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AN RÚNAÍOCHT ANGLA-ÉIREANNACH

BÉAL FEIRSTE

ANGLO-IRISH SECRETARIAT

BELFAST

*P.A. Policy Review Conf. Jille TR 1/11
M. Anderson*

6 January 1988

Mr. Dermot Gallagher
Assistant Secretary
Anglo-Irish Division
Department of Foreign Affairs

Dear Dermot

I enclose as requested a background paper as a contribution to our prospective discussions at the internal review meeting on the 8th January.

Yours sincerely

S. O Huiginn

S. O Huiginn
Joint Secretary

The Agreement to Date

1. The Anglo-Irish Agreement enters its third year with the merit of having survived, but it is subsisting to a disquieting extent on its initial political capital. On the symbolic level it has had a highly significant impact, not least because of the obligingly frantic unionist response. This reaction was not however gratuitous. There is a sense in which the Agreement can be seen as a first faint crack in the integrity of the union, containing a potential threat of a historic British shift to manage the unionist problem in Ireland through an alliance with nationalism rather than maintaining separate and compartmentalised relationships with both traditions. The explicit recognition of the need to accommodate the rights and identities of both traditions in Northern Ireland could bode only unwelcome changes for unionists. The Secretariat, licensed to ply its cunning sap-work inside the union, was the outward sign of inward change. These developments were rightly perceived as serving notice that the unionist veto on political movement was not absolute. The Agreement has therefore served as a political catalyst, although to a degree or indeed in a direction not yet fully determined. These symbolic effects were produced at the outset and almost independently of the actual working of the Agreement.

2. The practical achievements of the Agreement are less readily summarised. The annex to this paper attempts to list the main ones, (admittedly on a slightly less austere definition of casualty than is currently affected by the British side), and gives a list of items in the Agreement which have been dealt with only slightly, if at all. The balance-sheet contains a number of valuable achievements from a nationalist point of view. At the same time the operation of the Agreement points to a worrying underlying trend. The "nationalist" agenda of the Conference has not broadened beyond its initial limits and has reached stalemate on a number of these points. The concessions which have occurred have related for the most part to equal treatment of citizens, on which Britain was in any case vulnerable in public opinion terms. In areas which might represent a symbolic concession to the Agreement, or a recognition of the collective ethos of nationalism, the response has been generally negative. The experience under Article 6 of the Agreement, (public appointments) where less than a quarter of our

very limited number of suggestions has been accepted and even a nomination to the Police Complaints Commission was rebuffed rather than welcomed is a fairly typical illustration of the way in which the role of the Irish Government is seen as a merely consultative one. The policy of the Stormont administration is to cultivate a supposedly neutral "middle ground" in Northern Ireland. They are happy and anxious to recruit Irish Government support for that policy but not to change significantly their criteria or procedures to cater actively for the nationalist ethos. This appears to be endorsed by the British, suggesting that they currently see no need to sustain that willingness to make imaginative change to recruit nationalist goodwill which seemed to supply the impetus for the Agreement and to hold much of its promise.

3. The British attitude to implementation of the Agreement and current sense of priority can perhaps be guessed at as follows:

- (i) Nationalists were seen to "win" through the enactment of the Agreement and should therefore take a patient long-term view.
- (ii) There is scepticism about the extent to which further concessions can reduce the Sinn Fein vote below a core support of 80,000 or so, or affect the IRA campaign at all.
- (iii) The immediate objective is to draw the Unionist leadership into some form of acceptable devolved Government and this objective will be served by a minimalist implementation of the Agreement more than relations with nationalists will be damaged by it.
- (iv) There is still uncertainty, due to the McGimpsey case and other factors, on the extent to which the two key British objectives reflected in Article 1 of the Agreement and in the commitment to enhanced security cooperation, will be secured in practice.

The minimalist British operation of the Agreement is seen also in a desire to distance even reforms of nationalist interest from its operation, and to play down the role of the Secretariat, even on security issues, which might have commended the Agreement to unionists. There is a growing trend to 'bureaucratisation' in the responses to our representations. This British approach probably reflects tactical

purposes, rather than any desire to abrogate the Agreement. Nevertheless it poses a serious problem for the Irish Government. The Anglo-Irish Agreement represents an important theoretical recognition by the British side of the legitimacy of our interest in Northern Ireland. However except for certain procedural issues, failure to establish an Irish-British consensus relegates the Irish side to a purely consultative role under the Agreement, which in its worst manifestation amounts to responsibility without power. A persistent British resistance to nationalist concerns will inevitably produce a situation where the practical functions of the Agreement are seriously at variance with its "myth" (in the best sense of the word). Once the symbolic and practical functions of the Agreement cease to reinforce each other they will begin to undermine each other. There is a danger that the next year will see a progressive loss of the credibility of the Agreement in nationalist eyes and that the high hopes vested in it will be attended by the nemesis of a proportionately deep disillusionment.

4. A first object of policy should therefore be to preserve the credibility of the Agreement as an effective vehicle for nationalist progress. This requires an active working of the Agreement, since a minimalist approach on our own side will not dissociate us from doubtful British actions, but merely reduce further the prospect of advancing the nationalist agenda. Secondly it requires us to assert the role of the Secretariat as the tangible symbol of the changed relationship expected from the Agreement. Thirdly we should use the Agreement to assert a strong nationalist programme and be seen to do so. Finally we should seek to expand the role of the Agreement as an agent for change in Northern Ireland.

5. The nationalist programme which should be asserted through the Agreement reflects the concerns of the nationalist community in Northern Ireland as is already largely familiar. It would include:

- Security Forces: emphatic insistence on the need for the security forces to discharge their duties evenhandedly and with full respect for the rights of the nationalist community (UDR accompaniment, Stalker/Sampson, harassment).

- Courts: the suggested internal study is unlikely to achieve anything beyond the existing 'stand-off' between the British and Irish viewpoints on the Diplock Courts. Perhaps a purely academic 'Boyle/Hadden' type study, which did not bind the Governments, might better serve the objective of sustaining a focus on the issue without allowing it to dominate the intergovernmental agenda.
- Prisons: while there is no immediate difficulty the potential for political damage requires a constant vigilance.
- Employment Practices: a major nexus of interest, at once of deep practical and symbolic concern to nationalists and difficult for the British to resist. We should be seen to take a high profile on this and link it to the work of the Conference.
- Nationalist Areas: a related issue is the plight of certain nationalist areas (West Belfast, certain border areas). The current British emphasis on inner city problems offers a good platform for pressing for improvements in West Belfast. In relation to the border areas it will of course be necessary to show some regard in our own budgeting for those priorities we urge on the other side.
- The Irish language should feature on the agenda both for its own sake and its symbolic value as a recognition of the nationalist ethos. We should press for repeal of the 1949 Act forbidding Irish street-signs and for support for Irish language activities.

These are not new ideas but it is necessary that the Irish side be clearly seen by the nationalist community to work the Conference to further nationalist interests such as these. Our press and public relations effort directed towards the nationalist community should also take account of this priority.

Possible Future Developments

7. The review of the working of the Conference, envisaged for the end of this year, will be politically significant as the occasion of a

major public stock-taking of the Agreement. It cannot be in the interest of either side that the conclusion of the exercise should be a sense of despondency about prospects of political cooperation between the two sovereign Governments since that is too valuable an asset to be lightly discarded. A positive balance-sheet requires a more forthcoming attitude on the British side to the nationalist agenda. Clearly it also requires that the British should perceive the Agreement as meeting their key objective of enhanced security cooperation, all the more so since an expectation of reduced violence featured prominently and perhaps over-optimistically in the welcome which British public opinion accorded to it. A review which merely endorses the continued operation of the Conference and its mechanisms is likely to be perceived as an anti-climax and a symptom of the dwindling importance of the Agreement. Ideally the review should underline a capacity for growth in the relationship between the two countries under the Agreement in the management of the Northern problem. Public opinion in Ireland will tend to look on it as an opportunity for the Taoiseach to develop his particular role in the Anglo-Irish process.

8. The agenda of the Agreement contains a number of elements yet to be dealt with. Some of these, such as the Bill of Rights and the courts issues, are worthy of being pursued but are genuinely complex and in the last analysis not of dramatic political impact. This is true also of the interparliamentary tier, at least as an isolated exercise involving nothing more than parliamentary socialising. The process of devolution envisaged under Article 4(b) is of greater scope. It is perhaps worth giving some thought to whether the formal commitment of the Irish Government to this policy under Article 4(b) should be translated into an active priority.

