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Secret

Post-Chequers: An Alternative Strategy

The following thoughts are an attempt to devise an alternative strategy to that followed during the past year but aimed at achieving the same result overall, although in what I suggest may be more manageable circumstances. This is of course a purely personal view. Some of the opinions may be thought to range beyond the normal territory of bureaucracy but I hope that, in the difficult circumstances we now face, such "excesses" might be indulged.

The most immediate problem the Government faces, as we prepare for a possible Anglo-Irish Summit in the months ahead is public opinion in this State. Such is the persistent reaction to Mrs. Thatcher's and Mr. Hurd's post-Chequers press conferences that little or nothing of the "achievements" of the last Summit - either its public "achievements" as reflected in the Communique or its substantive achievements in private - is acknowledged or believed in either by the public or, it would seem, in private by those who are informed.

Four days before we went to Chequers the results of an opinion poll taken in the State showed that our public opinion was ready to contemplate solutions to the Northern Ireland problem which in several major respects fell considerably short of what the British were talking to us about. Four days after Chequers the political judgement was that no deal however good was "saleable". Little appears to have changed since.

That this should have happened against the background of a remarkably positive Communique and merely because the British Prime Minister confirmed in characteristic brutal fashion the British Government's frankly well-known "dismissal" of the Forum options (as opposed to the Forum's "proposals" - the requirements - which were largely adopted in the Communique) - poses two harsh problems for our Ministers. First: why should this be so?

Inasmuch as the reactions of political parties reflect currents of public opinion, there was a remarkable contrast within Nationalist Ireland between

the South and the North where the SDLP came out of an all-day meeting at one of the worst points in the whole process with a steady and reasonably positive line, having isolated Councillor Feeney who had tried to exploit a supposed feeling of panic and hysteria by advocating closer liaison with Sinn Fein. Does this contrast reflect a difference in attitude (to Northern Ireland, to the British, to the need for or possibility of progress) between Nationalists North and South? If it does it suggests that Northern Nationalists are far more "realistic" than Southern Nationalists, but this is sharply contradicted by the opinion poll published only days before Chequers. Does the contrast to some degree possibly reflect the fact that in many respects bipartisanship does not operate on Northern Ireland policy in the South? Again that in itself should not account for the extent and the persistence of the negative reaction here. Is it possible that those in Government created a good deal of the negative reaction themselves and ensured its persistence? Is there something in the theory that Southern journalists by and large lack expertise about and a "feel for" the realities of either Northern Ireland or Anglo-Irish relations? Could something similar be said to apply generally to public opinion in our State?

There may be other questions that should be asked in addition to these. They are all very much in the domain of domestic politics and clearly they are thus beyond the scope of this paper. Ministers will have views on them and it would be extremely useful for officials to be guided accordingly.

Officials might however be allowed to comment on one particular aspect. It has been suggested that the blame should be put on the Irish officials who prepared the Chequers Summit: for misreading the situation on the British side, misleading our Government and "hyping" expectations. All that a participant in the preparations can say is that I do not believe that there is any significant substance to any one of those charges. As to misreading the situation: On November 4 we received a written statement by the British (to the preparation of which we had informally contributed) of where they understood both sides to stand; we subsequently took action to correct in writing that written appreciation in several respects, eliciting in consequence from the British side a further written response delivered at Chequers itself. Those British statements remain "on the record" and whatever was said orally by British Ministers, those written statements would, if leaked constitute

by far the greatest threat of acute embarrassment to the British Government in the eyes of Unionist readers arising from this process to date. It is true that during and after the Summit itself, Hurd and to a certain extent Howe departed from the positions set out on paper but this remains an aberration both from Thatcher's own line and from what was and continues to be said in her name. As to misleading our Ministers, the facts are that the Irish team were instructed in close detail before most meetings by the Taoiseach, the Tanaiste and the Minister and that we informed the Government repeatedly of the progress of the talks and followed their instructions precisely (see our "Speaking Notes"). As to "hyping" expectations, it is hard to find evidence that expectations had been deliberately raised: it is interesting that the journalists who make this charge are those whose persistent pursuit of information we refused to gratify.

The second and more important problem is given that the reaction of public opinion in this State is now so important and so difficult a problem, how could we ensure that it could be overcome while at the same time making progress on the central issue in the months ahead? A negative way of phrasing this question would be: Is the public opinion problem created by perceptions of Chequers so bad and so far out of control, that there is nothing that can or should be done in Anglo-Irish contacts about Northern Ireland for some time and, if so, how might the Government deal with that situation?

