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cc TIAOISEACH, TÁNAISTE
MINISTER
MINISTER for
JUSTICE
ATTORNEY General

SECRET

23 October 1986

Mr. E. O Tuathail
Assistant Secretary
Department of Foreign Affairs

SECRETARY
Mr Nally
Mr Ward
Mr RUSSELL
A-I SECTION
A-I SECRETARIAT

Dear Eamonn

The following miscellanea are dictated under a certain amount of pressure and may not hang together all that well. They reflect the main points arising in our contacts here over the past few days.

Visit of Goodison on Tuesday, October 21

We gave lunch at the Secretariat in honour of Goodison. Minister Nick Scott was present.

Before lunch I had a chat with Goodison with whom, as you know, I had a good relationship for a few years.

He said that he did not believe there was any possibility of getting movement in the short term on the part of British Ministers on "substantial" measures in the area of the administration of justice.

On the other hand, he said that the reality was that the Convention would not make all that much difference - if any difference at all - given recent jurisprudence in our jurisdiction. He thought that Ministers in London saw this clearly enough.

It was nevertheless true, he said, that non-accession to the Convention would be used by the unionists against King and would be used by the NIO against us in terms of "delivery".

He gave it as his opinion that "delivery" from the British side under the Agreement would be slow and he did not conceal his critical views of the NIO, views with which we are familiar.

I spoke separately and fairly strongly to Scott about the need for delivery: his tone was friendly and intended to be reassuring but he made no promises.

Various discussions with Elliott

Elliott has more or less confirmed the grounds for anxiety which my colleagues and I here have been conscious of for the past week or so, namely, that the British will hold up delivery of a number of things until after November 15. You will recall that Robert Andrew hinted as much to me recently.

It would be wrong to underestimate the reality of British fears about the anniversary period. King mentioned these to the Minister on October 6. Elliott confirmed that the majority view among those responsible for security is that there was a political element in the recent strike at Ballylumford: in other words there was an element of the "rehearsal" about it. Unionists presumably know from unionist civil servants in Departments here that a power strike is by far the strongest weapon that can be employed against the Government. You will recall from my reports in March that the Government, while better equipped to ensure the provision of emergency services than in May 1974, does not have within the Army the capacity to keep the generators going if middle management pull out from Ballylumford.

Specifically, on delivery, we think that the Draft Order on "I" Voters will be published before November 15th but we strongly fear that the Draft Public Order Order, which deals with flags

and emblems, incitement to hatred and parades, will be held over, even though it is already printed and ready for distribution.

There has also been a certain loss of nerve on the Irish language issue and specifically streetnames - Elliott has confirmed to me that the whole Irish language issue in this phase will be dealt with on a piecemeal basis, viz. we are likely to be told about support for the language in the broadcasting system and the Arts Council in the shorter term, but the administrative difficulties associated with the streetnames issue are likely to hold up the draft Order on streetnames until after the next meeting of the Conference. The pretext here is the fairly substantial problem of devising an acceptable and workable system for ascertaining the wishes of residents on streets, given for example the problem of several "protesting" local councils. Elliott tells me that several of his colleagues agree with my own strong preference for repealing separately the provisions in the existing Stormont streetnames legislation which in effect banned the use of Irish forms of streetnames - as a first step - and dealing with the administrative aspect later.

These relatively complex administrative difficulties are however no more than a cloak for the real problem which is the reaction to the leak to the News Letter by at least one very senior civil servant of the ministerial papers on this issue. This is privately admitted and is moreover strongly confirmed by the very negative attitude being taken to the question of including within the framework of the Conference innocuous Ministerial meetings involving co-operation on road building and health between North and South. We are told quite frankly that the British inhibition in this area is based on their fear of an open revolt in Departments here, notably in the Department of the Environment. The British hesitation is coloured also by the generally nervous attitude of the Minister involved, Richard Needham, to any public association with the work of the Agreement. [Note: for what it is worth, the view of the Irish

side of the Secretariat is that Dublin should stand absolutely firm on the status of these meetings. We shall be arguing this with Needham who comes here for dinner tomorrow night.]

