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Developments ahead on Northern Ireland - The Taoiseach's Meeting
with Mrs. Thatcher

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Introduction

1. The aim of this paper is to direct attention to certain issues in relation to Northern Ireland in the run up to the Taoiseach's meeting with Mrs. Thatcher at the European Council. The paper draws to some extent on recent reports from Belfast and London. It is intended to provide a basis for policy discussion at political level but not to presume on, or to prejudge, decisions at Ministerial level about what that policy should be.

The Agreement?

2. It does seem right however to start with the assumption that for the foreseeable future - and at least until we begin to propose for the three year review of the working of the Conference provided for in Article 11 - the Anglo-Irish Agreement will provide the framework both for Anglo-Irish relations and for the Government's approach to Northern Ireland. If it is felt from an Irish Nationalist view point that the Agreement is inadequate it would nevertheless seem right to hold on to it and work it until it can be replaced by something better; and if present stirrings on the Unionist side and their expected return to Westminster lead to a search for new ways to accommodate the Unionists, the degree of commitment to the agreement on the British side would still appear to be enough to ensure that it will remain for the British Government too an essential framework.

3. As a framework however, the agreement cannot be static. It is at best a procedure rather than a settlement; and as a procedure it needs to be worked continually and used creatively if the role which it accords to Dublin in the affairs of Northern Ireland is to be a benefit rather than a burden.

4. Leaving aside for the moment issues relating to Article 1 of the Agreement (Status) there are some other, general, features of the Agreement worth pointing to:

- (a) It allows Dublin to have an input over a very wide area in the affairs of Northern Ireland on behalf of the minority. The system of Government in Northern Ireland (NIO and Northern Ireland Civil Service) are expected to accept this with a good grace and respond to it - notwithstanding the discomfort it can sometimes cause them.

- (b) It assumes that, with full respect for sovereignty, both sides to the Agreement are strongly committed to acting against terrorism through the new framework for cross border security cooperation. This may at times prove less than comfortable for us because of the standing which it gives the British side to press us on a number of policing and security issues.

- (c) There is a constant need for an over-view in judging the working of the Agreement. Issues which arise under (b) which may be difficult for us have to be weighed in conjunction with issues arising under (a) where we are pressing the British side, on a variety of matters of concern to the minority, including policing in Northern Ireland.
- (d) The relationship created between the two Governments by the Agreement is such as to impose "good faith" obligations on each side in dealing with issues affecting the other or relating to the Agreement (the Agreement itself provides in Article 2 (b) that "in the interest of promoting peace and stability, determined efforts shall be made through the Conference to resolve any differences" and the Joint Communique issued by the two Heads of Government on the occasion of signature says in paragraph five that " the Prime Minister and the Taoiseach committed themselves to implementing and sustaining the measures set out in the Agreement with determination and imagination"). As a consequence of this each side has come to expect that the other will not spring surprises on it; and that in matters arising from or connected with the Agreement there will be adequate consultation and discussion before new measures are announced or final positions taken up in public. This has worked reasonably well so far - with some hiccups.

The British election - the new British Government

5. The British election has resolved a lot of questions and dashed the hopes of the Unionists that they might have a bargaining role in a hung Parliament. Mrs. Thatcher has been returned to power with a slightly diminished majority but politically, she is in a more dominant position than ever. She may decide to groom a successor and leave half way through her term but she could continue in Office more or less indefinitely. It must be presumed that she is the British Prime Minister with whom the Irish Government will have to deal for as far ahead as one can reasonably foresee.

6. She has appointed a new Cabinet which has pluses and minuses from our view point. King remains-so that at least a new Secretary of State does not have to learn on the job. Howe and Hurd, both very positive towards the Anglo-Irish Agreement, also remain in place. Hailsham - an old-style Unionist who strongly opposed three-judge Courts - has been replaced as Lord Chancellor by Havers who does not favour such Courts but is more likely to tack with the prevailing wind. Mayhew, the new Attorney General is a stronger figure than Havers; and he has a Unionist outlook. But he is reasonable and may be open to cultivation. Stanley, King's new deputy who replaces Nicholas Scott, is likely to be difficult with an over-emphasis on security.

Taoiseach's meeting with Mrs. Thatcher

7. The immediate issue ahead is the Taoiseach's expected meeting with Mrs. Thatcher on the occasion of the European Council in Brussels 28-29 June. This will probably be a relatively short meeting - 30 minutes or so - since each will be preoccupied with matters arising at the European Council. The Taoiseach will no doubt be well acquainted with Mrs. Thatcher's general style and manner. It may however be desirable to offer some comments on how she may approach this meeting.

8. Mrs. Thatcher is firmly committed to the Anglo-Irish Agreement as something which, from an initially sceptical position, she came around to accept and sign. The very lack of any deep historic feel for Northern Ireland as an unsolved issue in Anglo-Irish relations which made it difficult for her at the outset to accept the Agreement now works the opposite way - against the Unionist position. She has shown little or no comprehension of their effort to appeal to old loyalties; and she has been repelled by their extra-Parliamentary opposition to an Agreement which she herself had come to accept as reasonable.

