



An Chartlann Náisiúnta National Archives

Reference Code:	2018/68/63
Creation Dates:	4 November 1988
Extent and medium:	7 pages
Creator(s):	Department of the Taoiseach
Accession Conditions:	Open
Copyright:	National Archives, Ireland. May only be reproduced with the written permission of the Director of the National Archives.

ANGLO-IRISH RELATIONS

Points for Discussion

BACKGROUND

1. Unionists, especially OUP and Peter Robinson, anxious to opt back into political scene and not have decisions affecting the governing of the North for years to come taken in their absence. Desperately afraid, however, of making wrong move, particularly given history of previous Unionist leaders. Molyneaux also conscious that Paisley is, at best, an unpredictable partner. Ironic that, having for so long been critical of Unionist monolith, we would probably find it easier at present to be faced with unified party.
2. Reality of the Agreement, and continuing commitment of both Governments to it, forcing present Unionist rethink. Important to maintain this pressure. Above all, vital to approach Review as maximalist exercise. If we don't - and if we don't try and develop the potential in each Article of the Agreement - corresponding reduction in pressure on Unionists to take up dialogue option.

REVIEW

3. Serious problem of perception of Agreement, North and South. Evident in recent Belfast Telegraph poll. We are beginning to get this daily in the South.

4. Developing view that Agreement is not delivering on reform and political progress. Seen more and more as a device for security cooperation. Highly dangerous. Must confront this in Review. Agreement, by its very uniqueness, accepted the premise that radical change was necessary and achievable in North. Its credibility now depends on Review restoring a new dynamism.
5. Good meeting on Wednesday. Review to be conducted by two Governments. We're both appealing to interested outside bodies, North and South, to convey views. Hope Unionists will respond, even if on parallel talks basis.

SECURITY COOPERATION, ADMINISTRATION OF JUSTICE AND CONFIDENCE

6. Review should focus on future. Need to establish clear objectives and programmes of work. Every area to be looked at, including economic and social, 1992, etc. Exercise about reviewing and deepening commitment and making progress fully relevant and visible to people on ground.

PROSPECTS FOR POLITICAL PROGRESS

7. Differing views about immediate prospects for political progress. We are, for instance, getting somewhat conflicting reports of meeting last month in Germany. Just have to wait and see if matters become clearer.
8. Inevitably, Howe will raise devolution which seems the British priority at present. In general, we might make the

point that we see no great enthusiasm for devolution at present. SDLP have a view, which has much merit, that there will never be real substance to, or movement in, their relationship with the Unionists until the Unionists first talk directly to us.

9. Overall, wish to see widest possible dialogue - we talking to all parties in the North; parties talking together; Tom King talking to them. Only on this basis can we begin to take comprehensive stock and see how we might best move things forward.

SECURITY COOPERATION, ADMINISTRATION OF JUSTICE AND CONFIDENCE ISSUES

10. Last Wednesday's Conference perhaps the first where we had complete agreement and satisfaction at the level of security cooperation. Agreement working excellently in this area, and is publicly seen to be.
11. However, real danger of distinct lack of balance developing. Deeply disappointed and concerned by lack of progress in administration of justice area since Agreement.
12. Next Conference almost entirely devoted to administration of justice and confidence issues. Vital for credibility of Agreement, and credibility of both Governments, that we achieve real progress. In this sense next Conference could

- be crunch one. Above all, harassment major daily problem.
12. Need system in place to respond quickly and effectively to complaints, and to identify any emerging patterns. Gave Irish British twelve page paper on this on Wednesday.
13. Commitment to UDR accompaniment also seen as a major test of Agreement. Absolutely no progress in past two years - indeed the reverse.
14. Reform of Court system also needed to bolster confidence. Modification of right to silence makes case even more compelling for three-judge courts.

LACK OF CONSULTATION

15. Becoming fairly public that we're not being consulted in Secretariat in accordance with spirit and letter of Agreement. Danger of newspaper articles appearing to this effect. Nationalists in North increasingly cynical. No benefit to either side if we have to defend positions publicly on this. Right of silence very clear example of fait accompli briefing rather than consultation to obtain views. Unacceptable that in area so directly sensitive to administration of justice, including perhaps extradition, we were only given this fait accompli briefing. If this continues, Agreement seriously weakened.

PARLIAMENTARY BODY

16. Tánaiste might indicate that he has kept in touch with work of two Parliamentary sub-committees, that proposals emerging seem very sensible, and that prospects look good for the establishment of the Body, perhaps early in new year. Welcome fact that parliamentarians showing maximum sensitivity to Unionists in drawing up structures and working procedures of Body.

GUILDFORD FOUR/BIRMINGHAM SIX

17. Underline great degree of public interest in and concern about cases in Ireland. Particular emphasis on Guildford Four case, as Home Secretary about to decide on referral. Stress widespread expectation in Ireland that there will be a referral, and consequently the very damaging negative reaction if decision is not to refer.

18. Foreign Secretary will no doubt say that decision is matter for Hurd, to be taken on legal grounds only. We certainly accept that legal considerations are paramount; however, it has to be recognised that decisions of this type take place in a political context and have political implications.

19. Tánaiste might mention recent correspondence with Hurd on case. (Home Secretary's reply of 31 October, attached, seems fairly forthcoming). Pay tribute to Home Secretary.

20. Also refer to degree of concern in Britain on case. Eminent figures like Cardinal Hume and Lord Devlin have repeatedly expressed their doubts about convictions.

21. In Birmingham Six case, our focus is on trying to improve conditions in which the men are held (issues like decategorisation, possible movement to open prison, periodic parole). Tánaiste might emphasise to Foreign Secretary very positive reaction here to even relatively minor gestures (for example, when Richard McIlkenny was allowed to attend his brother's funeral some months ago). While concern will continue about a possible miscarriage of justice, humanitarian treatment of the Six would undoubtedly help ease some of the anxiety generated by this case.

22. Two cases dating from 1970s; people 14 years in jail and of no threat to anyone; referral in Guildford case and humanitarian move in Birmingham would transform political climate and atmosphere.

EXTRADITION/CRIMINAL LAW JURISDICTION ACT

23. Attorney-General, Tom King, Gerry Collins, Tánaiste agree that, as appropriate, should use both extradition and Criminal Law Jurisdiction Act. Latter very effective in past; some twelve of thirteen cases brought were

successful. Much quicker than extradition. Should go ahead
soonest with test case.

DRS

Dermot Gallagher,

4 November, 1988.

E349