9. Although the Agreement was designed to be tamper-proof by the two Northern communities it does not exist in a vacuum. The state of public opinion in Northern Ireland can only be a matter of guess-work but it is clear that the unionist community is in some psychological disarray. Their opposition to the Agreement is less pronounced than heretofore but this is probably more a matter of fatigue than of acceptance, although a dawning sense of the limits of the Agreement may also play some role. There is a diffuse desire for an initiative which would redress the balance in unionist terms, whether in an integrationist or a

devolutionist sense. It may be that a demand for an upper tier of local Government will again provide a meeting point for these two strands.

10. On the nationalist side the initial euphoria about the Agreement is likely to give way to scepticism or disillusionment if the Agreement is perceived merely as the codification of a hollow consultative arrangement. The main beneficiaries of such disillusionment are likely to be the Provisionals. They are experiencing to a greater degree since the hunger-strike the contradictions between the ballot-box and the armalite. However they have been importing more arms than, on anyone's reckoning, they have at present activists to handle. This, and the overtly provocative nature of attacks such as Enniskillen, are ominously consistent with a plan to escalate the conflict and recruit manpower through a degree of community polarisation greater than anything heretofore experienced.

11. On both sides of the community there is a division between a limited number of political incumbents in Westminster seats and the now unemployed former Assemblymen and other local politicians. Thus, any discussions about devolution are likely to be conducted with those leaders who experience the least personal incentive for it. On the unionist side any discussion of power-sharing devolution represents a degree of compromise, and is therefore prone to becoming enmeshed in the collective and personal rivalries of the OUP and DUP as they play at 'spot the Lundy'. The prospects for an acceptable form of devolution are therefore not high under existing conditions.

12. The Agreement has provoked fissures in the unionist monolith but there is a danger that this may lead to a depoliticisation or a creeping integrationism rather than to any inter-Irish dialogue. There is something of a political vacuum on both sides, a situation which has traditionally served the paramilitaries more than the political process. In relation to the nationalist community it would be misguided to presume that the Secretariat, however active, can represent their interest on day-to-day issues with the same depth and persistence as their own local representatives might do. The Secretariat is in any case dependent on an 'input' on such issues which will become progressively more difficult for the Department to muster as the local political process contracts. There

is therefore much to be said for reviving the electoral mandates of a wider span of political leadership on both sides.

13. The British strategy for devolution at present seems to be to coax the unionists into a low-key private dialogue. This has its dangers from a nationalist point of view, since the pursuit of such agreement may exacerbate the existing British tendency to assert the unionist aspects of the Agreement. It is important for the Irish Government to insist on being kept fully informed about this process and to raise strenuous objections if it poses any threat to British commitments under the Agreement or nationalist interests in general. If, however, this dialogue is taking place in any case it might improve the prospects of success and serve our interests better to have it organised in a different way, on the following lines:

- (a) the two Governments agree on elections for a consultative assembly, with the stated aim of drawing the two communities into the process of dialogue initiated by the Agreement;
- (b) they agree on a devolutionary package which, subject to the necessary consent, would enable the consultative assembly to become a legislative and administrative one, with the clawbacks of devolved matters from the Conference as provided in the Agreement;
- (c) the Conference would expedite the nationalist agenda on matters such as Fair Employment legislation, as a necessary preliminary for devolution, since such issues would be difficult for a devolved Government;
- (d) the Governments would explore collectively or individually with the new political representatives other possibilities of broadening the political consensus in the island;
- (e) in the event of failure, all the existing mechanisms of the Agreement would return to operation.

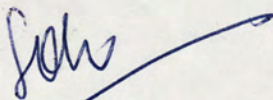
14. Such an approach has many obvious difficulties. The British might well reject such a partnership or impose unacceptable conditions for it. The unionists might boycott it or return with a self-imposed mandate to work only for the abolition of the Agreement. The Provisionals might see it as an incentive to escalate their campaign of violence. But it would have advantages also. Subject to the Agreement maintaining its credibility it would provide an advantage for constitutional politicians over Sinn Fein and would probe the contradictions in the latter between electoral and military strategies. It would be difficult and potentially divisive for the unionists to reject an offer of consultation. A revival of the local political process within Northern Ireland would have advantages over the present vacuum. In the event of a failure to secure agreement on devolution the situation would be no worse than the present one.

15. Discussion on devolution could give fresh impetus to Anglo-Irish dialogue and provide a focus for the review Conference. It could be associated with a number of gestures aimed at attracting some support to the Agreement from areas which are still hostile. Article 1 of the Agreement, if it survives the McGimpsey case, might perhaps be elucidated at the Review Conference as representing the possibility of an orderly progress to Irish unity, subject to requirements of consent which reflect incontrovertible political realities. The unionist demand, which is essentially for Southern disengagement except for security cooperation, is to some extent covered by the clawback of competences of a devolved Government from the Conference, a process whose attractions might be highlighted or enhanced through new structures offering unionists a greater role. Such offers might afford the Taoiseach an opportunity to broaden his dialogue with Northern unionists in a creative way and would at a minimum provoke debate in those quarters on the value of an accommodation with Dublin and create difficulties for unionist extremists. The British interest in devolution, which they must know can hardly be achieved without the active support of the Irish Government, might offer them an incentive to progress on other aspects of the nationalist agenda, and on "unfinished business" of interest to us under the Agreement.

16. If such an approach commended itself to the Government one might envisage different stages:

- (a) internal consideration and consultation with Northern nationalists;
- (b) discussion of Review Conference with the British and negotiations on practical aspects;
- (c) announcement of this program, and possible related measures, at the Review Conference (presumably a Summit);
- (d) Northern elections and consultations and, if agreement;
- (e) a devolved administration (endorsed by another Summit?).

17. The foregoing is of course only one possible option among many and is put forward simply in the spirit of adding to the range of scenarios which might be submitted to the political assessment and judgement of the Tanaiste and Government.



Sean O hUiginn
6 January 1988

Annex

Positive Developments

Action Awaited/Postponed

Article 5

- Repeal of the Flags and Emblems Act
- Strengthening of the law on parades and greater police control of parades
- Improvement in the law on incitement to hatred
- Some minor concessions (Ordnance Survey Map/Arts Council encouragement) on the Irish language
- Franchise for local government and assembly elections to be extended to include 8,000 people (mostly Irish born) excluded under 1962 legislation (the "I" voters issue)
- Decision to demolish Divis, Unity and Rossville Flats
- New guidelines on Fair Employment and a commitment to introduce new legislation

Article 6

- Acceptance of some Irish nominated appointees to Public Bodies

Article 5

- The British have said that, for the moment, they cannot accede to the Irish request for repeal of the provisions of a 1949 Act which has the effect of prohibiting street signs in Irish
- An overall commitment to take significant action in the Irish language area remains for decision
- Rejection of an Irish proposal for removal of the disqualification on simultaneous membership of the N.I. Assembly and the Oireachtas
- Proposed declaration by local government candidates on non-support for violent organisations

Article 6

- A tendency to go for establishment candidates in preference to known nationalists
- Lack of progress on the achievement of a Bill of Rights

Article 7

RUC Code of Conduct implemented

- Some action on accompaniment of UDR patrols

- Improvements in arrangements for parole for prisoners

Article 8

- Ending of supergrass trials

- Reforms in the Emergency Provisions legislation

- Some improvements in the administration of justice area e.g. shorter periods of remand before trial

Article 10

- International Fund established

Article 7

Developments awaited on application of an appropriate similar Code of Conduct to Army/UDR

- No action on a programme of special measures to improve relations between the security forces and the minority community

Accompaniment of UDR still far from satisfactory

- Agreement on an announcement which would hold out the prospect of a stepped up level of releases of prisoners in the event of a decrease in paramilitary violence is still awaited (a possible text was agreed during pre-Agreement negotiations)

Article 8

- British refusal to accept Irish proposals on three-judge courts

- Irish proposals on structural/organisational reforms in the courts not accepted

Article 12

- Interparliamentary tier not yet established

An appraisal of the Agreement, November 1985 - January 1988

1. The fact of the Agreement

Before looking at the successes of and difficulties arising under the Agreement, it is perhaps important to look at the effect the fact - the very existence - of the Agreement has had. That political relations in these islands have been transformed radically by it is a reality which has if anything gained strength over the past two years. It is of course vital that the Agreement be implemented with full vigour, using all the mechanisms provided in the Conference framework, but the following broad conclusions may be drawn:

