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Meeting with the new Labour Government

Overview Note on Anglo-Irish Aspects

1. The British Labour victory is obviously of major significance for Anglo-Irish relations. The auspices are clearly for one full Labour parliamentary term, and more likely two. Mr. Blair will bring a strong sense of a modernising and reforming mission to bear in Britain - some of which will be incidentally helpful in regard to Northern Ireland - and will have ample authority to pursue it. While he will not wish the Northern Ireland issue to encumber his more metropolitan agenda, his own stated positions and the political probabilities are that he will give priority to the issue, at least to the extent of a serious initial test of the options for progress. The quality of our initial contacts with the new Government will therefore exert an influence for some considerable time to come.
2. On the positive side, the size of the Labour majority eliminates the subservience to the partisan Unionist agenda which paralysed the last Government. Labour should also be better able to appreciate and advocate the pragmatic underlying goals of constitutional balance and new institutional stability in the joint intergovernmental agenda, without the more ideological baggage of their predecessors. In terms of political leadership and salesmanship, the new team also seems a distinct gain.
3. On the negative side, Labour is new to Government and the official and security machines can be expected to deluge them with cautionary advice, to offset their presumed impetuosity or naiveté. They themselves will be conscious of unionist suspicions (easily ripening into vociferous allegations)

of anti-unionist bias, and anxious to allay these. They are likely to share the English instinct that the right balance must always be the midpoint between the position of the two communities, irrespective of the quality or history of these positions. Finally, they will understandably be conscious that any meltdown situation (which for practical purposes equates to the meltdown of the RUC) would be much more difficult for Labour than the Conservatives. Our manifest interest in avoiding such a catastrophe in any case is reinforced by the probability that Labour would be very prone to mishandle it.

4. We need therefore to persuade Labour onto a policy line which is sufficiently purposeful and convincing to move the situation out of the present stalemate, but at the same time sustainable for them in terms of their constraints. A feeling on their part that Dublin "called" the situation right at this formative stage will probably pay dividends in terms of the quality of our future cooperation, and the opposite will also be true.
5. Overall our message might be that we need not so much to redefine in any radical way the current British-Irish Agenda, as to test its implementation, in a way that was not possible in Mr. Major's time, under a British Government with at least the normal parliamentary authority and the political will to live up to the commitment to promote agreement given in the Downing Street Declaration. At the same time, there will be a number of Labour policies and reforms (e.g. on social issues, equality of rights and opportunities etc) which will dovetail more than those of their predecessors with our goals under the Anglo-Irish Agreement, and also enhance some possibilities of East-West cooperation. The removal of the Tories will also hopefully have eliminated the right wing opportunism which prevailed in areas such as prison policies, and open the way for some confidence-building in areas such as these.

6. The four most immediate areas of discussion on the political front are likely to be:

- (a) the handling of the Talks process, resuming on June 3rd;
- (b) prospects for a Sinn Féin ceasefire;
- (c) the prospects for the marching season; and
- (d) confidence-building measures.

Anglo-Irish Agreement

7. It might be useful, however, for the Irish side to underline the importance of the Anglo-Irish Agreement as the bedrock of our cooperation, and the safety net under any failure in the negotiating process. We should propose an early meeting of the Conference. This will be the first time that the Agreement falls to be implemented by a Labour Administration. For that reason, we might propose that part of the discussion be devoted to a general overview of the working of the Conference. This would enable us to give greater prominence to certain aspects of the on-going agenda, such as fair employment, targeting social need, etc., which might benefit from current Labour policies. The meeting would also permit the Ministers to tease out the suggestion for greater transparency in the working of the Conference which has been one of the themes of the Labour Party presentation.