Sinn Fein

All of our contacts are keenly concerned about the implications for the South, and indeed for the North, of the probable Sinn Fein policy of elected representatives of that party taking their seats in the Dail. I think there is a strong desire on the part of the authorities here that Sinn Fein should suffer a reverse in the next general election in our jurisdiction. This would be seen by the British as a reverse for Adams and the Provisional IRA, throwing them into some confusion. We have reminded the British that the process leading to the Anglo-Irish Agreement began at the meeting between the Taoiseach and the Prime Minister in November 1983 when fears about the possible destabilisation by Sinn Fein and the IRA of the island and its effects on Britain led Mrs. Thatcher to decide firmly that it would be "worse to do nothing than to do something". I have no doubt that this argument has been given renewed relevance by the probable Sinn Fein policy and can be used to effect by our side in efforts to urge the British to "deliver".

Special Meeting on Security Co-operation

I have been told by my opposite number that our side should use the occasion of next week's special meeting on security co-operation to press the British on issues of concern to us in terms of the relations between the security forces and the nationalist community. These are of course:

- Codes of Conduct; (first for the RUC and then for the Armed Forces - see paragraph 8 of the Hillsborough Communique);

- RUC accompaniment of the UDR;
- the programme of action proposed under Article 7(c) of the Agreement.

This point has come up in discussion when I was complaining about lack of progress in these areas. My opposite number's view is that, while these issues are not of course on the agenda, our side should avail of the presence at the meeting of all the Ministers and senior officials concerned with security matters in Stormont as well as the Chief Constable to press our case. For myself, I would strongly agree and have tried to argue elsewhere that there is a fundamental sense in which these issues are relevant i.e. they are central to the issue of defeating terrorism as well as to improving the atmosphere in which security co-operation can best flourish.

Elections in the South

Goodison told me that his Embassy was reporting that elections would certainly take place no later than early next year but probably not before then. A different opinion exists inside the NIO where Scott is saying that he has gathered from Ministerial contacts with Dublin that the Government will call an election on an issue of its own choosing. For some reason or other (not clear to me), Scott and his colleagues have concluded that this means an election between now and Christmas. These opinions are irrelevant to the purposes of the Secretariat except in so far as they determine British attitudes to "delivery".

Possible new British proposals on Article 8

One of the visitors to Maryfield during the week was Timothy George, the new Head of the Republic of Ireland Department of the Foreign Office. He confirmed a view expressed by Elliott which was that the period of 10 days apparently alluded to in the Taoiseach's latest letter to the Prime Minister about the

administration of justice (because of the time interval between staff turnovers here, we have not yet seen a copy) was impractical from the point of view of London Departments. At the same time, they indicated that there would be a real willingness to "scrape the barrel" again. Robert Andrew had confirmed this willingness to me a few days ago.

Overall Comment

We have discussed the situation here among ourselves, the Irish team in Maryfield, and our assessment is that the situation is dominated by two factors:

- the Government's concerns about possible events leading up to and surrounding the anniversary of Hillsborough; and
- major uncertainties about the political situation in the Dublin jurisdiction.

The impasse concerning the Extradition Bill/Three-Man Courts problem adds to the difficulty.

In terms of our own interest, the strongest positive element in the situation is, paradoxically, the leverage we might get on the British from their hopes that Sinn Fein would be defeated by the constitutional parties in a general election in the South.

Against this difficult background, there is perhaps some element of leverage in terms of getting delivery on our desiderata in relation to the security forces in Northern Ireland from the forthcoming special meeting on security co-operation. It goes without saying that this will be possible only if our side can be somewhat more forthcoming than the British at present expect us to be. The corollary to this is that, if we take what the British would feel is an unhelpful stance on security co-operation (whatever the objective merits or demerits of doing

so), the position in the Conference and Anglo-Irish relations generally will, against the background of the uncertainties mentioned above, deteriorate seriously.

Yours sincerely

Michael Lillis
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