- The Agreement has effectively destroyed the old Unionist veto by the British Government's continued full commitment to it. No public trace of incertitude has been allowed to reach the Unionists in the face of virulent efforts to stir doubts and to dilute confidence in it. We have every reason to believe that this public posture will continue for the foreseeable future.
- The British Parliament, whose endorsement of the Agreement was historic (473 votes to 47), continues to support it strongly. There is widespread irritation that it has not had much visible effect on the level of violence, and there are trickles of serious dissent here and there on the backbenches. By and large, however, Parliament is persuaded that the Agreement is in present circumstances the best prescription (limited as it is and is indeed largely seen by M.P.s to be). Cracks in Parliament's bipartisan approach, following Kevin McNamara's appointment as Labour's N.I. spokesman, have been sealed following robust representations to Neil Kinnock and McNamara himself. In dealing with the Unionists and the anti-Agreement lobby, it is, of course, vital to sustain the bipartisan position of Parliament.
- The British media have been fed a steady line by both Governments' press offices. With the exception of a number of irreconcilable elements in the media - most of whom are in fact seen as appalling generally and not just on Irish questions - and of some tabloids whose Irish lines are simplistic and primordial, the Anglo-Irish Agreement and the Government's policies have, by and large, been receiving balanced coverage. There is a broad consensus in the media that the Agreement is a very good thing and should be preserved by both Governments and implemented by them.
- The British public is rarely aroused from indifference to Irish matters, and then usually by an atrocity, particularly one on "the mainland". It is a fact, however, that over the past several years the public attitude has shifted. There is a general feeling that the Agreement is a good thing; that the people of the Republic and of Britain share a

revulsion against and a desire to eradicate terrorism; and that, increasingly and importantly, the Unionists are a bad lot whose harshness, strangeness and violent behaviour have in recent years made their "Britishness" much less obvious. British phlegm absorbs most shocks, however, and only something as big as the assassination of one of "the Royals" would be likely to precipitate a national withdrawal from Ireland debate. Short of such a hypothetical development, however, and for the foreseeable future, it may be correct to conclude that the British Government, Parliament, the media generally and the public will continue to support the present Anglo-Irish process within the framework of the Agreement.

- The Unionists, however, are clearly still shocked, incoherent and unable to articulate a response other than that which has certainly immensely damaged their case vis-a-vis the British Government, Parliament, the media and the public. There may just be more pity (as opposed to sympathy) for their plight in the Republic than in Britain generally: at Westminster there is an overall feeling that the Unionists' case does not at present merit serious consideration. It is probably true to say that there is in Britain a general, weary consensus that the Unionists are strapped, hump-like, to their back, but that a secret desire, for some futuristic form of surgery which may in time be developed and used, cannot at this stage be articulated out loud.

The ongoing, albeit halting, "talks about talks", between the British Government and the Unionists, are most probably going nowhere. However, the Unionists are attending Westminster again, if somewhat sporadically. The British tactic, of teasing them slowly forward, but without giving anything at all on the Agreement, merits our tacit support (our private scepticism is probably matched by that on the British side). It may be that digestion of the Anglo-Irish Agreement by Unionism will have to be accompanied by a breaking through the crust of the present leadership and the emergence of new leadership which is able to take on the new realities. In the interim, there is very little or no possibility of real movement toward the Agreement's stated target: devolution of power on a cross-community basis. Devolution is not a short-term prospect, but it may be considered politically worthwhile to allude from time to time to its desirability in public statements at political level; the SDLP Members at Westminster are extremely adept at this and, by doing so, reveal all the more starkly the Unionists' incapacity to respond to new political realities in the established constitutional framework.

- The nationalists in Northern Ireland were in British eyes, before the Agreement, more or less synonymous with virulent anti-Britishness and efforts, including violent efforts, to destroy the Union and get the British out of Ireland. The Agreement process; the antics of the Unionists; the performance of nationalist leaders such as John Hume and Seamus Mallon in articulating so well the voice of constitutional nationalism; the wedge between constitutional nationalists and Sinn Fein/IRA (which, of course, must continue steadily to widen if the overall process is to work); all these developments have separated out to an extent some of the main strands of the issue and, inter alia, have in British eyes legitimised the Irish nationalists' position (this has been, from the British perspective, a very important process which has in a few years changed British perceptions from Mrs Thatcher down). Because of the Agreement process, the status of those Irish nationalists, locked into Northern Ireland by the botched processes of the past, has for the present been greatly improved. Their new status, however, surely still depends much more on the honeymoon effect of the Agreement and, to some extent, perceived Unionist chagrin, than on real delivery of the stated objectives of the Agreement, which is certainly still to be seen. It is suggested that in the medium and long term the honeymoon effect and the discomfiture of the Unionists will not at all be an adequate substitute for much more success in the Conference framework.

2. Implementation of the Agreement

It is probably reasonable to say that there is only one valid measure of progress under the Agreement: what the consensus is among Northern Ireland nationalists. Media reports; the Department's own sources; conversations with Hume, Mallon, McGrady, and so on, would seem to attach the highest importance to two main areas: relations with the security forces and fair employment. Even the courts issue does not seem to figure as importantly as these. If this is so, then questions such as the Stalker/Sampson report, and whatever appropriate action it calls for; the closest monitoring of UDR/Army/RUC behaviour and full implementation in particular of all matters arising under Article 7(c); and comprehensive fair employment legislation would seem to be the priority areas in the implementation process over the coming phase.

At this point in time, however, the state of implementation does reflect considerable success. UDR behaviour is better than several years ago and much better than it was before 1983, when the present Anglo-Irish process began. The RUC is much more even-handed and has come through a very difficult phase, vis-a-vis what are basically their own people, following the Agreement. (Indeed, it may be politically useful that the RUC and their families were seen to be under violent attack by "loyalists".) There is a significant

decrease in reports of harrassment of the minority by the UDR and the RUC. There has been some progress on accompaniment, although this clearly needs much further improvement. The Code of Conduct has emerged, albeit belatedly. The first significant steps have been taken toward fair employment legislation. We are unlikely to see any more "supergrass" trials and the Northern Ireland judiciary is more circumspect: it is surely unlikely, for example, to emulate the behaviour of the late Lord Justice Gibson. Emergency laws, including powers of arrest, have been revised. There has been an improvement in minority access to public bodies, in housing, in the courts, in prisons policy. Important identity questions represented by the repeal of the Flags and Emblems Act and the Irish language have seen improvement. All these things have flowed directly or indirectly from the Agreement.

There can be no doubt that the average nationalist supports the Agreement and wants it to remain and be vigorously implemented. However, it is surely true that the Agreement has delivered less and more slowly than might have been expected. There are some understandable reasons for this: the establishment and organisation of the Secretariat and the Conference's work programme was a major task. Also, much of the past year was lost because of election processes in Ireland and Britain, followed by the long Parliamentary recesses (there was only one meeting of the Conference between December '86 and July '87). Over the coming year the establishment of a quickenened rhythm for the Conference and vigorous implementation within the Secretariat framework (where, as suggested below, the perceived authority of our Joint Secretary is vital) should perhaps be one of our overall priority targets.

A balance sheet of the Agreement should also include an assessment of progress in respect of the objective, subscribed to by both Governments in the first paragraph of the Preamble, of the further development of "the unique relationship between their peoples and the close cooperation between their countries as friendly neighbours and as partners in the European Community". (The "unique relationship" was first referred to in the Communique of the May 1980 meeting between the Taoiseach, Mr Haughey, and Mrs Thatcher.)

Trade, commercial, tourist and other economic aspects of the relationship, which are of vital importance to Ireland, are healthy and can be further developed.

Emigration, which has important economic and social implications, has been increasing during the 1980s and is now at a high level. Public perception (in Ireland) of present emigration to Britain is that of the young, well educated emigrant lost to Ireland and a gain to the British economy. At business level in Britain these emigrants are

welcomed and with any sort of skills readily obtain employment. At official and political level, however, there are occasional expressions of concern about the minority of problem cases, to which we need to continue to pay attention.

The frequent meetings, formal and informal, at Ministerial and official level in connection with the Agreement have led to closer official and personal relationships. (Because of personnel changes, it is necessary constantly to renew these contacts.)