The Talks Process

8. The common goal of both Governments will be to instil new momentum into the Talks process. It will be common ground also that the failure of the process to address substantive issues to date has been dispiriting.
9. The main obstacle to the transition to substantive negotiation is of course the issue of decommissioning. The Irish side might point out that this has both a tactical and a substantive interest for the unionists. The tactical dimension is aimed at using the weapons issue as a barrier to Sinn Féin entry, and one, moreover, which can be raised to the required height at any given time. It is unclear to what extent the previous British Government were the co-sponsors, or merely at the receiving end, of this tactical use of decommissioning. They failed, at any rate, to win the unionists over to the proposition that this item should be negotiated in parallel with all other key issues on the table, and be treated as an indisposable ingredient in any overall agreement, rather than as a precondition for engaging in substantial political negotiations.
10. The experience of the Talks to date shows that these two uses of the decommissioning issue are broadly incompatible, i.e. the symbolic and tactical use of the issue undermines the possibility of achieving the political progress which might actually make some decommissioning possible.
11. It will be difficult for Labour to take a different stand on decommissioning, without leaving themselves open to accusations of being soft on weapons, etc. However, unless a clear distinction is drawn between the tactical and substantive concerns, any compromise put forward by the two Governments will continue to be pocketed by the unionist parties, and will reinforce rather than diminish the recourse to decommissioning as a tactical precondition.

12. At a Liaison Group meeting in April, British officials, ostensibly without political instruction, canvassed a number of ideas on the way forward. Almost all of these (call by Chairman when decommissioning should start; two month reviews so participants might abort negotiations if not satisfied on decommissioning etc.) went in the basically unwise direction of making inclusive political dialogue hostage to the paramilitary quarter-masters. The British also strongly emphasised the need for decommissioning during Talks. This is one reasonable interpretation of the language of the Mitchell report, but, realistically, if it happens it will be very much "back-loaded".
13. The most promising approach remains that canvassed by both Governments without success at the outset of the Talks. It envisaged a sub-committee of the Plenary which would take negotiations forward on this issue in parallel with substantive political negotiations. The Governments had also hinted that, having implemented the enabling legislation in both jurisdictions, they were also prepared, as a further earnest of good intent, to set up the "Verification commission" at an early date. This was not accepted by the Unionists, but it should be explored with them by the new Government.
14. In summary, while expressing dismay that this issue has acquired a symbolic significance which is counter-productive to the actual objective, we might also acknowledge that, rightly or wrongly, it is now unmistakably on the agenda and that a final good-faith attempt has to be made to overcome the deadlock it has caused.
15. We should signal our willingness to continue to work for a pragmatic solution within the broad parameters set by Mitchell and which recognises that we cannot adopt a peremptory approach which dispenses with the cooperation of those actually holding illegal weapons. At the same time, we should make

clear that any fine tuning of our position is irrelevant for as long as the unionists are simply using the issue as an elastic blocking tactic. We might urge the need for the Governments to take stock of their options if unionists simply dig in on decommissioning as the blocking mechanism. One possible approach to circumvent that would be for the Governments to begin preparatory work on Strand Three, with consultative mechanisms for the parties, as a means of engaging at least on those substantive political matters within the purview of the two Governments as such.

Time-frame

16. The time-frame issue relates both to the beginning of substantive negotiations and the target-date for their completion. The first point is hostage to the decommissioning issue, as set out above. However, it would be open to the Governments to suggest a target date to start substantive negotiations and even to indicate that they themselves would observe that date as far as their Strand Three negotiations went. As regards the overall timetable, the two Governments could publicly signal that they would make determined efforts to see the negotiations completed by the end of May 1998 (i.e. expiry date of the current British legislation, which is still an attainable target).

Prospects for a IRA ceasefire

17. The prospects for an IRA ceasefire are clearly crucial to the whole scenario for the Talks. It is difficult to form any clear picture of the intentions of the Republican movement. Their reaction to Senator Kennedy's proposal demonstrated a refusal to contemplate a ceasefire before the election. Seeking election on the basis they did could either be a sinister attempt to

rehabilitate the "twin-track" approach or, alternatively, an electoral tactic to garner the votes of hawks and doves simultaneously.

