

Sheila *copy for*
Please put a copy
of this in Damien's
folder. (He will love
the idea of a second
set of principles!!!) *EMA*

146/8 RM 1/9/92

Mrs. Rodgen

J
1 SEP 1992

cc: *U. Tiggart*

cc Mr Minnis

Secretary

MACBRIDE PRINCIPLES: POLICY REVIEW

S 385/88 general.

As discussed yesterday, I attach a draft minute to PUS.

R B SPENCE

28 August 1992



DEPARTMENT OF ECONOMIC DEVELOPMENT
An Equal Opportunities Organisation

CONFIDENTIAL

cc Mr Fell
Mr Spence
Mr Minnis

PUS

MACBRIDE PRINCIPLES

I would welcome an early opportunity for a word with David Fell and you about how we might move forward on this difficult issue.

Richard Ralph's letter of 22 July to Bob Minnis, which you will have seen, is a very helpful contribution and raises a number of important points.

I am, however, not sure that a policy review along the lines of those conducted in 1988 and 1990 is the right next step. Instead, I would like to commission further work on two key issues:-

- (1) Is the MacBride Campaign going to remain a problem? I have the feeling that it will run and run and that the election of a Democratic President could well give it an extra boost.

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- (2) Should our tactics change from the present one of a "graduated response"? I would like to explore the idea of upstaging the MacBride Principles through a new set of principles (tough, but acceptable to us, the Irish Government, the SDLP and the Catholic hierarchy in Ireland and the USA), which a high-powered and responsible group of Americans might devise and request the British Government to accept.

I hope that we can get together shortly to discuss these issues.

G F LOUGHRAN

8.9.92 MS
 s/c: Secretary
 M. Spence
 M. Toggart

Mr Minnis
 Mr Ralph
 we are not
 of a policy
 (but tell them
 their story)
 2/9/92

→ Mr Spence
 perhaps for
 speak to
 & tell them
 - farms
 review
 so

25/8
 142/13 RM
 4/9/92
 4216 A PB 9.9.92

Mr Ralph

DEPARTMENT OF
 ECONOMIC DEVELOPMENT
 - 8 SEP 1992
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 09301/9
 ... BRANCH

cc: PS/Mr Fell
 Mr Minnis
 ✓ 7.9

MacBride Principles: Policy Review

1. Thanks for sending me a copy of your letter of 22 July 1992 to Bob Minnis. I support the line that we should again review our strategy on the MacBride campaign and in my view we should change tack.
2. I say this for a number of reasons.
3. Firstly it is very difficult to find clear, easily understood arguments against the current version of the MacBride Principles - as distinct from the campaign. It seems to me that finding a convincing argument that the principles require positive discrimination rather than affirmative action needs quite some digging. Secondly intensive lobbying to oppose the principles on the grounds that they call for guaranteed security on the way to work is hardly worth the cost. If that were the only point at issue we could surely argue quite successfully against any enforcement action in the US based solely on the grounds that security is not guaranteed. Most US interests could not and would not guarantee that here.
4. Therefore our current strategy seems to stand on two factors - the extent to which we need to oppose the campaign because of its associates and the extent to which, if we changed tack, we would abandon our friends.
5. Of course we cannot surrender totally to the MacBride campaign as they are no supporters of healthy community development in NI nor are they interested in promoting economic development within any political framework which acknowledges the constitutional realities in NI or Ireland. However, by strenuously opposing them at every turn; by refusing to "accept" a MacBride measure suitably modified to encourage investment and to refer to the Fair Employment package of measures; and, I must say, by us only being able to use lobbyists from NI who have little credibility with the Catholic community in NI I fear that we constantly risk being perceived as having something to hide.
6. Furthermore our strategy on MacBride is by definition a defensive, protective one and it tends to narrow the focus to one element of Government's range of measures aimed at producing greater equity between the two communities in NI. Because of this defensive focus we lose the opportunity to, or have greater

difficulty in promoting the many positive measures we have developed and are developing - the Community Relations Programme, the developing policy on the Irish language, the radical change in the funding of Catholic Schools (not yet announced), the more enlightened prisons policy and the continuing work towards a more sensitive security policy - to name but a few.