There are also, however, tensions and even negative trends in the relationship which require to be kept under review and handled carefully:

- there has been a certain exasperation, at the highest political level in London, that the Agreement has not proved more effective, particularly in the security field and in respect of Unionist acceptance (matched on our side by our wish for more rapid progress in other areas);
- the framework of reaction in Britain to terrorist attacks - the PTA - has created tensions in the Irish Community in Britain (and among travellers occasionally) and has given rise to controls on movement which could become permanent;
- the treatment of Irish terrorist suspects and our reaction (by way of observing trials) is an area of potentially serious tensions; attendance at the Birmingham Six has been seen by some as impugning the British system of justice;
- recent developments on extradition are the most obvious current area of tension; unless the arrangements can be made to work simply and effectively, could they prove to be incompatible with the unrestricted form of travel between Britain and Ireland we have been accustomed to and which is an important element of the unique relationship?
- Sellafield. While the legitimacy and depth of feeling in Ireland about this issue, and suspicions about its transparency which can only have deepened following the release of the 1957 Cabinet papers are fully understandable, it may be important to bear in mind that
- Governmental or public pressure from Ireland is extremely unlikely to have any concrete effect on British policy in this area;

- public representations of concern by Government Ministers would surely be understood and handled as helpfully as possible in the circumstances, but there is a threshold of tolerance (whether justified or, more likely, unjustified) which, when crossed, could bring the two Governments into confrontation on an issue where British concession and accommodation is an extremely remote possibility;

- Mrs Thatcher is at a personal level extremely intolerant, impatient and unreasonable on this issue. She has demonstrated in the past an inability to even hear out reasonable arguments on the point and instead snaps and bites as soon as the issue is raised.

It may be desirable, therefore, to seek a balance between adequately robust representations of concern/indignation, as well as co-ordinated international action, and direct confrontation with consequences for other priority areas of the overall relationship.

On balance, seen from London and taking account of what is said to us by contacts here regarding Anglo-Irish relations, the assessment is positive. However, as indicated above, there are fragilities in the relationship which require careful attention and there is a need actively to work the Agreement and to maintain and extend activities under it to the maximum extent possible. In the short run, a continuing positive perception of the relationship (and of the Agreement) will depend on how specific issues such as extradition and our reaction to the outcome of the Birmingham Six Appeal (whatever it may be) are handled.

3. Priority policy areas and objectives for 1988

(1) General

It is not necessary to duplicate here the no-doubt exhaustive material on this point being prepared in the Department and by the Secretariat. It might be useful, however, to offer some comments on how, seen from London, we may best advance our priority interests in the Conference framework and seek to gain our objectives over the coming year.

The success of the Conference depends on a number of things. It is suggested, however, that it certainly depends for its success, and its very viability, on the rôle of the Secretariat and British perceptions of that rôle. Further, the perception by the British side of the Irish Joint Secretary, as the authoritative voice of the Government in the Conference framework, is vital to the process of continually establishing and credibly building up the case for our broad range of requirements (to be amplified, of course, at

political level at periodic meetings of the Conference and at other Ministerial meetings and meetings at Head of Government level).

Constant engagement of the British side in the Secretariat framework, by the Irish Joint Secretary and other officials, with as much back-up as may be required from whatever Government Department may be involved, is highly desirable across the broadest front of issues which are our business within the terms of the Agreement.

It is suggested that any efforts on the British side to raise matters which are properly the business of the Conference in any way other than by use of the Conference machinery, is against our fundamental interest. If, for example, their Ambassador in Dublin is included in Conference meetings, well and good; but the British Embassy in Dublin is no more a proper channel for communication of Conference-related matters than our London Embassy would be.

In summary, it is suggested that our priority policy areas and objectives for 1988 and beyond can best be pursued by the utmost investment of authority and support in the Secretariat framework.

(2) Suggestions from the London Embassy

It should be our policy - consistent with an active defence of our own interests - to optimise the East/West relationship, for example in reciprocal trade, economic, tourist, cultural and other exchanges; East/West relations have an important influence on North/South developments.

In the political field we have two suggestions:

(i) Anglo-Irish Inter-Parliamentary Body

A paper was provided to the Department on 11 December setting out some considerations, and proposals for action together with tactical suggestions, regarding the question of an Anglo-Irish Inter-Parliamentary Body. This is, to a certain extent, a horse running outside the rails: it is clearly less pressing than other urgent issues under the Conference. However, if it is decided at political level that it is worth pursuing - and there are a number of telling points in its favour - then, it is suggested, we should get down now to moving on it. It is hoped that we can devote some time during the 8 January meeting to the question.

.../

(ii) Visits by M.P.s to Dublin

It is vital to maintain strong support for our policies at Westminster, and to do everything possible to prevent M.P.s - particularly right wing Conservatives - from turning against the Agreement in favour of the Unionists.

We give detailed briefings to carefully selected M.P.s. We also try to influence as much as possible the direction of debates in the Commons by providing oral and written material to trusted and supportive M.P.s of standing for speeches/ interventions during debates on Irish matters.

A considerable number of M.P.s raise the question of possible visits to Dublin. They do not query or doubt the authenticity of the views put to them in London. As politicians, however, they have an understandable wish, if their interest is seriously aroused, to take these discussions further at political level in Dublin.

It is suggested that serious consideration should be given to a series of brief visits by carefully-selected M.P.s (five or so on each visit over an evening and through lunch the following day). Two specific categories of M.P.s might be considered for inclusion:

1. - strong supporters of our interest who are of standing at Westminster and whose interventions in the Commons have considerable effect;
2. - important right wing Conservatives who are lukewarm or slightly against our interest, but who are open to good arguments.

If it could be agreed that, to make such an operation effective, a figure of about 24 visitors during the year would be a minimum worthwhile investment, then these could be selected with great care. Diary problems on both sides, and arrangements with Whips, obviously require advance planning, and so an early decision, if it is positive, would be most desirable.

4. Review of the Agreement, November '88

Article 11 envisages a review, not of the text of the Agreement, but of "the working of the Conference.....to see whether any changes in the scope and nature of its activities are desirable".

.../

The review clause was suggested by Douglas Hurd at a late stage in the negotiations. Our understanding from sources at that time (Lord Gowrie, Robert Armstrong) was that the proposal had no sinister undertones; rather, that an entirely open-ended arrangement made less sense than one which could be reviewed in the light of experience and hindsight after a reasonable period. It was felt at the time that a secondary consideration was present: that political change in Ireland, and perhaps Britain too, were very possible and that a potential review mechanism would make even more sense in such a likely context. At that time, and over the intervening period, all soundings in London, taken (in a deliberately casual way) at political and high official level, including Ministers' political advisers, have indicated that

- the British do not at all associate with the review any sense of moving toward a re-constitution of drafting groups and an opening up of the text of the Agreement;
- on the contrary, there is a wide feeling that the text reflects such a complex set of delicate balances, and that to attempt to alter it in any way would be to invite disaster for the Agreement: there is a wide and strong feeling that nothing could be added or subtracted by one side without inviting at least an equal and opposite reaction from the other side;
- the British see the review in a general way very much in the simply stated terms of Article 11; and, finally,
- there is no evidence (in London at least) that they have as yet focussed sharply on the scope and nature of the review, let alone begun to draw up a balance sheet of the scope and nature of the activities and nature of the Conference since 15 November, 1985.

If it is accepted that the British are highly unlikely to propose any textual alterations; and if it is accepted that no alterations would be agreed to by the British side without provoking at least an equal and opposite response from them, thereby putting the whole Agreement in danger through a process of escalating demand and counter-demand, then the review would seem to take naturally its form along the originally envisaged general lines of the Community Summit where the Heads of Government would review the work of Ministers and officials and try to give direction and sharpened focus to that work over the next foreseeable phase. There would be no question in the natural course of such meetings of reverting to amending the text of the Treaty of Rome as a way of ironing out difficulties. Rather, the text is the framework and its perimeters may of course be tested to the outer limits of their legal capacity to see whether it might carry wider meanings to suit the needs of one or another party at any one time.

.../

this sort of approach to the review is thought to be desirable and pragmatic, then it would seem to be in our best interest to draw up a balance sheet setting out:

1. - the extent to which we have made progress in areas of specific and direct interest to the British (particularly under Article 9);
2. - the extent to which legitimate requirements on our side, very carefully weighed before presentation for viability and desirability, have nevertheless been turned down by the British side (despite the commitment under Art. 2(b) in the interest of promoting peace and stability to make determined efforts through the Conference to resolve any differences) for good or bad - or no - reasons or are clogged in the machinery; the Article 8 problem would clearly be covered here;
3. - the extent to which, over its first three years, the rhythm of the Conference, and of progress under it which nationalists in Northern Ireland can feel and see, has certainly not matched the wide expectations for the Agreement in Northern Ireland, in the Republic, in Britain generally and in other countries: a broad range of requirements across the entire remit of the Conference could be drawn up, with a reasonable timetable of work in each of these areas; and the British side should be persuaded that the Conference must be instructed following the review exercise to take these broad tasks and to deliver specific results over specific timetables.

