

Box 18/2

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Please MUFAX - Desk by 13:30

PS/PUS (L)



- cc: PS/PUS (B) - M
- 1. PS/Mr Bloomfield - M
- Mr Burns - M
- (c/o Mr Elliott)
- Mr A Stephens - M
- Mr Chesterton
- Mr M Elliott - M
- Mr Spence - M
- Mr S Hewitt - M
- Mr George, RID, FCO

2 ^{AI} Steering Group Today

ANGLO-IRISH STEERING GROUP: 5 FEBRUARY - HANDLING MR HAUGHEY ON NORTHERN IRELAND

As requested, I attach a joint NIO/PCO paper on handling Mr Haughey on Northern Ireland which I hope members of PUS's Group find a useful basis for discussion.

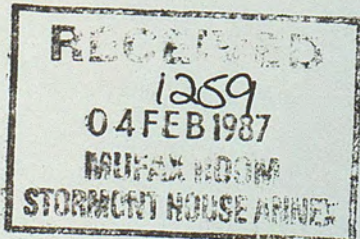
2. I have also circulated, under separate cover, a tabular presentation of the "results" of the Conference so far.

3. I apologise for the delay in circulating both papers.

P N Bell

P N BELL

4 February 1987



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HANDLING MR HAUGHEY ON NORTHERN IRELAND - TACTICSIntroduction

1. Fianna Fail may well win the Irish General Election on 17 February with a clear majority, with Mr Haughey as Taoiseach. On that assumption, this paper explores how we might handle him, so far as Northern Ireland is concerned, both immediately after a victory and in the longer term. (It does not, therefore, consider such primarily east/west issues as Sellafield.)

Haughey's Intentions

2. Haughey, a self-made millionaire, is essentially a pragmatist. He will dominate any Fianna Fail Government and is widely expected to take personal charge of the conduct of Anglo-Irish affairs, ^{all} above/where Northern Ireland is concerned, possibly at the expense of the DFA. Past experience suggests that his policy towards HMG will be determined by the political dividends it pays at home. Despite the publication of the Fianna Fail manifesto (see Dublin Telno 47), his precise intentions in regard to the North remain unclear, although the main features of his policy can be detected:

- (a) Haughey rejects the "constitutional aspects" of the Agreement (because it implicitly concedes Northern Ireland the right to choose its own status - not provided in the Irish Constitution; but he has not challenged the Agreement (and Article 1 in particular) in the Republic's courts, and has confirmed that his party could not renege on an international commitment undertaken by their predecessors;

* though he will not be the Co-Chairman of the Conference

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- (b) in the short term he appears prepared to work within the Agreement to the benefit of NI nationalists (and has offered talks with political representatives of any section of the NI population). He has not said that he intends to continue with IC meetings or the Secretariat in their present form, but that is the implication of his remarks. He intends to achieve greater results on behalf of the minority than Dr FitzGerald;
- (c) in the longer term, it will be an "ongoing object of government policy" to secure amendment of Article 1 and there may be an attempt to "renegotiate" the rest of the Agreement. This could take the form of trying to negotiate further benefits for nationalists or involve more fundamental restructuring as part of a wider attempt to make political progress in Northern Ireland. (He is unlikely to try and promote devolution since this would be inconsistent with his view of the Province as a "failed political entity".)

3. The situation may change during the election campaign, but it seems, therefore, that Haughey has responded to Irish public opinion, still in favour of the Agreement, and has moved some way towards accepting the operations of the Agreement in its present form. There could well be rough water ahead and it cannot be excluded that Haughey will try to exploit all the available diplomatic weapons available to him in the UK, Europe or the USA to induce the faster progress he wishes in Northern Ireland. Moreover, ^{despite current declared Piassa Fall policies} Haughey might also be provoked in the medium term into engineering a rupture if there were insufficient progress on issues important to him under the Conference; there were rejection of the Agreement by northern nationalists; or, if the Irish economy went disastrously wrong, he judged it prudent to divert attention by vociferous Brit-bashing.

