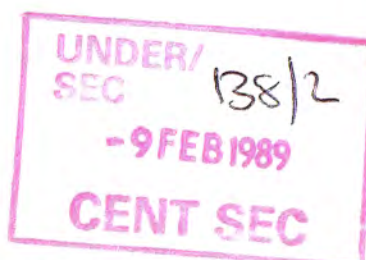


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From Q J Thomas
AUS(L)
9 February 1989



① Mr Spence
② Mr Wilson - to
see & return pl.
Mr Spence

PS/S of S (L-B) - B

ANGLO IRISH RELATIONS: MINUTE TO THE PRIME MINISTER

The Secretary of State indicated earlier this week that he wished to minute the Prime Minister about Anglo-Irish Relations generally, partly as a companion piece to the Foreign Secretary's minute of 19 January. The minute also provides an opportunity to report on progress on the Article 11 Review (and a separate minute to the Lord President would raise the question of a debate on that) and to advise the Prime Minister and colleagues of the forthcoming speech on political development. Accordingly, it would be desirable if the minute were to issue in good time before this speech is delivered.

The attached draft is I hope largely self-explanatory. The draft does not allude to the idea of publishing, whether in connection with the debate or otherwise, a 'joint paper on the achievements of the agreement to date'. Mr Bell's submission of 24 January offered a draft of this and sought guidance from the Secretary of State about its further handling. If there is to be a debate within the next few weeks, and if it is decided to publish this in advance, or alongside the debate, there will be little time to secure an agreed text with the Irish. Indeed we might attempt the more modest objective of publishing it as a British paper, though one which the Irish would not criticise publicly. On that basis, provided the Secretary of State is content with the draft attached to Mr Bell's earlier submission, the next step might be to seek an Irish response to this text through the Secretariat.

The Secretary of State is accordingly invited:

- (i) minute the Prime Minister as in the attached draft,

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(ii) to approve the draft paper on progress under the Agreement attached to Mr Bell's submission of 24 January, and to agree that it should be exposed to the Irish through the Secretariat on the basis that we seek to publish a paper, if necessary as a British paper, in connection with the proposed debate on the Review.

(SIGNED)

Q J THOMAS
AUS(L)

9 February 1989
Extn OAB 6469

cc PS/S of S(B) - B
PS/M of S(L&B) - B
PS/Dr Mawhinney(L&B) - B
PS/PUS(L&B) - B
PS/Sir K Bloomfield - B
Mr Burns - B
Mr Stephens - B
Mr Miles - B
Mr Spence - B
Mr Wood(L&B) - Mes Serv
Mr Bell - B
Mr Blackwell - B
Mr Kirk - B
Mr J McConnell - B
Mr Masefield - B
Mr George, RID (FCO) - M
Mr Manning (Cab Of) - M
Mr Hallett - B

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Prime Minister

ANGLO IRISH RELATIONS

1. I read with great interest the Foreign and Commonwealth Secretary's minute of 19 January and wish to add some comments of my own on Anglo-Irish relations, from my Northern Ireland perspective.

2. We have just held the first meeting of the Intergovernmental Conference this year. It was a constructive and business-like occasion and, unlike our December meeting in the shadow of Ryan, was neither dominated nor occasioned by some topical crisis. This leads me to confirm the thrust of Geoffrey Howe's judgement. While the Anglo Irish Agreement could never have removed all tensions and frustrations in our dealings with the Republic, it has provided a worthwhile and workmanlike framework. Moreover, both sides have, under the practical tests of time and trouble, continued to find its mechanisms useful. It has delivered practical results: better security cooperation; some reassurance to the minority community; and to an extent served to coopt the Republic to our approach to the situation in Northern Ireland (or at any rate blunted what would otherwise have been sharper criticism from the South). Apart from the intrinsic merits, this has undoubtedly aided greater and more sympathetic understanding of the position abroad, particularly in the United States. [Brian Mawhinney, on his recent visit to the USA, found a growing measure of understanding of our policies.]

3. On the security front, there have been a number of positive developments (notably some excellent finds of material) in recent months to confirm my view that the Irish really do accept that we have a common enemy in the IRA. They have shown an increasing understanding of the value of preemptive intelligence and are making deliberate efforts to get more of this - the developments reported in the Taoiseach's recent letter to you are particularly encouraging. The recent changes at the top of the Garda also seem to augur well for the future. But there is still plenty of room for more achievement, as distinct from goodwill, on the security

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cooperation front; and we will continue to press for this. On extradition there have been some successful applications for extradition, and extraterritorial prosecutions within the republic, but these are the exceptions rather than the rule, and we lack a working system in which we can place confidence. We must continue to press for improvements to extradition, and explore the extraterritorial route where appropriate. Patrick Mayhew, in his minute of 27 January, has indicated that he has this in mind where appropriate, while emphasising the continued need in practice for extradition.

4. More generally, there is some sense that the present Irish administration is less ready to accept fully the implications of Article 1 of the Agreement: namely that it takes the long term future of Northern Ireland off the political agenda, so that in this context the business of our Government, with the Irish in support if not actively involved, is to focus on improving the prospects of political progress in Northern Ireland. To be fair, given the state of political development within the Province - on which I have more to say below - the issue has not come to the test.