All of these issues must be faced very quickly. On our assessment of them will turn the decision whether or not to proceed to another Summit and, if not, how to proceed in those circumstances.

I will not here attempt to address the problem of our own public opinion directly. I will try however to suggest a strategy for the next months as to substance on the assumption that there is a very serious public opinion problem that cannot easily or quickly be fully overcome. Before coming to that it might be useful first to review the present state of play in the talks between the two sides.

We have in successive memoranda to the Government attempted to summarise our negotiating position as it has developed. It might be worth making one general point here which we have not perhaps sufficiently stressed: We have been trying to persuade the British to "solve" the problem through the device of a whole "package" to be delivered by them all at once. The present negative condition of our public opinion is such that any realistically conceivable package is now likely to be dismissed as "inadequate" or a "sell-out" in itself not to mention its adequacy as a counterweight in a constitutional referendum. In other words an attempt to achieve "finality" or an attempt to sell a package as being "final" would, in present circumstances, precisely because it purported to be final, invite suspicion and probably rejection.

What is now on the Table?

After Chequers it is more difficult than ever to answer that question. It should also be noted that the British will before 21 January give us a statement of their position as they see it now and that that paper will have the approval of Thatcher, Howe and Hurd. The paper will for the first time set out both "deep" and "shallow" (terminology which if leaked by the British could prove most unfortunate and misleading) options, as well as options which would operate in the case of devolved government or no devolution. The British paper will either signal the beginning of the end of the process so far as they are concerned by "giving" nothing and perhaps demanding "more", or else their continued commitment by being more specific and perhaps offering some role in a small number of executive areas. It is difficult to believe that they are likely to be positive - the threat of the May elections seems less great, the security situation continues to improve and frankly they may feel that they cannot "give" enough to make life tolerable for an Irish Government (Note: I sincerely hope I shall be proved wrong and the proposed meeting between Thatcher and Hume on 16 January is a positive indication).

Nevertheless it might be worth reciting here what is (rather, perhaps, "was") on offer (or rather what could realistically have been "achieved") under two headings:

(a) No Constitutional Change on Our Side

- Parliamentary Tier;

- Mixed Courts;
- Bill of Rights for Northern Ireland;
- Joint Security Commission with consultative role for Dublin Minister;
- Joint appointments in a few areas;
- Repeal of legislation offensive to nationalists and possibly action in support of Irish identity, culture and language;
- Devolution: somewhere between power-sharing and majority rule;
- Reform of RUC and UDR in some measure (probably inadequate).

(b) Constitutional Change in the South

In addition to items under (a):

- "Joint Arrangements" involving an Irish Minister with a staff resident in Belfast with a "say" in the Government of Northern Ireland, although not an executive "say", at a minimum in the area of identity, justice, human rights and security, in the case of a devolved Government;
- In the case of no devolution, additionally a similar "say" in all significant issues in the area of Government which would otherwise be devolved.
- A sense of finality, permanence, settlement, both North and South.
- Considerably greater leverage by us in negotiating all the substance and detail of the points under option (a) e.g. reform of the police, reform (perhaps suppression) of the UDR, form of devolved Government.

What is "out" and what could conceivably be "in".

Again it may be salutary to list that which is not conceivably "in": Unitary State, federal/confederal State and Joint Authority in the full sense. The British see and "feel" this issue simply: We are asking for a half-say or at least a substantial executive say in the Government of Northern Ireland and we are not proposing to contribute either money or "blood" to a situation where they have lost, not alone reputation, but billions of pounds and hundreds of soldiers. Our public opinion would presumably

now less than ever countenance any financial or security commitment which "kept the British there", so that the option of facing down this British "bluff" (it is not now felt by them to be a bluff but it would become so were we able to face it down) is, for us "out".

It may however be possible to secure a significant input into executive decision-making in a small though important area of Government in Northern Ireland by a number of devices e.g. by interposing independent authorities on the model of our Civil Service Commission partly or equally nominated by us e.g. a new Police Authority charged with nominating senior police officers; or through reciprocity, by applying the model of the "Mixed Courts" elsewhere in the system. Whether or not this "flexibility" could be achieved would depend on whether or not the British will feel the need now to make the process work and thus offer us something more in areas where we really need an element of control and where they really need our "support". It seems to me, however, that it would be unrealistic to have any expectation beyond that.