4. However, irrespective of Haughey's personal preferences, preservation of the Agreement (and therefore of the Intergovernmental

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Conference) appears in his own interests: no other arrangement seems likely in the short term to give him such a privileged access to Government in Northern Ireland; enable him to pressure HMG more effectively; and to sustain domestically and internationally his position of champion of Northern nationalists (to the detriment of Sinn Fein). On the other hand, the failure of the Agreement would bring about such a resurgence of Unionist triumphalism that the course of reconciliation (and nationalist interests) could be set back for years, in circumstances from which only Sinn Fein would stand to benefit - the SDLP may well serve to remind Haughey of these realities.

Our Objectives

5. Our primary objective is to build on our common interests to continue to operate the Agreement because;

- (a) it remains the best way of enhancing cross-border security cooperation;
- (b) it is our best chance of securing greater nationalist acceptance of Northern Ireland institutions;
- (c) the continuing existence of the Agreement maximises the chances of our maintaining good Anglo-Irish relations, and maintaining an SDLP prepared to work with us;
- (d) the Agreement has presentational (and financial) advantages outside these islands;
- (e) Article 1 offers a degree of reassurance to the Unionists, which may eventually assist in persuading them to resume dialogue.

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A second objective is to win some kind of Unionist acceptance of or acquiescence to the Agreement. This requires us to operate the Agreement sensitively, but not to take any steps which might damage it.

6. Any proposal for handling Haughey must take account of both these objectives. While our objectives and those of Haughey substantially overlap, there will remain differences of emphasis most notably on the importance of improving security (including extradition where the manifesto is cool) and the weight to be given to Unionist interests and sensitivities.

Handling Haughey - The Short Term

7. Haughey would not formally become Taoiseach until 10 March. But if he wins a clear majority, he will be seen^{as} "Taoiseach-Elect". Any formal moves would best wait until Haughey is elected. Taoiseach, and Fine Gael no longer legally constitute the Government. Nevertheless if he is clearly going to take power, the Ambassador might make contact with Haughey and use any opportunity to spell out our intentions and probe Haughey's. It is particularly important that, when he does become Taoiseach, that there is no doubt left in anyone's mind about the importance HMG attaches to the continuation of the Agreement and its institutions. This is particularly true in regard to unionists, some of whom hope that a Fianna Fail victory might lead to the breakdown of the Agreement, and to hesitate publicly about resuming the existing relationship could be damaging. That is why it is desirable to establish, if we can, a common and public line with Haughey on the continuation of the Conference and Secretariat and, more generally, to seek to minimise the areas of likely public disagreement. But we should not do anything that might lead Haughey to expect substantial and early advances for the minority which, even if identifiable, ^{would attract} the opposition of Unionists who are already inclined to regard Haughey as an especial bug-bear.

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8. This points to a careful, early approach which suggests no anxiety about our future relations. The elements of this approach could be:

- (a) avoiding a meeting of the Conference between election and Haughey's taking power since this could well compromise working relations with the new regime; we could not refuse a meeting if the present Irish Government insisted: but we would have to handle Fianna Fail carefully;
- (b) the Prime Minister's sending a friendly message to the new Taoiseach, hoping we could work well together, and that we were ready for a meeting of the Conference when the new administration had had time to prepare itself. (This would need to be coordinated carefully with messages from the NI Secretary and the Foreign Secretary to their own new opposite numbers.);
- (c) we would confirm through the Secretariat that the Irish were content for it to be known publicly that the Conference and Secretariat would continue, but that there was no date as yet for the first Conference. (A formal statement would be inappropriate because it would give the wrong impression that the Agreement was in doubt.)

