'game plan'.



P N BELL

2, March 1988

PS: Since these drafts were put together, yesterday's events have moved on - or rather speeded up. But the paper retains relevance since:

- (a) it represents a 'base-line' against which deviation in response to the most recent events can be judged;
- (b) it still seems to me that there is no alternative, indeed added merit in the 'game plan' for developing AI relations over the summer. PNB

ANGLO-IRISH RELATIONS - THE GAME PLAN

1. The Opportunity

Despite recent difficulties and continuing suspicions of British goodwill harboured (not alone of his countrymen) by the Taoiseach, both sides appear determined to keep the Anglo-Irish process going on a basis of our common interests - including a shared recognition that our respective objectives are more likely to be achieved through the collaboration that the Agreement and its institutions makes possible, than without.

Given this shared determination (evidenced most recently at the last meeting of the IC and supplemented by later official contacts) we need now a 'game plan', for maximising, at best, the considerable opportunities for progress over the coming months; or, at worst, minimising the occasions for damage. These themes are developed below.

2. Our common interests

Both Governments have particular interests of their own (including, for HMG, effective and impartial government in Northern Ireland; safeguarding their interests at Westminster and abroad, and making secure the border; for the Irish, the need for a minority government to defuse opposition criticism of their handling of Anglo-Irish relations while reflecting widely shared nationalist sentiment, and maintaining the goodwill of the SDLP). Nevertheless, the range of our common interests is considerable, and, but for recent strains, would not to need re-stating. They include:

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- (a) the promotion of peaceful coexistence and collaboration of the two communities in Northern Ireland (in the long run, of greater salience for Dublin than for London);
- (b) defeating PIRA (and undercutting Sinn Fein);
- (c) promoting the welfare of nationalists in Northern Ireland (which, one hopes, can be expanded to a more genuine concern for Unionists in Dublin);
- (d) building confidence in the administration of justice and the security forces.

These objectives are intimately related (eg the key to defeating terrorism lies at least as much in political development as in direct security force action), and can scarcely be achieved independently of each other. There is, therefore, plenty on which to build together provided the chief lessons of recent weeks are learned.

3. Lessons to be learned - General

This requires, first HMG to take full account of atavistic, Irish nationalist sensitivities. (It is also desirable that the Irish realise that matters have not been made easier for HMG by what has at times seemed (but not to them) recently an excessive response from Dublin (who have, however, in their own eyes only reflected in a statesmanlike fashion Irish nationalist sensitivities South and North of the border). On the other hand, the relationship between London and Dublin is not symmetrical, and the greater intensity of their reactions reflects the fact that Anglo-Irish relations are more important for Dublin, than for London). There is much evidence that it is essential for the constructive development of our relationship, on the positive side, to convince the Irish that

we do take them seriously and their views and proposals matter; and, negatively, avoid giving the Irish the impression that they are the representatives of a emergent third world country.

Second, while security issues often provide the most dramatic evidence of our shared interests and are of particular concern to Ministers, our specific object in this direction is more likely to be achieved if we demonstrate that we recognise that our relationship goes much wider than the technicalities of security collaboration; and that we too are genuinely concerned about eg nationalist welfare, confidence in the administration of justice and the security forces.

Third, the need to 'thicken' relations generally within these islands whether on an East/West basis (where the FCO are in the lead: Sir J Fretwell will be having the first of what will be a periodic exchange of political views with the Irish later this month); but also in deliberately increasing the number of North/South issues areas in which we are seeking to make progress with the Irish. If the 'totality of relationships within the islands' is right, it will be easier to cope not simply with the kind of events of the recent past but also to handle inevitable future accidents as they arise. (Nor, in this context, should we forget either that non-NI events affect Irish perceptions of the UK as a whole and influence their attitudes to events in the Province; or that there are some grounds for believing that if we get East/West relations right, it may be easier to evolve new political structures in NI.) In the longer term, we will be able to foster more effectively rather than obstruct the rebirth of a less Xenophobic form of Irish nationalism (which, like reactions this provokes both among unionists and more widely in Great Britain, may be the single biggest obstacle to our long term goal of peace, stability and reconciliation).

In general, the Anglo-Irish relationship must be played as a

'non-zero sum game' in which there is far more to be gained by honest cooperation than by 'point scoring' of one government against the other. In playing that game, it is imperative that the Irish are treated as 'big boys now'; that we re-establish our credentials, both in the style and substance of our operations, as having honourable intentions towards Ireland; and that we are seen to understand and to remain absolutely committed to the principles of the Agreement, and to the objectives for which we signed it.

