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FROM: DAVID BROOKER  
IPL DIVISION  
7 MAY 1997

137/5  
- MAY 1997  
CENT SEC

cc: Mr Thomas  
Mr Steele  
Mr Stephens  
Mr Watkins  
Mr Daniell  
Mr Leach  
Mr Hill  
Mr Beeton  
Mr Maccabe  
Mr Perry  
Mr Lamont  
Mr Hallett  
Ms Bharucha

ASST 08 77/5  
SEC - 7 MAY 1997  
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1. cc Mr ~~Steele~~ 137/5

2. Mr Leach

Watched for views, from  
note to you, pl. - by  
tomorrow night.

DLW  
7.5

MR BELL

### THE ANGLO-IRISH AGREEMENT - OPENNESS AND TRANSPARENCY

The new Government is committed to greater openness and transparency in the workings of the Anglo-Irish Agreement. This was reflected in Mr Blair's recent article in the Irish Times in which he said -

"More open and accountable ways need to be found of allowing local people from both communities to work together and share power in the interests of all. More openness and transparency is also needed in the workings of the Anglo-Irish Agreement and its mechanisms".

2. The same sentiment was reflected in an article by Dr Mowlam in "The Unionist" in April where she said that -

"Building trust and confidence in the developing North/South and East/West relationships is essential too. That means more openness and transparency in, for example, the workings of the Anglo-Irish Agreement and its mechanisms. I do not see why local people and their representatives should not be more openly consulted on what is discussed between the two Governments when they meet. This is not a matter of ideology but a practical part of the process of building local political support for the work of the two Governments".

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3. It is not too early to start thinking about what we would say to the Secretary of State if she asked for ideas about how these undertakings should be put into practice. The first IGC under the new Government could take place as early as the end of this month. This paper offers a few ideas and invites comments. It is only an opening shot but I hope will provide a basis for developing some considered proposals to Ministers.

What do we mean by the workings of the Agreement?

4. I think it would be helpful to deconstruct this terminology and examine separately the different mechanisms that operate under the Agreement. In essence this means -

- the Inter-governmental Conference
- the Secretariat
- the Liaison Group — Surely it's not a creature of the Agreement...

5. There are, of course, other contacts associated with activities under the Agreement - Adare meetings and the occasional telephone call between the Tanaiste and Secretary of State. In the past we also had the two Working Groups, on extradition and other matters. For the purposes of this exercise, however, I think all these can be discounted. I shall look at the others in sequence.

The Inter-governmental Conference

6. Dr Mowlam seems to have it in mind that the Northern Ireland people and/or their politicians should be given the opportunity either to recommend items to go on an IGC agenda, or at least to put across their views on individual subjects which the Government can then take into account, either explicitly or implicitly, when dealing with the Irish. If this proposal were to be taken literally it would presumably involve the NIO (and Irish Government?) advertising the dates of IGCs some time in advance and inviting people to register points of concern with HMG, which could then be conveyed as necessary to the Irish. Technically, there is no specific provision in the Agreement for HMG to make representations to the Irish on matters of interest to the Northern Ireland people but it does not require any heroic assumptions to rely on the notion that such a function is implicit in the role of any Government. I cannot foresee how the Irish would react to the sort of consultation exercise which the new Government appears to

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message but if it were to be done for the expressed purpose of enhancing confidence in the operation of the Agreement - and that was also its effect - it should be difficult for the Irish to argue against.

7. There are, of course, other more structured ways in which the people could be consulted, either as a replacement for a general appeal for public views, or in addition to it. Ministers could write directly to the political parties or to the district councils. The former would be more manageable; the latter would impact directly on a wider audience. There might also be attractions, if that is the right word, in writing direct to organisations like the Orange Order, but if the list becomes too long the whole exercise, which could be fairly labour intensive anyway, could collapse under its own weight. The balanced approach might therefore be to stick to elected representatives plus a general appeal.

8. In addition to a consultation exercise of this kind, there are other possibilities for making IGCs more transparent. The two Governments, either singly or together, could offer to meet the party leaders (North and South?) to receive representations in advance of IGCs, or to debrief them on the meetings in general terms. This would probably carry greater impact if the two Governments acted together. A certain amount of debriefing to the Northern Ireland parties does, of course, take place already and in general the idea is not a million miles away from the Liaison arrangements for Strand III of the talks. The arrangements could, however, have a greater impact if put on a more regular, structured footing. (A further extension would be to encourage the Grand Committee to invite the Secretary of State to appear before it to give a report on the IGCs. This could work quite well, especially if the Committee were meeting in Belfast. It might not look so effective to the wider Northern Ireland audience if the meetings were in London).

