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488/97

P N BELL
BRITISH SECRETARY
13 OCTOBER 1997

Steele
13 OCT 1997
CENT SEC

Mrs Black

*1- Mrs Stebbins
2- Mr Denton
LD 17/10*

- cc: PS/Secretary of State (B&L)
- PS/Mr Murphy (B&L)
- PS/Mr Ingram (B&L)
- PS/Mr Worthington (B&L)
- PS/Lord Dubs (B&L)
- PS/PUS (B&L)
- PS/Mr Semple
- Mr Thomas
- Mr Steele
- Mr Blackwell
- Mr Watkins
- Mr Woods (B&L)
- Mr Leach
- Mr Stephens
- Mr Beeton
- Mr Brooker
- Mr D Ferguson
- Mr Hill
- Mr Maccabe
- HMA, Dublin
- Mr Fergusson, RID
- Mr Warner
- Ms Healy
- Mr Fisher
- Ms McGimpsey

ASST SEC 15 OCT 1997
CENT SEC
DB 190/10

C

*In from Mo
last night's discussion
tasked PG with further work,
but timing was seen as
important + 'make haste
slowly' as a guiding
principle. @ 15.10*

PS/SECRETARY OF STATE (B&L)

**THE ANGLO-IRISH AGREEMENT - PROMOTING GREATER OPENNESS AND
TRANSPARENCY: TUESDAY, 14 OCTOBER**

The next IGC

Your minute of 9 October asked whether further briefing would be necessary for Tuesday's 1800 hrs meeting on the above topic. The short answer is "no": my submission of 5 August was designed to provide a skeleton agenda for our meeting, while the attached paper described itself as an "Annotated Agenda". That paper remains adequate, in my view, for an

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intended discussion of the issues leading, I suggest, to placing the issue of transparency etc on the agenda for the next meeting of the IGC. I would however draw Ministers' attention especially to paragraphs 17 and 18 of the "Annotated Agenda". This sets out a "menu" of some of the more promising avenues for Ministers to explore.

2. To these I would add only add the possibility of our:

- establishing an AIS web site;
- the publication of an inevitably short, factual booklet describing the work of the Conference and the Secretariat; and more significant,
- offering briefings by the two Secretaries to representatives of the political parties represented in the Talks process. (Such briefings, which would be inevitably low key and factual, could provide background information for those parties who accepted, and also call the bluff of those who, in the past, have been offered but declined briefings - and thereafter complained, including to the Prime Minister, that they had no idea how "Maryfield" worked).

Irish reactions

3. All these potential "runners", including those in my original paper, have been broached with my Irish colleague who is fully seized of the Secretary of State's determination to make progress on this subject. He has not expressed considered views about them, but I do not believe that he (or his masters) are incapable of persuasion on any, provided they can be satisfied that we are not diminishing the perceived effectiveness of current arrangements in the eyes of the Nationalist community; merely seeking to placate Unionists; or committing the abominable sin of anticipating the outcome of Strand III. In the meantime, it would be of great help to me in my continuing negotiations with Mr Donoghue as we prepare for the next IGC to be able to say that my own Ministers were inclined to favour such and such

4. Two further factual points are perhaps worth recalling at this stage:

- the indications which Ministers have given to Mr Trimble that greater openness and transparency on their agenda; that they are considering proposals actively; that they would welcome Unionist views (by implication, provided they are not wholly negative); and will be putting them on the agenda for an early meeting of the IGC - of which the next seems likely to be around early November); and
- the interest, currently dormant, which the Northern Ireland Select Committee appear to be showing in the IGC and its Secretariat. This is not, you may think, something to be encouraged since it would do little more than promote political theatre of the less entertaining kind - although we have reason to believe that the Unionists are perhaps more likely to be mollified by a greater degree of Parliamentary scrutiny of the Conference and Secretariat than by anything else.