The Conference

9. There are two main alternatives thereafter, the first would leave it to the Irish to propose a date for the first Conference, although we should propose a date ourselves if there were signs that the Irish would not seek a meeting. We should also be prepared to seek a meeting if there were some pressing reason (eg some failure in security cooperation). Another alternative would be to seek a preliminary meeting with the new co-Chairman of the Conference to discuss possible Conference business rather than leave this to the first meeting of the Conference.

10. Our objective at the first Conference should be "business as usual". In this, and later Conferences, our tactics might be

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to convince Haughey that working patiently within the Agreement was more to his advantage (see paragraph 4 above), than seeking some grandiose initiative. But we would have to be seen to be willing and able to make at least some progress from his point of view. Fortunately, some items may become available as a result of previous work: the various Codes of Conduct and the Irish language; while Employment Equality opportunity legislation will be in the offing. But we must also be ready to justify de novo, and as persuasively as possible having regard to Haughey's known views and sensitivities, our position on all the other matters likely to come before the Conference: in particular why 3-judge courts remain unacceptable and, ideally, why it is also in Haughey's own interest to help us in promoting cross-border security (to which we will continue to assign a high priority) and in the extradition of fugitive terrorists (which will also no doubt involve taking him patiently through the background of the Birmingham Six etc.) This will be important in trying to prevent him amending the ECST legislation. Also, although it seems unlikely that we could suggest a bilateral Declaration of Human Rights without unnecessarily annoying him, we should nevertheless be ready to table the descriptive work we have done so far, explain our intentions, and invite the Republic to join in if they wish (to the extent that work of the Conference is seen to be reciprocal, the more likely it is to placate Unionists).

11. We would, at the same time, need however to strike a balance between making advances for nationalists which are likely to be particularly ill-received by Unionists, and the need to keep the Irish (and SDLP) interested in the Agreement. It may, therefore, be in our interest to try and move some of the Conference's attention on to social and economic matters, which tend to be less contentious (and more reciprocal), especially since Fianna Fail is now committed to more effective North/South economic cooperation. Nevertheless, given the likely initial suspicion of both EMG and the Conference by the incoming administration, it may be prudent

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to delay such innovation until greater mutual confidence has been established. We must also recognise that, even if our tactics succeed, dealings with Haughey are likely to be more difficult than with his predecessor: they may be conducted more in public, and on more channels, and he may try to link matters more closely: eg ratification of the ECST, 3-judge courts.

Handling Haughey - The Longer Term

12. The Fianna Fail manifesto refers back to the New Ireland Forum, reaffirms the aspiration to, ^a united Ireland, stresses the need for a solution created by the British and Irish Governments implicit in Haughey's agreement with our Prime Minister in December 1980 and calls again for an all-round constitutional conference. It emphasises that Fianna Fail have "consistently made it clear that it cannot accept the constitutional aspects of the Anglo-Irish Agreement", but Haughey has declined to be drawn on what precisely this means beyond that it would be an "on-going object of government policy" to secure amendment of Article 1 of the Agreement, but not at the cost of reneging on an international commitment undertaken by the present Government. We do not, therefore, know precisely when, how or even if Haughey will pursue this objective. There would be pressures on him not to; not least from Irish public opinion and the SDLP, given their present views. Moreover, an attempt to do so could jeopardise any benefits from the Agreement, and his relations with the USA (including the major tangible success of the Agreement so far in the International Fund). If "renegotiation" was simply a new demand for advances for the minority within the framework of the Agreement, there would be no fundamental difficulty in giving Irish proposals consideration. They could be considered as part of the Conference process. Possibilities are employment equality legislation, three-judge courts, further advances on the Irish language, or EDR changes. But we cannot know precisely what Haughey may want until after any negotiations open. The more successful our tactics are, as set out in paragraphs 7-11 above, the less formidable these are likely to be.