7. In my view we should give serious consideration to changing our strategy to one which is based somewhere between being neutral and one which regards the MacBride Principles as no longer necessary because of the measures which we have taken and are taking. This strategy would require an acknowledgement by us that we were prepared to go along with appropriately modified measures though we could still oppose the MacBride Campaigners because of their negative approach.

8. This does risk the charge that we have abandoned our friends. But if we changed many of our friends might find it easier to modify MacBride measures to make them toothless and perhaps even to convince their colleagues that the Campaign is largely out of date - if the issue is defused there may be few votes in it. (In any event if the Campaign continues to spread into cities and towns it could only be opposed effectively if at all, at significant cost.) Furthermore I can detect (though its early days for me yet) a sense that many of those who go along with MacBride, whether for political or idealistic reasons, may be willing to live with an accommodation which allows them to have MacBride but which calls for greater investment and even acknowledges the FE measures on the ground. In that event they may well be content to stop short of assertive enforcement.

9. Of course if we were to consider changing tack we would need to convince the unionists and others in NI that we had sound reasons for so doing. That may be difficult in the short to medium term particularly since we suffer from a lack of hard specific evidence either way of the impact of MacBride on investment decisions. Much of that convincing would need to be done in NI and perhaps more widely within the UK. However we would need to consider also if we could mobilise US interests to support the line proposed.

10. I hope I am kept informed on progress.



D G McNeill
August 25, 1992

Mrs. Rodgers

cc Secretary
Mr Gibson
~~Mr Taggart~~



24 August 1992

TO: Mr Spence

FROM: R J Minnis

PA Policy

FWE.

Gen.
385/88

MACBRIDE

1. Following my return from leave I received a letter from Richard Ralph (copy below - Tab A) referring to a discussion with Mr Fell in the course of his visit to the Embassy earlier this year and offering views for consideration in a re-examination of the strategy on MacBride. I have now confirmed that Mr Ralph inadvertently attributed to Mr Fell a stated intention to ask for a re-examination of MacBride strategy. It was in fact Mr Chilcot who undertook to commission a review of MacBride following his visit to the States and it was this of course that prompted David Cooke's minute to me of 11 February which, as you will recall, was put on hold at the Secretary's direction.
2. I have informed Mr Ralph that we would be discussing the matter with the Secretary on his return to the office. In regard to that discussion it may be helpful for me to mention that there have been two formal reviews of MacBride, in September 1988 and March 1990, the more recent of which ultimated in the Secretary of State approving the continuation of a 'graduated response'. This meant in effect that the approach to be adopted in response to MacBride Bills should be dictated by pragmatism and sensitivity - with no Bills being left unchallenged and heavy emphasis being given, in presentations in the US, to the central importance of the Fair Employment Act and the concomitant need for additional jobs. A copy of the note recording the Ministerial discussion and decisions on 13 March 1990 is attached (Tab B).

R J MINNIS



DEPARTMENT OF ECONOMIC DEVELOPMENT
An Equal Opportunities Organisation

Key
File

Mrs. Rodgers
- marks

J

18 AUG 1992

132/11 RM 4/8/92

Gen
385/88

cc: Ideals of branches

cc Secretary
Mr Gibson
Mr Spence
Mr Morrison
Mr Duncan
Mr Minnis
Mr Baker



Mr. Lynch
Ms McKenna

Ms Rogers SR 4.8

UN TAGGARI OK

Mrs. Rodgers
- please discuss.

un Taggari

18 AUG 1992

decided position with Mr Baker. We do not need to do anything at present. We will

receive further information in due course

SR 18.8

August 1992

To: HODs, DED HQ
Mr Buckland, LEDU
Mr Henderson, NITB
Mr Patterson, IDB
Mr Caher, T&EA
Miss O'Hare, IRTU

From: R Gamble
Strategic Planning Unit

POLICY EVALUATION ARRANGEMENTS WITHIN THE DED GROUP

- At its meeting on 1 June 1992 the Departmental Board agreed new arrangements for policy evaluation within the DED group and gave the Strategic Planning Unit a co-ordinating role in this area. This note outlines these arrangements and asks recipients to arrange for the Strategic Planning Unit to be provided with the information it needs to carry out its role.