Inadequacies of the "Package" now

Would a "package" comprising option (a) or (b) as outlined above - even if secured in their maximum conceivable dimensions - meet the problem of credibility which has been created for the Government? I suggest that the answer must be "no" for a number of reasons:

- The evidence of Thatcher's and Hurd's press conferences demonstrates that both in the spirit (Thatcher) and in the substance (Hurd), the British would in the far more testing context of actual concessions to nationalists, present these concessions as being "meaningless" or minimalist and utterly unthreatening to the Unionist position; in other words they would, whatever guarantees they gave us in private, present the "package" in such a way as to reinforce the suspicion of nationalists that it would not create any change whatever;
- Coming after the damage already done by both Thatcher and Hurd, such a presentation would be extremely damaging to the Government;
- Any attempt to present such a "package" as being "final" in such circumstances could create such a negative reaction as to destabilise opinion in a dangerous way;
- These various factors, taken together at this point, must be seen as making

the task of constitutional change virtually impossible (granted: this is a separate point).

The Need for Action

The factors just cited would of themselves suggest a policy of retreat from initiatives. That would not suffice in present threatening circumstances, apart altogether from its morally unacceptable aspect. To adopt a posture of inaction in present circumstances would work strongly against the basic interests of the Government and the State because of the underlying threat of instability which would be fed by the appearance of such a policy which would incite alienation and create opportunities for extremists. There is the more immediate threat of the May local elections in which Sinn Fein's capacity to capitalise on the impotence of the SDLP would be enormously enhanced by a "hands-off" policy here. It is also clear that the credibility of governmental authority in the State depends to a significant degree on the Government being seen to manage adequately the fundamental and now extremely difficult area of Anglo-Irish relations.

An alternative to a quietist policy might be a policy of confrontation. This would involve taking and sustaining a challenging and hostile public tone with the British at home and around the world. This would be an extremely dangerous policy and should not be embarked on unless there were a good prospect of "success" - which there is not at all in my opinion. Apart from the extremely dubious merit of investing heavily in the "American card", such a policy leads directly to internal contradiction and corresponding pressure in the area of security cooperation. Also in practice it would undermine the whole ethos of the SDLP in the North and "justify" the approach of Sinn Fein.

I would argue therefore that, despite the extraordinary difficulties involved, there is no tolerable alternative to a positive activist policy. Recognising the difficulties however, I would argue for a somewhat new approach to achieving and presenting the goals which we have been working towards for the past year.

A Phased Approach

The essence of this approach is to give the issue of credibility a central priority along with the issues of substance in our approach to the British. I would suggest that rather than "pull off" the whole

solution at one single Summit in February or March next, we should try to restore credibility by engaging in a "process" comprising a series - say three or four Summits - each of which would be presented as part of a continuing process and each of which would gradually restore and reinforce credibility. When it came to devising the order in which the elements would be dealt with, it would seem to be wise to withhold the major elements, the joint arrangements and devolution, until the later phase when their real substance could be more advantageously "sold", while anticipating them in the earlier successive communiquees.

Thus the earlier Summits would each announce two elements:

- agreement on a set of measures;
- agreement that other and more fundamental measures would be agreed in fulfillment of the principles adopted in common at the Chequers Summit and based on the Realities and Requirements of the Forum Report.

The flow of "initiatives" might be organised on the following basis:

Measures

First Summit: Parliamentary Tier;
All-Ireland Court;
Bill of Rights for Northern Ireland;

Second Summit: Reform of the RUC;
Action on the UDR

Third and

Fourth Summits: Irish Government role in the government of Northern Ireland;
Joint Security Commission;
Devolution
(possibly, if there were sufficient substance on the table, a constitutional referendum and a new Anglo-Irish Agreement).

Revival of the Forum

It has been quite striking that, despite the repeated efforts of Ministers and indeed of Hume, the core (Realities and Requirements) of the Forum Report has made little impact on public opinion here, which has been distracted by the debate about the options. This was dramatically illustrated by reactions to Chequers. The Report has been even more obscured (perhaps wilfully) for the Unionists. There thus remains considerable scope for public education here, in the North and in Britain about the "Realities and Requirements" of the Report. This task if undertaken by political leadership at all levels might provide in itself a useful framework for the presentation of the new phased approach and for the involvement and education of members of the political parties represented in Government. It was salutary that Mrs. Thatcher in her Dublin Castle press conference praised the merits of the Report; this in itself should make our task of citing the Report more extensively and overtly in a succession of Communiques more easy, thus buttressing the "process" itself.

M. J. Lillis
31.12.84

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