18. The best working assumption seems to be that they have the capacity to restore a ceasefire broadly around the considerations contained in their "October 10th paper". The aftermath of this decisive British election is clearly one window of opportunity and there are indications that at least some of the leadership would wish to avail of it. As both Governments have frequently emphasised, the initiative lies in the Republican court to identify in practical and achievable terms what is needed for an unequivocal restoration of the ceasefire.
19. Even the best-case scenario of an early unequivocal restoration leaves a problem in relation to June 3rd. Even with strong compensatory elements (targeting, punishment beatings, etc.) it is difficult to see Labour at this stage willing or able to open the door in time for June 3rd. On the other hand, even a few weeks drift brings the emotive issue of their admission to negotiations into the fraught atmosphere of the high marching season.
20. The meetings will be valuable to ascertain the views of the Labour Governments in the light of the up-dated security briefings they will no doubt have received. The Irish Government might indicate its continuing preference for inclusive talks, but also its determination to make the best possible use of whatever format is available. We might indicate our continuing openness to restoring contact with Sinn Féin, provided there is a reasonable prospect that any such contact would advance in a specific and concrete way the early restoration of the ceasefire. (This has been the consistent position of the Irish Government since dialogue was stood down at the end of last year.) It will be necessary however to agree a straightforward

and hopefully positive line with the British Government on the specific question of the likely interval between an unequivocal ceasefire and admission to Talks.

The Marching Season

21. The Labour Government are likely to be particularly sensitive to the “no-win” dangers of the marching season, and anxious to defuse the likely confrontation. They share the Irish Government’s view on the need to implement the North Report in its entirety. In theory at least, they will seek to find Parliamentary time to legislate the proposed powers of arbitration for the Parades Commission.
22. In practice, however that may be genuinely difficult and it is also not to be excluded that they may be having second thoughts about trusting this sensitive area to a new Commission which may not quite have found its feet by then.
23. The Irish Government will wish to abide by its call for early implementation of the full North Report. A strong commitment to dialogue and mediation to find a compromise on controversial routes would be a common point for both Governments.
24. It is probably realistic to assume that Secretary of State Mowlam sees Drumcree as a particular challenge. In effect, the options are very limited: She can ban the march and face down the unionist community. She can put the march through and brave nationalist indignation. A third alternative is to permit the march, but, on some compromise basis, whether in terms of the demeanour of the marchers (as in the ‘95 compromise) or of marching only part of the Garvaghy Road and veering off, or a combination of both.

25. The balance of probability is that she will gravitate towards the latter option, and if necessary impose some such approach. Irish Ministers will have to decide whether to dig in on the point of principle that marches should not go where they are not wanted, or to recognise the probability of the latter approach, and to begin, tacitly or otherwise, a process of discussion with the Secretary of State aimed at making it work or to minimising the fall-out.

Confidence-building measures

26. The advent of the new Administration opens a number of possibilities on the confidence-building agenda. Secretary of State Mowlam has already made some encouraging noises on improvements to policing. Areas of particular concern might be:

Prisoners

- Speeding up transfers of Republican prisoners from Britain to Northern Ireland and the Republic.
- Putting transfers to Northern Ireland on a permanent rather than a temporary basis.
- Improvements in conditions in the "special secure units" in British prisons.
- Improvement in parole, etc., arrangements in Northern Ireland.
- Reform of the Life Service Review Board in Northern Ireland.

- Measure in relation to a limited number of individual cases (McAliskey case, Casement Three - particularly if British soldiers Fisher and Wright are paroled).

Bloody Sunday

- To set the Widgery Report aside, or at a minimum appoint an eminent person to pronounce on the new evidence with that outcome in view. Their difficulty here will be less setting Widgery aside than how to handle the logical corollary, namely the investigation/prosecution of the guilty.

Emergency Legislation

- Implement at least those elements already flagged for change in Labour policy (ending of Exclusion Order, etc.).

Economic and Social Cooperation

- There are a number of significant agenda items under this heading (broadcasting, fair employment, aspects of North/South cooperation, public appointments, etc.). Most of them however belong to the agenda of the Anglo-Irish Agreement and might best fall for detailed discussion at the first meeting of the Conference.

27. Notes on various issues likely to arise are on the brief.

Anglo-Irish Division
6 May 1997