Background

- Overall responsibility for policy evaluation in the NICS lies with DFP, which itself reports to HMT on the subject. Regular and systematic evaluation of all major areas of policy is expected to be an integral feature of Departments' management systems. Consequently, DFP requires all Departments to evaluate each major area of their policy every five years and to contribute at least two of their evaluations each year to a NICS policy evaluation programme which is submitted to HMT.

Future Arrangements in DED

- The functions of the Strategic Planning Unit in its role as coordinator of policy evaluation in DED will include:
 - maintaining a database about policy evaluation work being undertaken within the whole DED group;
 - making proposals to the Departmental Board on the content of rolling five year and annual programmes of DED policy evaluations;
 - ensuring that the whole DED Group is aware of DFP's requirements on policy evaluation and that these requirements are adhered to;



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- when invited, providing assistance to those undertaking or commissioning policy evaluations, through the Unit's professional economists and statisticians; and
 - when invited and where possible, offering assistance from its consultancy budget towards the costs of policy evaluation work.
4. Operational divisions in DED HQ and the DED businesses will continue to have the primary responsibility for identifying policies and programmes for evaluation from within their own areas. The Strategic Planning Unit will, however, have the right to make suggestions of its own on policies and programmes for evaluation in any area of the Department. Operational Divisions and the businesses remain responsible for undertaking or commissioning policy evaluations, and for determining how they are undertaken.

Strategic Planning Unit: Information Needs

5. To fulfil its role the Strategic Planning Unit will need full information about policy evaluation work undertaken throughout the DED group. This information should include the terms of reference, the proposed start and completion dates and a copy of the final report for each evaluation. Recipients are asked to make arrangements to ensure that this information is forwarded to the Strategic Planning Unit as soon as possible after it becomes available. The information will be forwarded to DFP when an evaluation is included in the NICS programme mentioned at para 2 above.
6. The Strategic Planning Unit will request information on a regular basis (probably every six months) on policy evaluation work being planned or undertaken within the DED Group. Derek Baker (Netherleigh, Ext 2415) will be the contact point for enquiries, advice etc. He will also be able to provide copies of DFP and HMT guidance on the conduct and methods of policy evaluations.

R Gamble

R GAMBLE
4 August 1992



Mr. McArdley 10/9
I think we should
let this sit at the
moment.

Mrs. Rodgers
To not + file, with
copy for Mr. McArdley etc.

3/134153/12/8/92
143/1419M 24/8/92

cc: ~~Mr. T. [redacted]~~

Jaggan
AUG 1992

Mr Jaggan
Re 'X': Will this be covered by
the review; or should we be preparing
comments for Mr Minnis to pass back
to Mr Archer?

FROM: G R ARCHER
REPUBLIC OF IRELAND DEPARTMENT

DATE: 7 AUGUST 1992

CC Mr Minnis DED Belfast
Mr Ralph WASHINGTON
PS/Mr Fell B

Mr S L Rickard
SIL B

MACBRIDE PRINCIPLES: POLICY REVIEW

1. Richard Ralph has copied to me his very useful letter of 22 July to Bob Minnis about the MacBride review.

2. I note that there are a number of bench marks to bear in mind, including the start of the new US legislative season in January and next year's inspection of the Embassy. I would be interested to know in due course how the review is likely to fit in with these dates.