5. I shall very shortly be submitting separately about the invitation of Sinn Féiners to the AIS Christmas Party.

Signed:

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BRITISH SECRETARY
5 AUGUST 1997

cc: PS/Mr Murphy (B&L)
PS/Mr Ingram (B&L)
PS/PUS (B&L)
PS/Sir David Fell
Mr Thomas
Mr Steele
Mr Leach
Mr Stephens
Mr Watkins o/r
Mr Beeton
Mr Brooker
Mr Hill
Mr Lavery
Mr Maccabe
Mr Woods (B&L)
Mr Lamont, RID
HMA, Dublin
Mr Warner
Ms Healy
Mr Fisher
Mrs Osborne

PS/SECRETARY OF STATE (B&L)

**THE ANGLO-IRISH AGREEMENT - PROMOTING GREATER OPENNESS AND
TRANSPARENCY**

Purpose of Paper

I alerted Ministers last week that we should shortly be putting proposals to them for demystifying the operations of the Anglo-Irish Agreement, both of the Intergovernmental Conference itself and the Anglo-Irish Secretariat at Maryfield. There are excellent reasons for doing this (and, because we are dealing here with joint institutions for persuading the Irish of the advantages of doing so also). They include the present Government's wider objectives as well as more specific commitments on the part of both the Prime Minister and

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the Secretary of State herself. Openness is, in any case, as desirable about the operations of the Agreement and its organs as about any other aspect of Government, while there is a specific Northern Ireland gain in seeking to reduce continuing Unionist suspicions of the Secretariat as part of the Government's wider "confidence building" strategy. It is also an initiative Mr Trimble is actively seeking.

2. Rather than weary Ministers with yet another long submission, with the help of colleagues I have prepared the attached "Discussion Paper" which sets out some options for openness; sketches their chief advantages and disadvantages; and concludes with a tentative identification of what Ministers might reasonably hope to achieve in the short and medium terms.

Agenda

3. The paper is designed to inform a Ministerial meeting with the following Agenda at which participants would have the opportunity to set the particular issues arising from the Agreement in the wider political context - including: confidence building among Unionists.

- the commitment to openness (paras 1-3);
- the problems and constraints (including the wider political context) (paras 4-7);
- options for Openness I - the IGC (paras 8-12);
- options for Openness II - the Anglo-Irish Secretariat (paras 13-16);
- a Menu;
 - short term (para 17);
 - medium term (para 18);

- the way forward - defining our negotiating position (paras 19-21).

Action

4. A meeting on this agenda would I hope result in clear guidance from Ministers both as to what they hoped to achieve over the autumn, in the light of their wider political plans, (in a political context provided by the co-existence of substantive political negotiations, and agreement on the broad tactics to be followed with the Irish side.
5. If Ministers are content, I hope it will be possible to arrange a meeting of the key players having regard to leave arrangements.

Signed:

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THE ANGLO IRISH AGREEMENT- PROMOTING GREATER OPENNESS AND TRANSPARENCY

An Annotated Agenda for Discussion

The Commitment

The new Government is committed to greater openness and transparency in the workings of the Anglo Irish Agreement. For example the Prime Minister wrote in the "Irish Times":

"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 Secretary of State also wrote in "The Unionist" in April 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".

3. The following discussion paper sets out options for achieving Ministers' objectives, together with a brief analysis of their pros and cons, as well as some of the more important constraints under which the Government must operate.

The Problem

4. "Open Government" is, in principle, desirable in regard to the Intergovernmental Conference (IGC) and its Secretariat (AIS) - the organs of

the AIA - as much as elsewhere. In Northern Ireland, where suspicions and misunderstandings about both are deep, widespread and often maliciously fostered, there is additional advantage in the Government's doing whatever more it can do to dispel fears about how the IGC and AIS work, especially Unionist fears that HMG is pursuing a nationalist agenda. However, Unionist hostility towards the Secretariat, in particular, is a proxy for their continuing rejection of the privileged position in regard to Northern Ireland afforded to the Irish Government under the terms of the Anglo Irish Agreement itself. Greater openness, therefore, about the Conference and the Secretariat will not, of themselves, wholly address all Unionist concerns about the nature of the Anglo Irish relationship. What nevertheless can be done?