An internal working group of officials, under Ministerial direction, could usefully be set up at this stage to draw up papers on the three main points listed above, and to prepare for what will in practise be a hard negotiation toward the end of this year. In the first instance, there might be much to be said for the Irish side getting off the first shot on the scope and nature of the review exercise. A paper could be prepared at this stage, for consideration at Governmental level, to be submitted to the British side before the British get themselves together on this matter. Essentially, the British would be trying to demonstrate how well the Agreement works across the board, and we may expect them to limit the perimeter of the review exercise as much as possible. Essentially, we would be trying, within the existing text of the Agreement, to demonstrate the need for much more and broader progress and to pin the British down to programmes of work to this end, with clear timetables set out. Thus, it might be tactically useful for us to try to establish the terms of reference of the review Conference (perhaps in a paper to be completed, approved by the Government and submitted to the British side before Easter).

Finally, there is an increasing amount of well-meaning mumbo jumbo surfacing in the media etc. which, basically, assumes that the review offers a wonderful opportunity to bring

.../

the Unionists in from the cold; to build them into the Conference; to suspend or amend the Conference to take account of their sensibilities; and so on.

The Unionists are astray and the present phase of self-examination, painful as it is for them, may prove to be a good thing for them - and for all of us - when it is completed. We should perhaps represent the view that the business of the Conference is to deliver to the minority in Northern Ireland, thereby further isolating the IRA and reducing tensions between the two Communities; that it has not yet even come properly on stream; and that at least until it does this we are not in the business of tampering with it. (We have of course been as helpful as possible, through our public statements and attitudes, in efforts to calm the Unionists down and bring them slowly back to reality and participation in the political process.)

On a final point of procedure, it is suggested that a limited and specific time be allowed for the review process (perhaps two weeks to allow several "final" official-level sessions and referendum to Ministers, leading to a meeting of the Joint Chairmen and, finally, a meeting of the two Heads of Government along the lines of a Community Summit). It could thus be much more easily managed and would permit much less opportunity for well-meaning but basically naive and unhelpful outside interference.

5 January, 1988.

Confidential

Anglo-Irish Agreement: An Appraisal

The Department of Foreign Affairs was deeply involved in the eighteen month negotiation of the Anglo-Irish Agreement; from the time of signature we consciously - and, it must be said, successfully - engaged in an energetic 'selling' of the Agreement abroad. In these circumstances, there may well be, to some degree, a predisposition on our part to overestimate the continuing influence and impact of the Agreement. The risk is that we may become victims of our own propaganda: that concern about the possibility of undermining the acquis of the Agreement may stand in the way of a more detached assessment of the balance sheet.

The Yardsticks

The Agreement has a dual function - it is practical in its detail and at the same time it has a psychological and symbolic significance. There is obviously an interrelationship between the practical and the symbolic dimensions, and the symbolism will inevitably be eroded over time unless the Agreement is seen to continue to deliver in terms of substance.

It is of course easier to measure practical change than to assess psychological impact. Nevertheless, it would be a mistake to underestimate the major psychological boost for Northern nationalists - and the corresponding jolt to loyalists - that the Agreement brought about. The sense of isolation of Northern nationalists (which had persisted despite contacts between nationalist leaders and the Dublin Government) has to a large extent given way to a sense of isolation of Northern loyalists. Despite disillusionment in some quarters with the achievement of practical change under the Agreement, there remains a widespread recognition that, in helping to shape a confidence and assertiveness in the nationalist community, and in symbolically establishing that community's constitutional

equality, the Agreement has brought about a qualitative change in the psychological climate in Northern Ireland.

Perceptions and reality are enmeshed in the reaction of both communities in Northern Ireland to the Agreement. Unionist hostility to the Agreement is arguably the single most important factor in convincing nationalists that they have indeed made a substantial gain. A nationalist sense of gain confirms a unionist sense of losing out. Inevitably, in this game of mirrors, there will be an element of distortion of the reality of the Agreement.

Practical gains for nationalists

Any catalogue of practical achievements of the Agreement for nationalists is open to debate on the grounds that the relationship between some of these developments and the Agreement is unproven. A maximalist catalogue would include the following:

- improvement in the electoral position of the SDLP, reflecting nationalist support for an effective constitutional approach, and reduction in electoral support for Sinn Fein
- reforms in the administration of justice (end to Supergrass trials, changes in the Emergency Provisions Act, appointment of additional Catholic judges)
- improvement in relationship between the security forces and the minority community (firmer RUC handling of marching season, introduction of RUC Code of Conduct, acceptance in principle of RUC accompaniment of Army/UDR patrols)
- commitment to introduce new fair employment legislation

- repeal of Flags and Emblems Act
- enfranchisement of "I" voters
- decision to abolish Divis flats
- establishment of the International Fund

An assessment of the extent to which some of these advances are in fact attributable to the Agreement is complicated by the tendency of the Northern Ireland authorities to deny that the Agreement has played a role in them. This denial is partly out of deference to Unionist sensitivities, and partly - one assumes - out of a preference of the Northern Ireland authorities to give the public impression that they are setting their own agenda rather than responding to outside pressure. The Agreement, however, can scarcely prove itself if it is constrained to do good by stealth. If the Agreement is to be seen to deliver, credit must be given where credit is due. To date, however, admissions by the other side of the concrete achievements of the Agreement have tended to be grudging or expedient.

Disappointments

If it was unrealistic to have hoped for a generous and imaginative approach to implementation of the Agreement, it is nonetheless disappointing that the reality has been so much the opposite. There is a growing feeling that while we can be influential at the margins - our views on matters of detail are, for example, listened to and, if they do not run counter to established policy, an effort is made to accommodate them - where there are significant differences in approach a serious effort seems often not to be made to reach an accommodation. The manner of handling the three judge court issue provides one illustration of this, but there are numerous others. On issues such as appointments to public boards, policy on West Belfast,

the Irish Language, the reality of UDR accompaniment, it is difficult to avoid a conclusion that our views receive a courteous and serious hearing but are not given the full weight anticipated by us at the time of the Agreement.

A disappointment of a different - and lesser - nature is also worth noting. While the SDLP has undoubtedly been a beneficiary of the Agreement, it is arguable that the party has failed so far to respond to the challenge inherent in the new situation. The intention was that the role of the Dublin Government would supplement, and certainly not supplant, that of the party. There has, however, been a tendency on the part of the SDLP to look to Dublin to provide initiatives and remedies without making a corresponding effort to formulate coherent and comprehensive policies of its own. This may well be an understandable consequence of present structures, but cannot in the longer term be regarded as a healthy development.

Gains for the two Governments

Mrs. Thatcher has tended to the view that the risks of the Agreement have been incurred by the British Government while the gains have accrued to the Irish Government. The reality is of course more complex. The main cost to the British Government has been in its relationship with the Unionists. The gains have been (a) in enhanced security co-operation with the Republic, and (b) in the rehabilitation of the British image abroad, particularly in the U.S. The latter objective is immensely important - British sensitivity to U.S. criticism is illustrated, for example, by the reaction to the MacBride campaign.

Because of the relationship between the people of the Republic and Northern nationalists, their gains are in a sense seen as our gains. It is difficult to treat of Dublin's balance sheet as in any significant way distinct from the balance sheet for Northern nationalists. However, the Agreement did deliver the

message to Unionists that they would have to accommodate themselves to a Dublin (as well, of course, as a nationalist) role in Northern Ireland. It also delivered broad political and media support in Britain for such a role and, though this is more difficult to measure, "formalised" significant international acceptance of this role.

In addition, there is need to recognise the domestic political dimension. For the foreseeable future, there is likely to be a domestic political imperative for any Irish Government to have an active and highly visible role in relation to Northern Ireland. Arguably the Agreement, given its proven popularity with the Irish public, provides the best response to that imperative, at least in the short to medium term.

The downside for the Irish Government (apart possibly from the language of Article 1 of the Agreement) is in the cost (in all senses) of security co-operation and in the constraints imposed by the institutions and mechanisms of the Agreement. In the latter regard, the understanding is that a good faith effort will be made to resolve differences between the two Governments within the Conference - thus we have the bland and coded language of the communique which often masks significant disagreement. While clearly a reasoned attempt to accommodate differences is always preferable to megaphone diplomacy, the risk is that we may find ourselves effectively gagged without any practical benefit to our forbearance. Criticisms by the Irish Government of British policy in Northern Ireland will always have a resonance abroad, particularly in the U.S., and our restraint in public criticism will always, therefore, be seen as a plus for the British Government.

In short, it is useful to remind ourselves that if the gains for us have been scantier than we would wish, the benefits for the British have been more significant than they are generally prepared to admit.