Conveying these impressions will be all the more important since we should not overestimate our ability to deliver very much that is tangible as the result of the detailed joint work programme argued for in paragraphs 6 and following below; provide results that the Irish can claim as a major 'fruit' of the Agreement that would make it politically easier to bury the events of recent weeks, and for the Taoiseach to cooperate more wholeheartedly in those areas of major importance to us. This conclusion entails practical consequences: a more receptive attitude to Irish nominations to 'Article 6 bodies' and generally seeking to 'score' as many 'low cost' points with the Irish as possible. Finally, it must not be forgotten that our continuing commitment to the Agreement especially in the eyes of the Secretariat, will be judged by the genuineness with which we consult the Irish on matters under it, the need for advance constructive consultation, not grudging last minute notification.

4. Lessons to be learnt - Mechanics

Recent events also show that we are more likely to achieve our objectives if the handling of business is improved. NIO and FCO officials have already set up a relatively informal mechanism for identifying, and reporting to Ministers matters that may effect our bilateral relationship; and official action has been reinforced by a joint Memorandum from the two Secretaries of State asking their colleagues to take account of

the Irish dimensions of their policies; to consult the FCO and NIO as appropriate; and to provide official points of contact for members of RID and SIL who will operate the new system. (The importance of better telecommunications between the chief actions on the UK side should also not be underestimated.)

As the Taoiseach accepts, it would be profitable for senior officials from both sides to meet from time to time to try to forestall bilateral difficulties, but also to identify areas for further development in a way that is not possible in the Conference. The intensive activity between senior officials that preceded the signing of the Agreement is now inappropriate, nor would the AIIC serve our purpose since the need is for more contact rather than formal structures. But there is a need for regular informal meetings between senior officials; and these should not necessarily be exclusive NIO/ROI gatherings. Partly for reasons of constitutional propriety, and partly because we may want to make political capital out of (or defuse problems arising from) moves on the east/west axis (eg a more sensitive operation of the PTA controls on Irish visitors), officials from, say, the Home Office and Law Officers' Department, as well as the FCO and Cabinet Office should also attend such meetings on occasions. But such a forum must not damage the Secretariat. This can be achieved, and the status of the Secretariat enhanced, should the joint heads of that body also attend. Senior officials on the UK side should discuss the modalities further with a view to making more definite proposals to the Irish. A regular 'dining club' may prove the best arrangement.

6. The Elements in the Game Plan

It is increasingly clear that no 'game plan' is likely to yield gains if applied in conflict with the approach sketched above, and that its chief elements, on which we shall need to work together over the next six months or so, are:

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Top Priority

- (a) fair employment (paragraph 7);
- (b) confidence in the security forces/administration of justice (paragraph 8);
- (c) security cooperation (paragraph 9);
- (d) political development in Northern Ireland (paragraph 10);

Second Priority

- (e) the International Fund (paragraph 11);
- (f) the Anglo-Irish Parliamentary Body (paragraph 12);

Longer Term

- (g) the review of the workings of the Conference under Article 11. (paragraph 13)
- (h) Anglo-Irish Summit (paragraph 15)

What follows sketches, briefly, proposals for developing thinking on the UK side each of these issues, and to what timetable for discussion with the Irish this is likely to produce. (It does not exhaust the range of active and potential issues in Anglo-Irish relations at present, which were summarised in Mr Elliott's minute of 25 February to Mr Miles (Annex A).

7. Fair Employment.

The success our proposed FE legislation is especially important

for us on a number of counts (including our resistance to the MacBride campaign in the United States). And we are accordingly putting a lot of weight behind it. For the effectiveness of the new measures to be maximised on all fronts we need, if possible, full Irish endorsement of our eventual proposals; or, failing that, continued Irish public acceptance that our proposals are, if not perfect, at least a significant step forward.

The constructive discussion at the last IC meeting, and the helpful remarks following their publication by Mr Lenihan, have therefore been important both in themselves, and as an indication of Irish readiness to continue doing business. But there will be a need for further consultation with the Irish (among others) as we work out the detail for inclusion in a White Paper in (possibly) late Spring. This in turn suggests further consultations, between the two sides at working level via the Secretariat but also (probably) a place on the formal Conference agenda for the next IC meeting (possibly in mid-April).

8. Confidence in the Security Forces/Administration of Justice

This has taken a body blow over the last month, leaving us with even more ground to make up. At the same time, an in house study has confirmed not only the scale of the problem, but that, while other issues are important in determining popular perceptions, lack of confidence in policing is the greatest area of current concern. (Criticism is not confined to the nationalist community.)