Constraints

5. HMG must not:
 - by throwing into greater prominence the work of the Conference and Secretariat, increase Unionist resentment of the Irish role in regard to Northern Ireland; nor,
 - similarly increase the existing threat from Loyalist paramilitaries to staff (of both sides) working at the Secretariat (and which has caused management difficulties in recent months).

6. It will also be necessary to persuade the Irish Government of the desirability of greater openness. They are not opposed to "openness" in principle, but they have a interest not only in the safety of their own staff, but also in a degree of "mystification" designed to enhance, in the eyes of Northern Nationalists, their influence on the British Government through the machinery of the Agreement. Following Dublin practice, they are also inclined to under-rate the importance to us of Parliamentary accountability. They also currently attach great importance to not anticipating, in regard to the workings

of the Conference and the attendance of third parties, the kinds of "Strand 3" proposals for greater "openness" in regard to the IGC envisaged in paragraphs 39-49 of "Frameworks". The Irish also emphasise that the AIS is a "joint" institution, and would resist unilateral action on our part.

7. These objections are not insuperable. But, unless the Irish are taken with us, we are unlikely to make satisfactory progress.

Options for Openness I - The Conference

8. These include, in increasing order of attractiveness and acceptability:

- Open Sessions if and when the subject matter permitted. This would be difficult, to impossible, when political or security matters were under consideration, but there could eventually be scope on social and economic matters:
- Inviting Observers from the NI Parties, again in the Social and Economic field, (eg when the two Governments were about to announce some agreement).
- Opening Sessions only conducted with Media Coverage which might take the form of a scripted address by the host Government, with brief response, setting out in general terms the issues to be considered and commenting on any significant issues of the moment. (This would not, however, replace the more important Press Conferences).

Comment

9. The difficulty with these proposals is that all of them could increase, in varying degrees, pressure for still greater access to the Conference, inhibit genuine discussion, and encourage unhelpful "political theatre". They would

also, in varying degrees, arguably transgress the conventions of confidentiality normally, and for sound practical reasons, surrounding intergovernmental discussions of all kinds. It is unlikely also that the Irish would tolerate anything, at this stage, other than perhaps media press coverage of the Opening Sessions only of the Conference.

10. Other possibilities centre round greater consultation. For example:
- NI Political Parties (and possibly District Councils and major interest groups) might be asked for their views in advance on Conference Agendas eg by suggesting items;
 - The two Governments, either singly or together, could offer to meet the NI party leaders to receive representations before IGC's or to debrief them afterwards.

Comment

11. Such a consultation process could easily become unmanageable. But for the Secretary of State (or Mr Murphy) to meet the main NI party leaders only in advance of an IGC might be feasible, if certainly politically controversial - perhaps excessively so against the backdrop of substantive political negotiations. On the other-hand some debriefing of the NI parties has taken place in the past. There are - although the Irish affect dismay at this unilateral activity - attractions in carrying it out in a more structured way (eg if the NI Grand Committee were to invite the Secretary of State to appear before it to give a report on Conference Meetings). There is, however, a risk of merely giving Unionists a more conspicuous target at which to fire.

12. Other and potentially less controversial possibilities include:

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- "Rolling the pitch" before IGCs; extensive (unattributable), and media briefing by HMG afterwards - (this would amount to copying existing Irish practice and could be done unilaterally);
- instant and authoritative rebuttal of misconceptions about IGC (or AIS) in the media.
- A fuller Communiqué after the Conferences; and/or,
- Annual (or 6 monthly) Reports on the operation of the Agreement which could then be debated (eg in Parliament or the NI Grand Committee). This might be produced by the NIO, in agreement with the Irish, and would be essentially a factual document. This might be easier to agree with the Irish than longer drafts of Communiqués which are already hard to agree under tight time constraints.
- Ensuring Agendas which generate Communiqués' (and lead to action) announcing programs of tangible benefit to all sections of the community in NI flowing from the IGC and its organs.