Conclusion

After two years, any judgement on the Agreement can only be a provisional one. However, the situation in which we presently find ourselves is not reassuring. While the psychological boost to nationalists was and remains significant, the practical gains on the ground fall short of expectations. If we are not careful, we may well find ourselves - almost unconsciously - continually adjusting expectations downward. Ultimately one could conceive of a situation where the institutional framework established by the Agreement remained intact but in reality was little more than a shell emptied of substance. We are certainly nowhere near that point yet, but effective pre-emptive action may now be required if we are to avoid such a situation developing over the next couple of years.

Anglo-Irish Division,
6 January 1988.

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Possible Policy Issues for 1988

The Division's Appraisal paper reflected a deep sense of anxiety about the present state of health of the Agreement and, in particular, the growing perception among Northern nationalists that the Agreement was becoming progressively ineffective as a vehicle for actively advancing their agenda of political and other reforms. The immediate policy priority, therefore, must be to identify the root causes of this credibility lapse (as the Appraisal paper sought to do) and, in the light of this, to sketch out a strategy which would seek to re-establish the potential for change, reform and delivery which had been anticipated - and actively sold - at the time of the Agreement.

The detailed operation of any revised strategy will, of course, depend in significant part on the state of internal political play in Northern Ireland over the coming months. However, it is our view that, irrespective of the development or absence of interparty dialogue in the North, there are certain fundamental policy objectives which the Government should both pursue and be actively and publicly seen to pursue. The pursuit - particularly the successful pursuit - of such objectives, even if they are perceived initially to make dialogue more difficult, could arguably prove more effective than a low-key approach in giving the unionists an incentive (however provocative) to enter into serious dialogue on devolution with the SDLP. On the other hand, it is at least arguable that a low-key approach by us would actually encourage unionist intransigence in the hope that through time the Agreement, largely as a result of nationalist disillusionment, would almost inevitably be bound to self-destruct.

The objectives in question can be teased out in detail at our meeting on 8 January. They will, of course, embrace the range of issues which have essentially formed the agenda of the

Conferences to date (relations with the security forces, administration of justice, fair employment, etc.), and on many of which early progress urgently needs to be made both for substantive and credibility reasons. But we should be careful not to focus exclusively on breathing new life into old issues. The programme of objectives also needs to reach out imaginatively to new issues - albeit some of them may well have been envisaged in the Agreement itself.

The range of new issues to be considered should certainly include:

- the establishment of an Interparliamentary Body - a potentially exciting and significant political development and one on which the London Embassy produced a particularly valuable paper in December;
- the establishment and progressive implementation of a strategic plan for the economic regeneration of West Belfast (the Chairman of the International Fund has very recently come around to our thinking on the value and priority to be attached to the drawing-up of such a plan);
- the provision of new funding for the International Fund through a joint approach by both Governments to the EEC and possibly some selected friendly Governments (Japan ?);
- selected areas of cross-border economic development;
- the introduction of a Bill of Rights; and
- perhaps some active cooperation in the area of the environment.

Central to the credibility of the Agreement, and the active and successful pursuit of policy objectives, is of course the role of the Conference and the Secretariat. Conferences should ideally be held every six weeks and should have a tight and limited agenda, with a view to an in-depth discussion on each item. It may also tactically be necessary, on occasion, for a Conference to be relatively confrontational and to be seen to be publicly so. One danger of not from time to time taking up a particularly emphatic and forceful position on an issue is that the British would become progressively less sensitive to our thinking as, in their view, the Agreement and our respective approaches to it became more routine and, in a sense, bureaucratic.

The role of the Secretariat is, of course, pivotal to the above approach. The Agreement to date owes, in significant part, its considerable credibility to the existence, role and work of the Secretariat. It goes without saying that Maryfield should be strengthened and broadened in every way appropriate. If the possibility of acceptable and stable devolution were ever to be under serious negotiation, the potential for a continuing Secretariat role in any new arrangement would require careful consideration. Discussion on the Secretariat role might indeed provide an important lever for the Government in pursuing their insistence on a strong Irish dimension in any devolution arrangement.

At this stage, however, it is probably prudent to postulate the Review being held in circumstances where little or no worthwhile dialogue on devolution has taken place. The OUP are arguably semi-leaderless at present while the DUP, though in favour in principle of devolution, are insisting on preconditions which effectively rule out any meaningful talks on it. In a sense, the Unionists are going through a difficult internal psychological and policy process, which may well last a number of years. It is difficult (if not impossible) in such circumstances, therefore, to see meaningful cross-community political talks on devolution being feasible in the near future.

In the envisaged circumstances outlined above, the strengthening and broadening of the work of the Conference and Secretariat have to become the first objective of our policy strategy for the period up to the Review Conference. The Conference itself, if our analysis is accurate, would be of less significance and importance than the progress achieved in the period leading up to it. Its importance would probably in fact largely lie in either highlighting the achievements to November (and in setting-out an agenda for further work) or, in a situation where progress had been minimal, in trying to unblock and relaunch the process of reform. In the former (ideal) case, the Conference would (inter alia):

- assess the balance-sheet of the Agreement to date;
- endorse its achievements;
- emphasise and underline the desirability and the importance of further progress being achieved in specific areas;
- encourage the development of cross-community dialogue between the political parties in Northern Ireland, and between North and South; and
- envisage a further major review of the Agreement being held within two (three) years.

There is no risk-free strategy in relation to implementation of the Agreement. A low key approach on our part will allow a drift towards increasing bureaucratisation to continue, with growing disillusionment of Northern nationalists and indeed the Irish public. On the other hand, a conscious intensification of pressure, and greater readiness to voice criticism publicly, will inevitably incur a hostile British reaction. However, if

the improvement of the position of Northern nationalists remains - as it must - our central objective, the risks of the former approach must be seen to outweigh the risks of the latter. The vigorous articulation of our demands under the Agreement, and the management of the tension that will ensue, will undoubtedly prove a major challenge in the coming year.

Anglo-Irish Division

7 January, 1987.

0417E

Embassy of Ireland,
London.

CONFIDENTIAL

7 January 1988

GOVERNMENT POLICY ON NORTHERN IRELAND AND THE BRITISH MEDIA

Dear Assistant Secretary,

This summary may be useful in preparing for the review meeting on 8 January.

Introduction

1. For over 15 years successive Irish Governments have devoted considerable resources to secure British media support for our policies on Northern Ireland. The justification for this remains as valid as ever, i.e.: such support as is generated influences British politicians and officials directly, or indirectly by changing British public opinion. Despite the fact that prior to November 1985 our press activities were frequently conducted in variance to British Government briefings and public assumptions considerable success was achieved, especially amongst the media least aligned with whatever British Government was in power. It is very difficult to measure the exact effect of this media support on subsequent British Government policy but the regular criticisms of British media in the "home" press did have a significant influence.

2. After November 1985 there was the "honeymoon" period when the Irish and British Governments were briefing in concert against rightwing and unionist critics. However during 1986 differences of emphasis emerged and there was the first serious public rift regarding the Portadown parade. In 1987 the differences over the pace of implementation of the Agreement, especially regarding three-judge courts, meant that once again in London we were in the business of convincing British journalists that our line was more valid than that handed out by British Ministers, by Bernard Ingham in the Lobby and by the NIO in London and Belfast. We stood ready to engage in the same vigorous exercise if the extradition procedures had come unstuck before Christmas.

3. Obviously it is easier to win support for our policies as distinct from native ones if they form part of a coherent strategic approach to the Northern Ireland problem that the British - or more to the point - the English might find acceptable. Frankly that means presenting the Irish Government as holding the high ground above the sectarian squabbles of Northern Ireland, possessing benign, pluralist, pragmatic policies. The divorce and abortion referenda and the budgetary setbacks up to the mid 1980's damaged that image of a benign, modern, pluralist Republic. However, the Forum Report and the signing of the Agreement helped to restore our standing. More than anything else our authority and credibility are undermined by economic and budgetary weakness. The restoration of order in the public finances in 1987 (as welcomed in the Financial Times and Economist) has reassured many in Britain that once again we can be taken seriously. An authoritative budget this month will confirm this process. Also by the end of 1987 the English media had become impressed by our ability to deliver the Convention on Terrorism, to recover the security initiative and to make positive gestures about moves to resolve the

divorce problem. Many in the English media, either from a conservative or liberal background, would welcome the Irish Government assuming the role of honest broker in Northern Ireland but they feel they cannot take this political risk until they can plausibly argue to "unionists" in Britain or Northern Ireland that the Republic is "Rome free" and able to assume the burden in economic and security terms.

The Agreement

4. During 1987 the British media and educated opinion continued to believe that the Anglo-Irish Agreement was the best available (or least awful) policy on Northern Ireland. But enthusiasm has been waning in 1987 and one encounters a growing worry that once again a bright idea might be defeated by a unionist refusal to share power and an IRA refusal to end its terror. The danger is that this worry, unless checked, will develop into defeatism which concludes that the Agreement should be retained, but that further implementation would not warrant the risks involved. This worry would be compounded if the Irish Government were to be seen to be putting Northern Ireland on the backburner either because it could not agree new proposals or it was preoccupied with the economy.