3. I have not much of substance to add to Richard Ralph's letter at this stage. However, it seems to me that the key question is that raised in paragraph 4(b) of the letter. Is there real damage to potential investment from MacBride? If there is, there must be a strong case for doing all we can to resist encroachment. I suggest that the point is worth examining in detail. If our concern is more with the effect on attitudes to Ireland in the United States, the position is much more complex. It may be that we could adjust our position without reversing it.

X 4. I should be interested in comments from Belfast and in the SIL perspective.


G R ARCHER

PA Policy Review Unit 385/88

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133/S RM 4176192



British Embassy
Washington

22 July 1992

2/4.8
Bob Minnis Esq
DED Netherleigh
Belfast

3100 Massachusetts Ave N.W.
Washington D.C. 20008-3600

Telephone: (202)
Telex: RCA 211427 or 216760-WU1 64224
Facsimile: (202) 898-4255

Dear Bob,

MACBRIDE PRINCIPLES: POLICY REVIEW

1. David Fell said that he would be asking for a new look at our strategy on MacBride following his visit to Washington earlier this year. The last such review was two years ago. Most US State legislatures have now finished work for the year and this may be a good moment to offer our views.

2. It is hard to tell whether the tide is coming in or going out on MacBride in the United States. The campaign is making no headway at the federal level. All MacBride bills in Congress are stalled and are likely to remain so. The shareholders resolutions' campaign seems to be losing momentum. At the State level, we managed to secure a veto in California, the MacBride campaign's jewel in the crown. But we have lost in New York and Pennsylvania (and) are likely to lose in DC in the Autumn. The campaign is now heading off into the cities and smaller towns. Yonkers, New York and Cleveland, Ohio, have recently passed MacBride legislation; other States and cities eg Frankfort, Kentucky and Parma, Ohio have passed resolutions.

3. We draw a number of lessons from this year's campaign. We can win in some States by force of argument, particularly in the South and West. But we are having much greater difficulty in the North and East, the Irish American heartland. Even where we can win the argument with individual representatives we lose the battle, because they are not interested in the merits of the case. Their vote is driven instead by the desire to avoid upsetting local Irish American activists and by straightforward political horse trading. Individual legislators can, by calling in favours, hustle a bill through the Assembly (true in Pennsylvania, New York and now DC). Unless there is an obvious downside politicians will all too often take the easy way out by going along with MacBride.

RESTRICTED

*E. Minnis
J. Minnis
M. Minnis
The Minnis
Netherleigh
Belfast*

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(b) Maintaining our graduated response, ie going all out where we think we can win and mounting more perfunctory opposition elsewhere, particularly where the odds are stacked against us. In some States and cities where we think we may lose we can persuade surrogates to propose amendments (ie to refer to the Fair Employment Act or to encourage investment in Northern Ireland) to make the MacBride bills less objectionable. As long as these amendments are proposed by legislators rather than by HMG it should not compromise our position. As Chicago shows, this sort of approach is sometimes a better way of achieving our aim.

6. Whichever of these courses we opt for one problem we are going to face increasingly is the spread of the MacBride campaign from States to cities and towns. We simply do not have the resources to follow the legislative calendars of towns around the country, and we run the risk of appearing inconsistent if we let bills pass in some places but resist them in others. If we are to pursue the campaign onto this playing field we will need to employ more professional lobbyists and that will have substantial resource implications.

7. I hope this will be a useful contribution to your review of MacBride. This will need to be complete before the next legislative season begins in January. It will also help us to look at the staffing on MacBride during next year's inspection of the Embassy. I hope you will keep us informed and involved as your review progresses.

sum,

R P Ralph

R P Ralph

cc: PS/Mr Chilcot
PS/Mr Fell
Steve Rickard Esq, SIL Division, NIO(L)
Graham Archer Esq, RID, FCO
Consuls General: New York, Boston, Chicago, San Francisco,
Los Angeles
HM Consul Cleveland

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