In the short term, the forthcoming publication of Professional Policing Ethics (the Code of Conduct), the establishment of the new Independent Police Complaints Commission, and the working out of the measures announced by the Secretary of State in his

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Parliamentary statement on Stalker/Sampson on 17 February may prevent further deterioration. In the absence of further accidents, time and a continuing demonstration of impartiality by the RUC over the marching season may do their healing work. But, further action by Central Government is clearly imperative, with a view to developing urgently a coherent - and workable - policy in this area to stand beside (and to reinforce) our other major policies in social, political and security areas. This is likely to require sensitive but firm handling of the police and army.

The Police Division (B) is accordingly now examining ways in which the police ethos could be modified away from an excessive concentration on anti-terrorist work, towards a greater long term commitment to 'normal' community policing; to improving communications between the police and the community (PANI is also now planning the establishment of new Police/Community Committees); and to providing for greater police accountability. We shall need Irish advice on all these matters. But until our own ideas are clearer, even informal discussion in the Secretariat could be counterproductive, not least by arousing false expectations of rapid progress. It seems unlikely that our own ideas on the way forward will be sufficiently developed to permit such discussions before, say, mid-April at the earliest, or a preliminary discussion in the IC before, say, June that Working Group I (Administration of Justice), would be the right vehicle to take these issues forward since the issues of confidence in both the criminal justice system and the security forces are intimately linked. In the meantime, we should not allow the the Irish to gain the impression that we attached a lesser importance to these matters than they did; or give them any excuse for returning to the idea of three judge courts (which do not seem to be a matter of concern in either community).

9. Security Cooperation/Extradition

This will remain, for both sides, a matter of the highest importance where individual issues will continue to raise themselves over coming months. It is, nevertheless, pressing that the apparent reserve on meetings between the Garda Commissioner and the Chief Constable should be lifted. We have noted the Taoiseach's assurance to the Prime Minister (repeated in public) that security cooperation must not be affected by recent difficulties. Yet we cannot have, and most certainly cannot be seen to have, effective cooperation if the police chiefs are not meeting. This point needs to be made to the Irish at every available opportunity.

There are also several specific issues here where careful handling by us could contribute to wider objectives, including:

- (a) the PIRA joint threat assessment, on which the Government owe us comments. Were we to offer an assessment of loyalist paramilitaries this might help bring back the Chief Commissioner to the table;
- (b) cross border smuggling, where two papers are in hand, and where the Irish have ?

Similarly, we must resolve the 'impasse' on extradition as soon as possible. Our Attorney General has made a generous offer in providing substantially more information in respect of warrants whose backing is sought to enable the Irish Attorney General to satisfy the requirements of their new legislation. This offer fully satisfies the Taoiseach's own indication of need, and there would be little excuse if the Irish failed to respond generously. The Irish at the highest levels in Dublin are now considering our proposals, put to them by UK officials in Working Group II on 2 March.

Despite Irish assertions that their Attorney General operates

entirely independently in this field and that political considerations will not be relevant, it is most doubtful that a decision to accept our offer (effectively allowing extradition traffic to resume, with the political defence for terrorists restricted by Irish ratification of the ECST) would be taken without knowledge that the Taoiseach approved. It is, therefore, not surprising that in the emotive atmosphere since the Gibraltar shootings there has been no response. Equally, if we pressed hard for an answer now - or presented the Irish with a fait accompli by sending down warrants in a new case accompanied by our proposed statements of facts, this would be more likely to prompt a unhelpfully negative response and a positive one. Our interests are likely to be better served by biding our time in the hope that Anglo-Irish relations will soon become more cooperative. Nevertheless whether or not the issue has been resolved by them, it will clearly feature, along with other security cooperation issues, on the formal agenda for the next Conference.

10. Political Development in Northern Ireland

The 'draft outline' of their ideas on Agreement and on devolution handed over recently by the Unionists leaders justified very cautious optimism: they appear to accept that HMG is not going to abandon the Agreement, nor is interested in finding a replacement as an end in itself; and that there will be a north/south dimension to Northern Irish political life for the foreseeable future. Against this background, there is at least the possibility of constructive dialogue on matters of substance with the SDLP provided that the latter were prepared to participate. The attitude of the Dublin Government remains particularly important here. The precise objectives of Dublin are hard to determine: the Taoiseach's more recent public utterances on devolution bear more than one construction (though they are not obviously unhelpful), and his private assurances that he is strictly neutral on the subject need to

be balanced by his recent overtures to Unionists, and possible desire to put his imprint on future lasting political settlement in a context not confined to Northern Ireland. All, therefore, seems to play for.