Article 11 Review

5. We are now embarked on the review of the workings of the Conference, to which Article 11 of the Agreement committed us. We shall take that opportunity to register these disappointments with the Republic, and to remind them of our expectation that they will honour the Agreement as a whole. However, there is little purpose in my seeking to pursue the review in a spirit of complaint and recrimination. For one thing, we wish the outcome to be constructive and purposive, and to lead to a joint re-dedication to the framework of the Agreement and to its central tenets. For another, the Irish have their complaints too which they feel, no doubt, at least as strongly as we do ours. In particular they argue that the 'British are not operating the Agreement properly', by which I think they have in mind in particular their view that we

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should actively consult them on many matters of the internal administration of Northern Ireland. In terms of course the Agreement for the most part gives them no more than the formal right to register views. Nonetheless, I acknowledge that their expectation of something more than that has some basis in the process which led to the signature of the Agreement. Second, they clearly see one of the main purposes of the Agreement from their point of view as to give them a role in sponsoring the interests of the minority community, and in providing leverage on us to ensure that we acknowledge their interests. That is of course something we constantly have in mind though that task necessarily has to be balanced by a responsibility also for the majority community and their sensitivities. In specific terms the Irish look to achieve more than they feel they have in reflecting minority views on the administration of justice and the conduct of the security forces.

6. Against that background my objective in the review will be to achieve plain speaking, but in a constructive and forward looking atmosphere. The review will be the occasion to straighten out some misunderstandings and to renew our joint dedication to the purposes of the Agreement in providing a framework of the pursuit of peace, stability and reconciliation. More specifically, we want the Irish to renew their commitments to those features of the Agreement to which we attach particular importance, and I hope we can jointly identify specific items for future work. In this process I hope we can clear away some of the issues looked at in the past and where further study will serve little purpose. (For example, the Irish have shown some interest in returning to their advocacy of a Bill of Rights for Northern Ireland to which there are overwhelming objections of principle and practice.) There are of course a number of matters on which our interests closely coincide. For example, just as the Irish attach great importance to securing the confidence of the minority community in the way in which the justice system operates in Northern Ireland, and in maximising the acceptability of security forces operation, so these are major policy objectives of our own, and would be even if the Irish were indifferent to them.

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7. Although I have invited constitutional politicians in Northern Ireland, as well as those interested in Great Britain, to let me have their comments on the review I have not received a great crop. SDLP comments are promised shortly, but the Unionists are ignoring the review. They will not like it when the completion of the review shows that (as they privately expect) the Agreement has not been diminished by it. We might avoid unnecessarily bruising their sensitivities, and there is nothing in my approach that damages any real interests of theirs. That is why I have gone to such pains to make it harder for them plausibly to complain that they have not been consulted. In addition to seeking written comments, both John Wakeham and I have already said that the House would have the opportunity to debate the review, and I am minuting him separately about handling difficulties and the timing of this. Since I see it as an occasion to take the views of the House it is important, if we decide to proceed with a debate, that it happens soon so that we can then move quickly to complete the review with the Irish. I envisage that the outcome of the review, which could be endorsed at a meeting of the Conference, would be a relatively brief text reaffirming commitment to the Agreement, recording progress under the different Articles and setting out what I hope will be an agreed programme of work for the Conference in the future. I expect to reach this stage around Easter. Presenting the result will, of course, require careful and sensitive coordination with the Irish, though I envisage there will be some published outcome, perhaps in the form of a joint communique.

Political Development

8. The hesitancy on the part of the present administration on the question of Northern Ireland's guaranteed status within the United Kingdom is matched to a degree by some ambivalence to the question of establishing a fully acceptable devolved Government within the Province. It may be possible to secure their wholehearted support in future, which may matter because of the influence they can bring to bear on the SDLP. After all, the

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establishment of a fully acceptable devolved Government leading to peace, stability and reconciliation may not lead away (as the Irish sometimes fear) but towards harmonious relationships between the various parts of Ireland. For the moment we are some way from needing to put that to the test, but the informal talks in which the parties in Northern Ireland have been somewhat falteringly engaged are a hopeful sign. These have of course recently become public knowledge and while many have acknowledged that we have been right to stand back there is equally an expectation that at the right moment we must facilitate the process of political development.

9. In fact, well before the Duisberg talks became public, I had it in mind to take some modest steps to explore the current state of political feeling on the scope for constitutional progress. I plan to deliver a speech soon which, without the dramatic flourish which would falsely raise expectations, that we shall be embarking on exploratory private talks to sound opinion among political and community leaders. Even if this does not reveal the prospect of early progress, I think it right at this time to signal publicly our readiness to seek a way forward. It may just be that public opinion within the Province will now be ready to press local political leaders to continue the search for common ground, which the Duisberg revelations foreshadowed.

10. I shall emphasise that these talks will focus on political arrangements within Northern Ireland, and thus focus on the central relationship between the two communities there on which other relationships depend. (The SDLP is more inclined to emphasise the centrality of the relationships between the Unionists and the rest of Ireland, which exacerbates the fear of the majority community that they are on route to a united Ireland.) Accordingly, the talks have no immediate bearing on the Anglo-Irish Agreement and take place outside it. Nonetheless, the question of 'suspending' the Agreement to allow such talks to progress, which recent revelations have shown to be the central issue discussed at Duisberg, is bound to arise. We have always acknowledged our willingness to operate

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the Agreement sensitively in this respect. Beyond that our position must be reserved.

11. I too then see the prospect of a constructive and developing relationship with the Irish Republic, within the framework of the Anglo-Irish Agreement. I hope too that we may encourage and facilitate political progress within the Province, if necessary enlisting the support, to which they are committed under the Agreement, of the Irish at the right time. There are unlikely to be dramatic developments in either internal or external relations, but gradual progress despite inevitable setbacks and disappointments.

12. I am copying this to Geoffrey Howe, Douglas Hurd, George Younger, James MacKay, Patrick Mayhew and Sir Robin Butler.

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