5. The sort of defeatist arguments that we most often have to address are:-
 - Enough has been done for nationalists since 1985; it would now be prudent to take stock and have a period of calm for a year or so;

 - (in the same vein) further reforms will not persuade the IRA to ceasefire anyway so why antagonize unionists;

 - 3 or 4 years of the status quo are required to allow the unionists to acquiesce;

- Britain can't take further political risks until
 - (a) Dublin contributes more than good intentions to security;
 - (b) the SDLP assist with the RUC, end their local government association with Sinn Fein and do more to advocate devolution.

Of course, the SUN and some rightwing columnists want the Agreement abrogated but that is not an idea that is given serious consideration.

6. I believe that the British media that are independent or reasonably independent of the Conservative Government (see below) would be prepared in 1988 to give a fair hearing to Irish proposals to make the Agreement more effective. By their nature journalists dislike inertia and the retreat into a restatement of previously aired politics. In fact the worst thing with the media would be to become stubborn "not an inch" defenders of the 1985 Agreement (history in journalistic terms) without positive proposals for the Review. At the same time, of course, it is difficult to secure support for new NI proposals in Britain without raising public expectations in the Republic and the North that they will be delivered (viz. three-judge courts). Nevertheless at the very least there could be a reaffirmation of the spirit and intention of the Agreement because unless we can convince the British that the Agreement and our policies are fresh and relevant to 1988 then they may continue to lose heart. The greatest obstacle in winning over British opinion is not bias but indifference borne of despair that politics will not succeed in Northern Ireland and the only policy is to soldier on. In the lead up to the Anglo-Irish Agreement enough British people were convinced that the British and Irish Governments could

defeat terror. In 1988/89 we will need to convince them all over again that this can still happen. One way to do that would be to offer a number of vigorously presented proposals, benefitting both nationalists and unionists, and which could be credibly achieved.

7. "You cannot bribe or twist
Thank God the British journalist.
But seeing what he'll do unbribed,
There's no occasion to."

The reality is of course less bleak than these lines would suggest. I have divided the 19 national newspapers into three rough categories to indicate the sort of editorial culture that prevails because of tradition, ownership, personality or readership. Of course within each newspaper's perceived culture we succeed in generating varying degrees of receptivity amongst those who write the leaders, columns, features or hard news. The BBC and ITN are more fragmented but generally speaking they gave us a fair deal in 1987. But at a meeting sponsored by Encounter in 1987 British television executives, despite much prodding, said they had no room to cover Ireland in greater depth. That said, the TV reporting of the Irish security search in November was comprehensive and immensely successful in alerting the British public to our security commitment. As for the magazines, the Economist magazine is once again prepared to give us a fair hearing after a lapse in 1987. The New Statesman when John Lloyd was editor became seduced by integration and the Spectator is generally pro Unionist but willing to accept arguments that unionism is generally ill-served by its leaders.

Public Perceptions of the Anglo-Irish Agreement

General Overview

1. Any general overview of a media and/or a public assessment of the Anglo-Irish Agreement would have to distinguish between its real and perceived operation over the last two years. Many of us involved in the public presentation of the Agreement have frequently found that journalists, sceptical about its achievements, will nonetheless acknowledge that it is difficult to identify any other two year period in the history of Northern Ireland which has witnessed more reforms and improvements in the position of the nationalist community. The views of the Irish Government as expressed through the mechanisms of the Agreement are reflected in changes in at least the following areas:

- fair employment (public and private sector with promised legislation);
- housing (Divis, Rossville and Unity flats);
- administration of justice (additional Catholic judges);
- the law (alterations to the EPA);
- the RUC (code of conduct);
- the UDR (improvements in RUC accompaniment);
- repeal of the flags and emblems legislation;
- new regulations on the marching season;
- further restrictions on incitement to hatred;
- new provisions on the Irish language;
- and a greater recognition of the identity of the nationalist community.

And yet, media commentators will point out that there remains a widespread perception among the nationalist community in the North that the Agreement has delivered very little for them - although the majority seem still to support it.

2. This perception would appear to be shared by people in the South. The Landsdowne Market Research Opinion Poll published in the Sunday Press on 8 November reported that 55% of those polled supported the Agreement while 29% had no opinion or were undecided and 16% opposed it. Nonetheless, on none of the subsequent questions was there a majority view that the Agreement had produced positive results. 41% did not think that it had improved Anglo-Irish relations (20% don't know - 29% yes); 55% did not agree that it had improved the administration of justice in the North (26% don't know - 19% yes); 60% rejected the view that it had improved relations between the North and the Republic (20% don't know - 20% yes); 69% did not agree that it had improved relations between the two communities in the North (21% don't know - 10% yes); and 75% felt that it had failed to reduce violence in the North (17% don't know - 8% yes).

3. What is clear from the above is that, despite serious doubts about progress achieved in specific areas, there is tacit recognition that the Agreement has brought important changes in Northern politics involving:
 - a recognition by the British Government of what has been described since 1972 as the "Irish dimension" of the Northern Ireland problem;
 - a more "neutral" attitude on the part of the British Government to the claims of Unionism (Article 1);
 - the establishment of an agenda for the reform of Northern Ireland's society;
 - the endorsement of a political approach based on the reconciliation of all parties to the present conflict.

Why this paradoxical perception of the Agreement?

4. It is in view of the above important to address in more detail the question of why negative perceptions of the Agreement persist on the nationalist side. From the very outset the Irish Government had to deal with the British response to the immediate Unionist reaction which was one of outrage at the Agreement. Despite the fact that a major reason that the Agreement had been concluded was to assure Northern nationalists that they had a legitimate and rightful place in Northern society, the Irish Government found itself initially prevented from asserting this and instead challenging the British Government's over reactions to the Unionist protest. These, in particular, found expression in the Secretary of State's early statement that in signing the Agreement the former Taoiseach had accepted the impossibility of a united Ireland, his subsequent claim that the Agreement was a bulwark against a united Ireland and Mrs. Thatcher's interview with the Belfast Telegraph in which she asserted that the Intergovernmental Conference and the Secretariat in Belfast could be removed if there was agreement between the political parties in Northern Ireland to a devolved Government.

5. Since the Agreement provided a framework for change rather than agreeing on a series of changes its perceived success or failure depended to a large extent on how its subsequent work was presented to each of its audiences. Because of British insistence that Unionist sensitivities should be respected and that any sense of triumphalism be avoided it became difficult for the Irish side to draw attention in any dramatic way to its achievements in furthering the nationalist agenda within the Intergovernmental Conference. Indeed, even in those instances where reforms were recognised, the British tended to insist that most of these changes had been planned prior to and/or independently of the Agreement. The reluctance of the

British Government to credit the Agreement with progress in improving the position of the nationalist community in the North has led many observers seriously to under-rate the efficacy of the Agreement.

6. This sense of media scepticism has been reinforced by three other issues. First, the failure of the Irish Government to achieve their publicly identified demand for reform of the Diplock court system; secondly, the difficulties experienced by the International Fund in delivering immediate and significant financial assistance to nationalist areas which are perceived to be the most deserving of assistance; and, thirdly, the fact that the Agreement, particularly in recent months, is seen to be devoted almost exclusively to the subject of cross-border security co-operation.

7. It has also been difficult to explain to public opinion the importance - even historical significance - of the framework established in the Agreement. It has been easier for public opinion to concentrate on the question of specific reforms, but this, while it is legitimate as far as it goes, fails to take account of the hidden, psychological nature of the sense of inequality which has burdened the minority in Northern Ireland for so long. We have perhaps instinctively assumed since the Agreement was signed that the way to consolidate support for it among moderate opinion in Britain and the United States is to emphasise the agenda for reform with which no reasonable person could take issue in principle. There has perhaps been a tendency to underplay the importance of the Agreement in terms of "recognition" of the status of Northern nationalists and implicitly their aspiration to North/South reconciliation.

British and US media attitudes

8. Perceptions of the Agreement on the British side, as reflected in the quality media, include the following major elements:

- general although not unqualified support for the Agreement, and a certain belief in its ability to deliver stability in the North;
- great sensitivity on security issues: the Agreement is seen as a means of ending terrorism. For example, no major newspaper, or political party, in Britain would have been likely to have given us a sympathetic hearing had we postponed ratification of the ECST;
- sympathy for a relatively "liberal" agenda in the context of the Agreement, for example, on courts, policing, and employment. Cf. calls in the British Press for the referral of the Birmingham Six case to the Court of Appeal;
- generalised approval of the Irish Government's performance in office on a broad range of issues including the Agreement and, in particular, on the economic issue; for example, the Economist on 12 December combined a relatively sympathetic treatment of the extradition issue with praise for the Government's economic policy.