It thus remains desirable to take the Irish into our confidence, while recognising their role in the search for a lasting political settlement will also help to rebuild positive relations. Moreover, the Irish could help in persuading the SDLP to react positively the prospect of negotiations. (And the Unionists have said, in terms, that they expect us to discuss their matters with Dublin.) Finally, we need ourselves to be kept informed by the Irish of what they themselves are about.

The Irish could well be more receptive than some of Mr Haughey's remarks could imply: the Taoiseach is interested in placing the Northern question in a broader east/west context and the Unionists are thinking in ways not inconsistent with this. Moreover the Unionist paper has several features which could appeal to the Irish (eg an Anglo-Irish Parliamentary body, meetings between Irish Ministers and appropriate Northern Ireland representatives, and an external affairs committee of the proposed new assembly). This creates a strong case for early discussions with the Irish to demonstrate that we are determined to keep them in our confidence about developments, to recognise their legitimate interest, and to agree on the need for both Governments to nurture the prospects for political development in the North (eg by keeping our options open on the forthcoming Article 11 Review of the workings of the Intergovernmental Conference).

Since any negotiated settlement between the northern constitutional parties would almost certainly require major surgery to the Agreement - which would depend on the consent of the Irish Government, this provides a further medium term incentive for ensuring that the Irish are 'onside' now and kept

there. This suggests discussions at official level, through the Secretariat, over the next few weeks, followed by a discussion at the next normal meeting of the Conference.

13. The Article 11 Review

Officials have already begun planing for the conduct of this Review. A modest review has so far commended in principle, itself to the Secretary of State. But it is recognised that this judgment may change in response to events elsewhere: including, for example, the Taoiseach wishing to set his personal stamp on the Agreement; an unhelpful verdict, or Irish defence, in the McGimpsey case which is now developing speed. Above all, whether political development will take off, to become an issue of real relevance to Anglo-Irish relations. If it does, this could well turn out to dominate the Anglo-Irish process generally, as well as the specific issue of the Article 11 Review. If not, the other elements of the 'game plan' will suffice. But certainly as long as the uncertainty lasts, we will not want to rush into any Review.

Irish officials appear to accept that it is too soon to plan now - too much can and probably will happen before the autumn. There is accordingly provisional agreement that the Review could probably not be launched before the early autumn, and until then, we should not attempt to decide how wide-ranging it would be. Nor can we yet address the question of how Northern Ireland political parties might be taken into account in the Review. Despite these imponderables, however, it seems desirable for officials to continue to clarifying the options available, especially in regard to the linkage between political progress and the Review, and what is known of Unionists attitudes in regard to participation. But they should not be discussed with the Irish at this stage. On the other hand, it is desirable for the Secretariat to keep in touch lest the two sides get out of step. It will also be

desirable both on official and Ministerial levels, to remind the Irish, where appropriate, of the dangers of arousing expectations in public.

11. International Fund

The last meeting of the Intergovernmental Conference agreed to look again at the question of an input from the EC, not least in the interests of prompting a fourth tranche of US money, and hence avoiding the undesirable implication that international support for the Agreement was evaporating.

This is a subject to which the Irish appear to attach a great deal of importance, and affect not to understand our difficulties in seeking aid from Brussels. For that reason alone, it would be unhelpful to appear ungracious, or give the impression that Treasury doctrine on 'non additionality' was the only, insuperable barrier to progress. Officials have, therefore, met recently to analyse the problem further. A meeting between officials from both sides is planned for later this month to discuss, without commitment, possible ways forward.

12 Anglo-Irish Parliamentary Body

Irish officials believe that this may be an idea whose time has come: there was, in their view, interest at Westminster in Parliamentary links with the Republic; but in practice nothing would happen unless HMG gave its approval. Hence, a Ministerial impetus was now required. It is, moreover, an idea to which the Unionists appear, in principle, to be sympathetic.

This proposal accords with Article 12 of the Agreement. Previous examination by officials, moreover, suggests that, provided acceptable terms of reference of membership were

devised, and that the Unionists were prepared to participate, then there would be no reason to seek to oppose Parliamentary pressure for its establishment. But it is not yet clear that the Unionists would want to participate in the absence of a more wide ranging settlement (their thinking should be probed); and there is persuasive information that Government backbench sentiment at least, following recent outbursts in the Dail, would not be sympathetic for the present. It would, therefore, be misleading to allow the Irish to believe that the establishment of a Body was imminent, although they could be told, via the Secretariat, that while the idea does not at present appear to command the support suggested, HMG e remained sympathetic, in principle, and would be prepared to consider the proposal in more detail when the time was ripe.

