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13 September 2000

Mr. Dáithí O'Ceallaigh
Second Secretary
Anglo-Irish Division
Department of Foreign Affairs
Dublin 2

Dear Dáithí,

Discussion with British Officials on British-Irish Relations

Further to our conversation on Friday I had the opportunity over the weekend to discuss our concerns about the absence of consultation on key issues with several people at the BIA Conference in Oxford - Joe Pilling, Permanent Under Secretary at the NIO; Chris McCabe, Joint Secretary to the British Irish Intergovernmental Conference; Helen Jackson MP, Parliamentary Private Secretary to Peter Mandelson; and Ivor Roberts, British Ambassador in Dublin. The circumstances of the Conference did not permit me more than a brief exchange on the matter with Peter Mandelson, but he was aware of our views on the flags regulations.

To each I outlined the issue in terms similar to those in the report of my conversation with Jonathan Powell. I said that there was serious concern in Dublin at the failure to consult us on the flags regulations, a matter of great sensitivity to nationalists; that we failed to see the urgency of such proposals at this time; and that the content of the proposals would create considerable problems for nationalists and republicans. I said that this appeared to us to be part of a pattern in recent months where the British side had failed to consult or had consulted inadequately on matters which they knew were of crucial significance to the Irish Government. The pattern was in breach of the letter of the Agreement, but perhaps more importantly was in breach of the cooperative and consultative approach that had characterised British-Irish relations in recent

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years and had helped us jointly to overcome the gravest of difficulties in the peace process. Such reckless disregard for the views of the Irish Government and the sensitivities of nationalists was bound to affect the wider process.

Roberts and McCabe took note of these concerns but took a standoffish position saying effectively that it was not a problem created by them. Both asked if we felt that the change was due to the attitude of Peter Mandelson, but I preferred not to get drawn into a discussion on individuals. Jackson said she would bring our concerns directly to Mandelson's attention (as PPS her job is to brief the Secretary of State on wider opinion in relation to issues in Mandelson's brief).

Pilling was franker. He said that the decision to publish on Friday had been taken in the light of the forthcoming by-election in South Antrim and in an effort to help David Trimble. They knew that we would be unhappy with their decision but felt that it was in the greater good of the process to proceed. I challenged him on this, pointing to the wider pattern of non consultation. I said that it was difficult not to come to the conclusion that the British had decided to dispense with consultation in the belief that the Irish Government and nationalism had no where else to go. If this were part of their calculation it was contrary to the essence of the process and very dangerous. Pilling vehemently denied this. He said that part of the problem was the fear on their side that if they gave us sight of the proposals we would enter into further discussions (he implied with Sinn Féin) which would become known to the UUP. I replied that there was no justification for such view, but if it were seriously part of British thinking and seriously affecting their ability to work with us we should address it.

Tim O'Connor and I briefed Dick Norland, Director of European Affairs at the US National Security Council. Norland told me later that he had put it to the British that cooperation and unity of purpose between the two Governments was a key element in US policy. He had emphasised to them that a new American administration would be looking for guidance and advice from the two Governments and would be seriously concerned if major differences of approach presented them with unwanted dilemmas early in their period in office. He had warned the British that in these circumstances it was inevitable that the voice and influence of Irish America would have significant impact on Capitol Hill and thence on the new White House.

Pilling's remarks above might be seen in the context of the themes at the Conference coming from the Unionist side: that Trimble was under pressure in South Antrim and should be helped; that the Irish Government was intent on

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eliminating all elements of Britishness from Northern Ireland; that a stand should be taken against Irish efforts to establish a condominium; and that while the Irish Government openly pressed the nationalist case there was no one to speak up for Unionists. Paul Bew told me that there was an increasing perception of this last point in the UUP. The paradox in his view was that the more the Irish Government was seen to argue exclusively the nationalist case, and the more is was seen to be insensitive to Unionist concerns, the more this would force the British Government to take the Unionist side of the argument. He felt that the provisions of the Agreement in relation to the impartiality of the British Government were politically, if not legally, related to the ability of the Irish authorities to show understanding and flexibility when it came to issues of deep concern to Unionist opinion and respect for Unionist identity. I argued strongly that the Government and the wider public had a greater understanding than ever before of the Unionist position and of the need to take it into account. Bew responded that while Trimble felt in the past that he had an understanding on this with us, he had become increasingly sceptical over the past year or so.

On Patten, Bew was of the view that nationalism had failed to realise that it had won everything that was important; that further efforts to change the Bill, on the name for example, could only be seen as rubbing Unionists noses in it; and that the position of nationalism (the Irish Government, Sinn Féin, SDLP and the Catholic Church) was increasingly perceived within moderate Unionism as ungenerous - even more so in a situation where Unionism had effectively given up the argument on decommissioning.

Bew is as you know close to Trimble and influential. The argument outlined above (i.e. that our position would force the British Government into taking a more Unionist line) while it was ostensibly put forward as a plea for greater and demonstrable understanding was undoubtedly calculated to pressure us into taking a less robust position on issues like policing and flags. But allowing for that, and for the usual dynamics of the BIA, I have to report that the overall feeling of suspicion of nationalist intentions from unionist representatives was greater than I have seen it for some time.

Yours sincerely,

Edward Barrington
Ambassador

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