9. While the British media are capable of being more understanding of the Irish Government's position and more "liberal" on substance than Mrs. Thatcher's Government, their faith in the Agreement probably depends on Whitehall attitudes, and their understanding of the significance of the Agreement - that it is to make Northern Ireland governable - is essentially the official British view. A

good illustration of British media attitudes is the position of the Independent that the Diplock courts should be reformed for reasons outside the Agreement. In general, our standing as a Government in British media coverage of the Agreement offers no grounds for complacency.

10. In the United States, except in the case of commentators noticeably sympathetic to Ireland, the Agreement tends to be seen in a relatively simplistic way as a ready-made solution to the "Northern Ireland problem" and as a symbol of the commitment of the British and Irish Governments to co-operate in defeating terrorism.

Where to go from here

11. Our handling of the presentation of the Agreement will hinge on our approach to its substance. The Agreement should perhaps be considered in terms of two separate aspects: the framework established under the Agreement, and the agenda.
12. The framework established in 1985 could be assessed in terms of its impact on each of the three sides of the triangle Dublin-Belfast-London.
 1. London-Dublin: The Agreement is designed to promote a greater understanding and co-operation between the two Governments.
 2. London-Belfast: The Agreement in fact involves the British Government in adopting a more neutral stance vis-a-vis the conflicting aspirations of the two traditions in Ireland.
 3. Belfast-Dublin: The Agreement looks towards improved relations on this front.

The improvement in relations between the two communities in Northern Ireland which the Agreement aims to produce is partly a function of the new balance in relations within the "triangle" described above. Any improvements in community relations in the North will of course strengthen the relations mentioned under point 3 above.

13. Contrary perhaps to her original intention the British Prime Minister has had to become personally involved in Northern Ireland business on a number of occasions over the last few years, particularly in view of ongoing Unionist opposition but also with regard to the Irish Government case for the introduction of three-judge courts, the question of extradition, and cross-border security co-operation. In the case of each of the latter three issues, we, to some degree, in pursuing our interests moved away from the procedures established under the Agreement and engaged in direct contacts between Dublin and London. In some of these cases we have been unsuccessful in having our interests and concerns fully accepted or understood. This raises a question about the effectiveness of conducting Northern Ireland business outside the framework of the Agreement - within which individual items on the agenda, instead of being isolated, are set against the background of a complex and interdependent set of agenda items and interests. In the terms used in the preceding paragraph we did not appear in such cases to improve our position regarding side 1 of the triangle while weakening it on side 3. Indeed, these experiences have tended to validate the view that the most effective way of achieving practical reforms for the nationalist community in Northern Ireland is to make the effective presentation of our case at the regular meetings of the Intergovernmental Conference and in the continuous work of the Secretariat in Belfast.

14. In addition to its reform programme it has to be recognised that the Agreement has had a far reaching impact on the politics of Northern Ireland. The Official Unionist Party has remained in a state of considerable confusion since the Agreement. The leadership of the OUP, nervous of being outmanoeuvred by the Democratic Unionists, are unsure of what policy direction to promote and are deeply divided between integrationists, devolutionists and the not inconsiderable section of the party, particularly in North Down, which now supports Robert McCartney's campaign for equal citizenship. The DUP responded to the Agreement by launching a strategy of permanent opposition. However, they have failed in their aim to make Northern Ireland ungovernable until the Agreement is repealed. The Agreement gave a significant boost to the SDLP and a number of observers in Northern Ireland believe that it has resulted in creating significant problems for Adams who is under considerable pressure within Sinn Fein to justify the continuation of his political strategy. It is not necessary to believe that Sinn Fein's electoral successes in 1982-85 were irresistible to acknowledge that they would benefit from the collapse of the Agreement. This seems to be implicitly recognised in the IRA's New Year statement that they "defiantly and confidently believe" that the "revolutionary armed struggle" is the only way to achieve "peace with justice" in the North. The Agreement has also resulted in putting strains on the Alliance Party which initially split internally on the Agreement. The rift within the party was only contained by the adoption of a policy calling for the speedy establishment of a power-sharing assembly as urged by the Agreement. A number within the Alliance Party maintain that since the Agreement has ruptured the Direct Rule system of British administration in Northern Ireland the onus is now on the British Government to construct a new political arrangement within the North.

15. There is, however, a widespread view among commentators in Northern Ireland that there is no immediate prospect of a settlement based primarily on devolution, even outside the Anglo-Irish Agreement, because the Official Unionists are confused and probably disinterested and the Democratic Unionists, who would prefer to have Stormont back, will never offer satisfactory terms to the SDLP. The failure of the UDA document "Common Sense" and of the authors of the Task Force Report to mobilise any major public support is seen as significantly disappointing. This is not to imply that there is a view that the Irish Government should exclusive focus on expanding the recognition of the nationalist identity and on advancing the position of the minority community. Indeed, it is the case that there would be considerable merit in allowing for a greater expression of the modernising aspects of the Unionist tradition. This would be consistent with the Agreement which speaks of respecting the identities of the two communities and the right of each to pursue its aspirations by peaceful and constitutional means. In this the Agreement fully reiterated the statements contained in the Forum Report which fully recognised the Unionist tradition in Northern Ireland. There are, however, some commentators in Northern Ireland who believe that there is room for a "twin-track" development in relation to the politics of Northern Ireland. On the one hand, a greater participation in British politics promoted by the increasing numbers who are attracted to McCartney's equal citizenship campaign and the second track of Irish representation of the highest level of Government within Northern Ireland for those who aspire to a united Ireland. There is a media view - although not widely held - that the "twin-track" approach lay behind Mrs. Thatcher's offer to the Unionist leaders in early 1986 and is the basis on which the current talks about talks are continuing. In fact a development of this type would be unlikely to strengthen the London-Dublin axis while in

fact damaging our interests in the other two sides of the triangle.

16. As regards the agenda of the Agreement, there is a need for the Agreement to deliver, and be seen to deliver, changes in society in the North. The Agreement was designed to give the Irish Government not a discreet influence but a recognised role, and in this connection, it may be asked whether the statements issued at the end of the various Conference meetings have on the whole been too bland.

17. Recently one of the controversial aspects of the Agreement has been the failure of the European Community to contribute to the International Fund. There is some interest among media commentators in the North about why we have not pressed our European partners to volunteer, in the absence of a joint approach from the two Governments, to contribute to the Fund even on a bilateral basis. Some have also questioned why we have not had the matter raised in the European Parliament, a method which John Hume has used in the past in order to highlight Northern Ireland problems in the European context. There is also a view among some commentators that any decision by the U.S. to discontinue its support for the International Fund would cause concern among Northern nationalists - such a step would tend to lend credence to criticisms already made of the Fund and could be exploited in the North and in the United States as an indication of the U.S. Administration's indifference to the Agreement.

18. A persistent undercurrent among media commentators is that the Agreement will not make a decisive impact on Northern nationalists unless it is able to address issues which are relevant to these areas where IRA strength is greatest - many of such issues are related to poverty, employment and the prisons. There is a real concern that the Northern

Ireland economy is now in a serious crisis situation. Existing multinationals have run down their operations and despite lavish financial incentives the IDB has not succeeded in its inward investment strategy. Efforts to stimulate local industry have met with little success. There was for a brief period a focus on prisons policy, which people like Fr. Denis Faul see as central to the concerns in deprived nationalist areas, following Scott's Irish Press interview in which he held out the prospect for the early release of some long term prisoners. Some media commentators believe that this is a worthwhile area for discussion within the Conference.

Conclusion

19. It is suggested above that in the Irish media support for the Agreement is tempered by scepticism as to the progress made under particular items of the agenda and that the British media, while supporting the Agreement, are heavily influenced by the official British view of its purposes and significance. The American and other international media are also influenced by the British view.

20. In the light especially of any tendency for the Anglo-Irish Agreement to place the Northern Ireland situation on the margins of British politics, it will be important for us to retain the possibility of influencing British and other overseas public opinion with a view to keeping the British Government aware of the need to implement the letter and the spirit of the Agreement. There is also the need to demonstrate to our own public opinion that the Anglo-Irish Agreement is a useful instrument that is being used effectively. Our contacts with the media will be more effective if based on a clearly stated concept of what the Agreement now means.

Press Section,
7 January 1988.

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