13. Other Issues

The above list of major 'agenda' items on which we should seek joint progress is not exhaustive: other items likely to feature over the coming weeks, whether informally or at IC meetings, include:

- (a) Irish language: Ministers might now be prepared to reconsider such issues as Irish street names or bursary for students in the Gaeltacht. While neither is a major issue, movement by HMG could help in rebuilding confidence (see paragraph above);
- (b) Economic Cooperation: it remains desirable, on political as well as economic and social grounds, to have a 'shopping list' of projects of our own. If we could satisfy the Irish of our good intentions here, this would be a real advance.

14. The Next Steps

The immediate priorities must be to:

- (a) re-establish Irish confidence in our commitment to the Anglo-Irish process, since this of the major issues listed in paragraphs 6 and following above; and, where possible,
- (b) anticipate and avert the kind of difficulties that have bedevilled our bilateral relationship recently. Procedurally, this requires us to proceed with establishing the machinery, both internal and Anglo-Irish, identified in paragraph above.

It is first, however, necessary to secure agreement to the approach sketched above at both official, and Ministerial levels. This suggests a meeting of PUS' AISG before Easter, while bringing the Cabinet Office onside at the same time. Thereafter, the Agreement of the Secretary of State might be sought on the basis of an abridged and amended version of this paper. The Secretary of State might also judge it prudent to seek the endorsement of the Prime Minister and Foreign and Commonwealth Secretary in particular for his strategy (which, of course, goes more widely than Anglo-Irish matters, although a successful relationship with Dublin, as well as being of the highest importance in its own right, is a condition of success even for internal policies within the Province. On the assumption that Cabinet colleagues will be broadly content, we should proceed (and in some cases continue to proceed) with the implementation of the various elements of the 'game plan' as follows:

- (a) exploitation of all available channels of communication, whether via the Secretariat or conventional diplomatic channels (as well as less formal, but regular contact between Irish and British officials (not necessarily confined to the

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NIO or FCO)) to make the necessary points, and ensure the Irish are consulted and informed as much as possible;

- (b) a major speech (or start of a series of major speeches) setting out the Government's policies in Northern Ireland over the coming months and emphasising the necessary link between our internal objectives in the Province and cooperative relationship with Dublin (A preliminary draft is already on the stocks). This might be complemented by a further speech from Sir G Howe;
- (c) an agenda of major issues to be discussed, in the first instance, through the Secretariat on the items listed above; with, in accordance with the progress made there, items being 'promoted' for inclusion on the agenda of the next meeting of the Conference. It is likely that there will be sufficient business to discuss under security cooperation (including extradition), fair employment, political developments, and fall out from recent events to justify a full meeting certainly by the middle of next month. (There is insufficient time left before Easter; while to delay beyond mid-April would raise questions about the state of the relationship. (A highly provisional timetable is attached at Annex B.)

15. A Summit?

Senior Irish officials do not see the Anglo-Irish relationship developing far, and certainly no far reaching sense of confidence, without the impetus of the two Heads of Government. They argue that the scale and nature of the Article 11 Review would also need their approval, and possibly involvement. This suggested a Summit either in the summer or early autumn.

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These arguments are not without force - provided such a summit was able to top our work that had been going on at other levels, the 'agenda' noted above. Thus with determination and a modicum of luck, a summit in the summer might well have several Northern Ireland issues of real substance to agree on (fair employment, security, and possibly others, including political development) as well as one substantial decision to take on the Review;, and perhaps also some bilateral non-Northern Ireland issues to discuss also. It follows, therefore, that until we are sure that the two Principals would have sufficient business, it will be premature to make firm recommendations either way. By mid-April, however, the likely scale of substantial progress should be clearer, and Sir R. Butler's visit to Dublin then period would be a natural opportunity to explore the possibility further. He could be briefed accordingly, in the light of developments between now and then.

This analysis accordingly suggests the 'game plan' in a Summit, which itself might have especial attractions for the Taoiseach: it would not only (if handled properly) set the seal on the process begun at his 1981 Summit, with the Prime Minister; the prospect might also encourage him to collaborate more wholeheartedly on the preliminary 'agenda'.

NORTHERN IRELAND OFFICE
SIL Division
21 March 1988