9. At the same time Mrs. Thatcher, in her dealings with Dublin, is prone to say that she has had all the "kicks" from the Agreement so far, while Irish Nationalism has had all the benefit. This leads her to press strongly, and at some meetings to lecture the Irish side, on security cooperation and on the extradition issue, which she sees as the two (related) issues where she had hoped for some gains from the Agreement.

10. It is quite possible that at her meeting with the Taoiseach, Mrs. Thatcher, pleased that the new Irish government is working the Agreement, will concentrate on re-establishing a good working relationship - so that the meeting will be of importance more for atmosphere than for substance. This, no doubt, is what the Foreign Office would like and will advise. But it is also possible that she will "preach" a bit once again about security cooperation; and the Taoiseach should be prepared for this.

11. The substance and the detail of security cooperation are matters for the Minister for Justice and his Department; and they are outside the competence of this paper. However it seems right to draw attention briefly to the British view - without making a judgement on its validity - so that if Mrs. Thatcher does take this line the Taoiseach will be prepared for her approach.

12. This British view is different from what might be called the "traditional" British view in that the criticism is not now made in public, in a point scoring way and also in the fact that it recognises the good will on our side and in particular on the part of the Gardai. The criticism focuses rather on what are said to be the limited results in terms of security successes on the ground in Northern Ireland attributable to information exchanged etc.; on our willingness to commit resources particularly to surveillance work; and on effective means of communication between security forces North and South.

13. The existence of this British view, which surfaces from time to time at political level outside the immediate framework of security exchanges, is simply noted here in case Mrs. Thatcher takes it up with the Taoiseach as she has done on occasion at other meetings in the past. We, of course, have answers on all these points. However as noted above the substance of the issue is a matter for the Minister for Justice and outside the scope of this Memorandum.

14. There is another longer term point that might, respectfully, be noted here. If, as may be assumed, good relations are re-established between the Taoiseach and Mrs. Thatcher at their meeting in Brussels, there will, no doubt, be further Summit meetings later between them. There will therefore, be a continuing need for the Taoiseach even if it does not arise on this occasion to consider how to handle this propensity of Mrs. Thatcher to seize on and pursue some issue where she feels she is in the right, in a single minded - not to say self-righteous-way. There can sometimes be a difficult choice between responding argumentatively in turn - as may seem necessary to maintain one's own position - and showing a measure of patience which could perhaps be of longer term benefit. This is mentioned here, with respect, simply to point to a dilemma which the Irish side has faced from time to time in past meetings with Mrs. Thatcher and which may recur - either at next week's meeting or later - because of her personality and approach.

The Unionist position

15. Following the British election it now seems likely that the Unionists will adjust their tactics somewhat both within Northern Ireland and at Westminster. Whether this is purely tactical or represents real movement on their part remains to be seen. In either case the Irish Government may be facing some new developments and it would be desirable to consider our response.

16. We had assumed that in the weeks ahead the Unionist "task force" report will be published - though some recent reports have cast doubt on this. If it is published it will probably contain ideas for ways out of the present impasse and set conditions, possibly including a suspension of the Agreement or the Secretariat. At the same time well meaning intermediaries such as Archbishop Eames and Sir Kenneth Bloomfield Head of the Northern Ireland Civil Service will be active in seeking to promote dialogue and movement. Bloomfield's idea of an Assembly with purely consultative powers in which both Unionists and SDLP could participate may come to the fore.

17. It is expected too that the Unionist MP's, having got off the hook through the election, will now take their seats in Westminster. They will no doubt be welcomed by Government party managers such as the leader of the House John Wakeham. (Though he is well disposed towards us, he has been trying for some time in his previous role as Government Chief Whip to engineer their return). Efforts will no doubt also be made to restart a dialogue with the Government - picking up perhaps from the meeting which Mrs. Thatcher, had with Paisley and Molyneaux in February 1986 (The Unionist leaders were subsequently repudiated when they returned to Belfast).

18. It is also likely, in part as a response to any movement on the part of the Unionists and in part for more general reasons, that ideas for improved consideration of Northern Ireland legislation at Westminster, such as a Northern Ireland Committee, will be proposed from the Government side. (There is comment from time to time about how unsatisfactory it is that Northern Ireland business is so often handled very late at night with a poor attendance and by way of unamendable Orders-in-Council).

19. Whether or not all of this indicates a real openness to movement on the part of the Unionists, we must at least expect a more sophisticated and organised Unionist campaign at Westminster as they try to make up the ground lost over the past 18 months of absence and intransigence.

20. If there is indeed some movement on the part of the Unionists and some willingness to engage in talks and dialogue as a result of the chastening effect of the Agreement it would be necessary for the British Government, in seeking to draw the Unionists into dialogue, to consider their tactics carefully. It will no doubt be argued that some easing off of the "pressure" on the Unionists is desirable if there are signs of movement. On the other hand, and even from the British Government's own view point, any indication of a willingness to change or suspend the very Agreement which put such pressure on the Unionists could actually be counter-productive.