Options for Openness II - The AIS

13. Possibilities here include:
- "Fly on the wall" documentaries in Maryfield:
 - A commissioned Documentary (eg interviewing former Secretaries of State, Irish Ministers or present and/or former British and Irish Heads of the Secretariat);
 - A Feature Article from a reputable journalist (whether placed in a national Broad Sheet or, as a opening gambit, in "Omnibus").

- Opening a (factual and agreed) AIS Net site.

Comment

14. All these options, especially the first, could prejudice the safety of staff. Also, what makes good television (eg Anglo-Irish confrontation) makes bad politics. The second option carries the risk that Irish interviewees could well seek to play up the significance of the Secretariat in a way which would be counterproductive. This danger would be present, although in a reduced form - and with no risk of identification of staff - if a reputable journalist wrote a feature article. (David Sharrock of the "Guardian" is both ready and willing). This idea merits further study. A net site, with contents agreed with the Irish side, also seems a runner.

15. Other options surround the continuing provision by the Secretariat of greater written information, for example by anticipating requests for factual information (as we have already secured faint praise from Mr McCartney for greater "glasnost" in answer to a Parliamentary Question: a first list of briefings in the AIS will shortly be published) whether by means of more informative answers to PQs, or the publication of monthly or quarterly written briefing which could be sent to the NI Parties and published, then collated into an annual factual report (see para 11 above). This could be discussed in the Grand Committee or during the Direct Rule Renewal Debate.

16. Finally, we could pursue more intensively the current policy of the Secretariat of greater physical openness involving, for example: more wide ranging, and carefully targeted hospitality (ranging from eg 6th form debating societies to business and community groups) on the part of both Secretaries and, where appropriate, accompanied by suitable publicity.

A Menu?

17. Ministers may wish to discuss the relative merits of some or all of the above, or of other options for giving greater openness and transparency to the work of the IGC and of the AIS. They may, however, conclude that a modest beginning might be made in the short-term (in addition to what we could do unilaterally by eg "rolling the pitch" etc (para 12)) by one or all of the following:

- An opening session only of the Conference with media coverage (as happened at the opening of the Talks Process (para 8));
- A feature article by a well known journalist (para 13);
- A continuation and intensification of the existing "out reach" programme of the Secretariat (para 16);
- Continuing to give fuller Answers to Parliamentary Questions, Minister's Cases etc seeking information about the activities of the Secretariat, and wherever possible anticipating in such Answers likely further requests for information (para 15).
- Demonstrably using the IGC (and AIS) in ways that deliver tangible benefits to all sections of the community in NI (para 12).

18. For the medium term, Ministers may wish to consider commissioning further work in respect of:

- Greater consultations with local political leaders before, and debriefing after meetings of the Conference (para 10);

- The production of an Annual (or 6 monthly report) Report on the operation of the Anglo-Irish Agreement, to be issued by both Governments (para 12). ✓

The Way Forward

19. The first step is for Ministers to determine what changes they would wish to see, then for discussions to resume with the Irish. (The Secretary of State has already, very helpfully, paved the way by telling Mr Burke in the Tete a Tete at the last London IGC of the importance she attaches to greater openness). There is advantage in being clear how far down our "menu" Ministers hope to reach. This will give officials a clearer and negotiating agenda; we are less likely to irritate the Irish side, or arouse their suspicions, by regularly returning to ask for more.

20. What we know of Irish intentions suggests the sequence of potentially overlapping events:

- Ongoing discussion within the AIS.
- Secretary of State explains (eg to the Irish Secretary during the planned Courtesy Call) why HMG is committed to greater openness.
- The British and Irish Secretaries' are tasked with producing an "Agenda for Greater Openness" for approval by the IGC in the autumn.

5 August 1997