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9. A more radical step would be to introduce open sessions of the IGC, if and when the subject matter allowed it. This would, of course, be difficult when political or security matters were under consideration, although the attractions of being able to broadcast parts of a session where the two Governments were jointly putting pressure on the IRA, discussing the need for compromise over parades, etc, could carry quite an impact in the external world. But more realistically, there may be greater scope for open sessions on social and economic matters. Any occasions would probably require careful stage management and it would be a matter of judgement whether the benefits of holding open sessions on non-

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*just plain tedious.*  
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controversial issues would outweigh the inevitable criticism that the most delicate issues were still dealt with in private. ✓

10. A variation on this theme would be to see whether, from time to time, there was scope for, say, the opening sessions of particular conferences to be conducted with press coverage. This might take the form of a scripted address by the host Government, setting out in general terms the issues to be considered that day and commenting on any significant issues of the moment. This might, in effect, replace the traditional doorstep to which Ministers have historically been subjected on arrival. The advantage of this is that it could make for a more balanced presentation of the issues, and the press would be seen to operating inside the conference room; one of the draw-backs, however, is that it is what Ministers say after the Conferences that counts most, not what they say before them. This footage may not therefore take many tricks.

11. A further possibility is that, if the subject material was right, representatives of the Northern Ireland parties might be invited to attend certain sessions of the Conference as observers. There may be issues in the economic and social field where the two Governments are about to clinch an agreement, where the attendance of others would not be controversial. The downside to this, however, and to my mind it is persuasive, is that it would encourage the parties to press for even greater access to the Conference and it could give rise to political stunts. It would also arguable transgress the conventions of confidentiality which normally surround inter-governmental discussions.

12. Other possibilities, which would not involve increasing access to meetings, would be to produce fuller communiqués after the Conferences, or to produce annual reports on the operation of the Agreement, which could then be debated in Parliament either by the Grand Committee or during the Direct Rule debates. The annual report could be produced by the NIO with the agreement of the Irish and would be essentially a factual document. If it is factual rather than argumentative it might be easier to agree with the Irish than longer drafts of communiqués.

Maryfield

13. You have already been looking at some of the options for opening up the Secretariat, in recent correspondence. One idea has been to look for a reliable TV company who could make a fly on the wall documentary or

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otherwise be given access to Maryfield. The danger with this, as you have already identified, is that the safety of staff could be put at risk. One way round this might be to restrict the use of cameras inside the building to occasions when well known figures are attending the building - the Secretary of State, Tanaiste, etc. Even the presentation of this would, however, need careful handling so that unionists anxieties about Maryfield were reduced rather than exacerbated.

14. Another alternative might be to invite a reliable documentary maker to interview former Secretaries of State, Irish Ministers, or former British and Irish Heads of the Secretariat in the Secretariat. I mention former British and Irish Heads of the Secretariat because the personal security dimension may be less significant for individuals who have left the jurisdiction. And then there are others, like Sir Kenneth Bloomfield and Sir Jack Hermon, who were regular visitors to the Secretariat and may be prepared to talk about it. But a substantial risk of this approach is that if individuals are interviewed separately the Irish could well seek to play up the significance of Secretariat in a way which would be wholly counter productive to the purpose of the exercise. ✓

15. Given the problems of allowing press access, the Secretariat may be an area where the idea of written reports on its activities could play a useful role. As Mr McCartney has shown in his recent run of PQs, there is a demand for basic information about the working of the Secretariat, so why not seize the highground and volunteer it in, say, monthly or quarterly written briefings which could be sent to the parties and published, then collated into an annual report. (The Secretariat already produces an annual report for internal consumption within the NIO). Again, this could be discussed in the Grand Committee or during the Direct Rule Renewal debates.

16. Further, if Ministers were to decide to offer the parties briefing sessions on IGCs, these could also be occasions to give up to date reports on the recent activities of the Secretariat, based on the regular written reports.

Liaison Group

17. It seems to me that this is the most difficult area to bring greater openness. The whole point about the Liaison Group is that its work is essentially exploratory and preparatory, and I am not sure it would

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withstand much exposure to the outside gaze. Arguably this is unnecessary anyway as its function is purely to advise Ministers.

Conclusion

18. As I mentioned at the beginning of this minute, this is just an opening shot to stimulate some thinking. I have intentionally canvassed a broad range of options, including some that probably fall into the "all too difficult" category. Overall, my own feeling is that the production of written reports might have some value, and could be a relatively safe option both for the Conferences and for the Secretariat, although I am not sure that it would score very highly on the scale of increasing unionist confidence. If we are to do that we need to get more into the business of opening up the Conferences and Maryfield to the cameras and to outside visitors. I think that we might therefore aim for a menu of options, perhaps based around the types of alternatives that I have mentioned here, all or most of which we would hope to take action on over, say, a two to three year period.

19. I am conscious that I have not analysed each and every option in much depth as regards its prospects for winning friends in the unionist community or upsetting the Irish. But I think we all know what the basic tensions are. I have to say, however, that I doubt whether the Irish will display quite the same readiness as the new British Government to stride purposefully in the direction of greater openness. I suspect that they rather like the idea of the Secretariat and the Conferences retaining an air of mystique and they may not look kindly on any exercise which could demythologise the high importance they attach to them structures. ✓

*(Signed)*

**DAVID BROOKER**

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