21. Obviously any signs of real movement by the Unionists would also raise questions for the Irish Government as to what line to follow both publicly and privately in exchanges with British Ministers. It would also raise important questions for the SDLP who would need to avoid being wrong-footed and made appear unreasonable if proposals are made for discussions on devolution or on a "consultative assembly".

22. It should be remembered to that under the Agreement (Article 4 (c) the Irish Government has a role as of right in putting forward views on proposals on devolution;

"the conference shall be a framework within which the Irish Government may put forward views and proposals on the modalities of bringing about devolution in Northern Ireland insofar as they relate to the interest of the minority community".

This provision would appear wide enough to cover not simply the making of proposals for devolution by the Irish Government itself (which the Government might want not to do) but a right to comment on any proposals brought forward by others.

23. One positive development as regards the SDLP is the fact that they now have three MPs at Westminster. This would allow them to act as a Party and not merely as isolated individuals (They are now more than half the size of David Owen's SDP and the

same size as Plaid Cymru and the Scottish nationalists respectively). They could, if they wish, increase their influence at Westminster by developing new contacts in the Tory Party, and by being seen to speak on and take an interest in, a variety of issues rather than gaining a reputation as "one issue MP's" as the Unionists have done.

24. The new Parliamentary session which begins at Westminster on 25 June and lasts for some 4/5 weeks will be very important in setting a pattern if, as predicted the Unionists resume their seats. Over the past few years the Embassy, at Government direction, developed a lot of new contacts - particularly in the back benches of the Tory Party with a view to getting across to quarters which were not naturally sympathetic to our position the role and the concerns of the Irish Government. A particular effort was necessary to establish, even with fairly right-wing Conservative MP's, that they should view Northern Ireland as a political, and not merely as a security problem.

25. This active approach and use of contacts already made can now be continued and stepped up (or down) as Government and Ministers here wish. If this active role is to be maintained, under Ministerial direction and to promote Government policy and make it better understood, then it should be complemented by other steps such as "briefing" visits to Dublin from time to time by small selected groups of back bench MP's. Such visits to Northern Ireland are regularly arranged by the PSS to the Northern Ireland Secretary, (Andrew Mackay) and MP's frequently express an interest in similar visits to Dublin.

26. Consideration could also be given to the further development of relationships (by the Attorney General and possibly the Minister for Justice) with such figures as the newly appointed Lord Chancellor, Havers, and the new Attorney General Sir Patrick Mayhew both of whom have good contacts with the Embassy in London and are open to further cultivation at Ministerial level from Dublin. This could be particularly important if we wish to press strongly on the "administration of justice" issue (three-judge Courts etc.) on which both will have an important role.

27. In all of these contacts the aim would be to ensure full understanding of Irish Government policy; to maintain and develop the understanding that Northern Ireland is a political problem and to avoid slippage to where it is seen again as merely a security issue (on which Dublin must be pressed for greater cooperation); and to counter what may be expected to be a more sophisticated Unionists approach in the new Parliament. It would also be important to press home the point that it is not the mere existence of the Anglo-Irish Agreement in itself which could provide a redress of the balance for Nationalists in Northern Ireland but what can be done or "delivered" under the Agreement. The point might be made that if there had been more evident "delivery" so far then the seat in West Belfast could possibly have been wrested from Gerry Adams by the SDLP.

28. These points and this approach are mentioned here for consideration. It is of course for political decision and direction as to whether this is the correct approach to follow.

Conclusion and Summary

29. The aim of this paper has been to set out in an organised way some issues for consideration - many of which will already be well known. The main points might be summarised as follows:

- (i) It is presumed that the Anglo-Irish Agreement will provide the framework both for Anglo-Irish relations and for an approach to Northern Ireland for the immediate future.
- (ii) The Agreement is however a procedure rather than a settlement; and it needs to be worked and used creatively on a continuing basis.
- (iii) In doing this we need to take an over-view and balance the discomfort which we may feel at times because of British pressure on security against the discomfort which the British side feels at the input allowed to Dublin over a wide area of Northern Ireland affairs.
- (iv) Implicit in the Agreement is an understanding that there will be adequate consultation and discussion by each side with the other before final positions are taken up.

- (v) Mrs. Thatcher, it must be assumed is the British Prime Minister with whom any Irish Government will have to deal for the foreseeable future.

- (vi) She is firmly committed to the Anglo-Irish Agreement but can sometimes be self-righteous, not to say exasperating, in pressing her view on issues such as security cooperation and extradition. It is possible that she will show this side of her personality at the forthcoming meeting with the Taoiseach but it is more likely that the concentration will be on re-establishing good relations.

- (vii) One must expect signs of movement by the Unionists and well meaning efforts by others to promote dialogue. Unionists MPs will take their seats in Westminster and they may take a more sophisticated approach to getting their views across in London.

- (viii) This will raise questions for careful consideration in Dublin about how to respond and how to avoid being wrong-footed. Similar questions may arise more acutely for the SDLP who will not want to appear unreasonable.