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13. However, any changes to Article 1 which would dilute the principle of consent, if that were the aim of "renegotiation", could not be accepted, and it would be dangerous even to consider negotiation on this basis. For although Article 1 has not so far reassured Unionists, its amendment would undoubtedly provoke a violent reaction. It would also be difficult to concede the amendment of Article 1 without being prepared to amend Section 1 of the NI Constitution Act 1973. Haughey might however suggest that we review Article 1 as part of a review under Article 11 (which must take place at the end of 1988, or earlier if either partner wishes). If so, we would have strong grounds for resisting any consideration of Article 1 in the context of such a review because the review clause does not extend to Article 1. But since a refusal to negotiate at all about the Agreement could be damaging, this only re-emphasises the importance of forestalling any attempt by Haughey to renegotiate Article 1. Advances in other areas (see paragraph 10) - presented for Irish domestic consumption as "re-negotiation" - might be part of the price for the success of this tactic. (Irish officials have suggested it would be advantageous to get a specific endorsement of Article 1 by Haughey. While such an outcome might be held to justify entering negotiations, the risk of an unfavourable outcome would be too high.)

14. "Renegotiation" might be part of a wider initiative. The Manifesto reaffirms the longstanding Fianna Fail commitment to an all-Ireland Conference, including the Unionists, to find a settlement to Ireland's problems. Haughey might try to use the Agreement to achieve that. For example, he could offer to suspend the Conference if Unionists would acquiesce in the termination of Article 1 and agree to attend his Conference. But he would thereby run the risk of losing the Agreement and gaining no concessions from the Unionists. He is unlikely to do anything so radical, and we would hope to persuade him such a Conference was a complete non-starter.

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15. If it appeared, despite our best efforts that the Agreement and the Conference were in serious danger of failing, then the US Administration might be able to exert pressure on Haughey to continue with the relationship. But we shall need in the short term to concentrate our efforts on persuading the Administration to support us in combatting the influence of the MacBride Principles (and their sponsors in Washington). If Haughey wished it, and there was no alternative, then we might reconsider giving the AIIC a wider role, and enabling it to handle business currently transacted through the Conference and Secretariat. But this would be very much a last resort, since it would tend to downgrade both the Agreement and the Conference, and might be interpreted as signalling publicly the failure of our Anglo-Irish policies.

Conclusion

16. Because Haughey is likely to be preoccupied by the economy we have time to persuade him of the virtues of the Agreement. Generally we should seek to build on our wide range of common interests with Haughey in keeping the Agreement going. In the short term we should, therefore, take a "business as usual" approach reinforced with a message from the Prime Minister. We should also make it clear publicly that the Agreement is to continue. The first Conference meetings should also be on a "business as usual" basis. We should let Haughey become aware of the possible advances for the minority, be prepared to justify our position in detail on all outstanding matters, argue strongly - if possible in terms of Haughey's own interests - in favour of enhanced security cooperation.

17. In the longer term we should resist any renegotiation of Article 1, which would destroy the Agreement. Further advances for Nationalists (which did not damage legitimate Unionist interests) might be part of the price to be paid for the success of this tactic. It would, however, run counter to our interests to set

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our faces against more modest forms of renegotiation. And if Haughey did press, for example, for renegotiation of Article 1 in the context of an Article 11 review, our defence is strong. Haughey seems unlikely to take any radical unilateral action, which would run counter to his own best interests. If necessary, we might seek US support in keeping Haughey onside.

February 1987

STATUS OF NORTHERN IRELAND

ARTICLE I

The two Governments

- (a) affirm that any change in the status of Northern Ireland would only come about with the consent of a majority of the people of Northern Ireland;
- (b) recognise that the present wish of a majority of the people of Northern Ireland is for no change in the status of Northern Ireland;
- (c) declare that, if in the future a majority of the people of Northern Ireland clearly wish for and formally consent to the establishment of a united Ireland, they will introduce and support in the respective Parliaments legislation to give effect to that wish.

ARRANGEMENTS FOR REVIEW

ARTICLE II

At the end of three years from signature of this Agreement, or earlier if requested by either Government, the working of the Conference shall be reviewed by the two Governments to see whether any changes in the scope and nature of its activities are desirable.