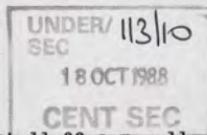


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PS/3477/88/DR



ANGLO-IRISH RELATIONS: FORWARD LOOK

Note of a meeting held in Stormont House at 11.00 a.m., 11 October 1988

In attendance

Mr Burns
Mr Stephens (for part of meeting)
Sir K Bloomfield (for part of meeting)
Mr Chesterton
Mr Miles
Mr Spence
Mr McConnell (for part of meeting)
Mr Bell
Mr Masefield
Mr George, FCO
Mr Dickinson, FCO
Mr Canavan

1. Mr Burns described the meeting as a forward look over the next few months for those engaged in Intergovernmental Council business. The autumn might well prove to be difficult. He asked initially for a summary round the table as to where matters stood.
2. Mr Dickinson referred to the Ambassador's telegram of the previous week. There were recent signs that the cross-party consensus in Dublin on the economy might be coming to an end as the Government attained its financial objectives. The parties would then differentiate themselves and adopt pre-election postures, notably on Northern Ireland. The Taoiseach would be sensitive to charges of doing nothing. Within Fianna Fail, feeling against extradition had caused a panic where even the Taoiseach had to take notice, especially as those most exercised by it were the elements which had put him into power. In response to a query from Mr Burns, Mr Dickinson suggested that at the moment the Taoiseach's uneasiness

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was more likely to be expressed on other fronts, through unhelpful statements, etc, rather than in changes in the extradition legislation.

3. Mr George foresaw a number of difficulties in coming months mainly on extradition. The Taoiseach would face a decision in December on whether to renew and make permanent the legislation and a more difficult one in the new year when the Irish review of extradition was completed. His other area of interest was the possibility of dialogue with the Unionists. He might make an unhelpful intervention on that front. The fact that the Tanaiste was back in control at the DFA was good news.

4. Mr Masefield reiterated the view he had taken in previous correspondence that after the restoration of Anglo-Irish relations to the plateau of the summer, there was now the potential for a downhill slide. The Secretariat had been sidelined on extradition the previous year and could be again. The Head of the Irish side was always anxious to find a role for the Secretariat. He had in recent days had 2 interviews with the Secretary of State. This was a channel of contact which might be used to circumvent problems when they arose. There had not yet been a reaction to the British side's paper on the Article 11 review nor to overtures on a date for the next Conference, essentially because of the Taoiseach's recent indisposition.

5. Mr Bell hoped the meeting would address some of the tactical issues raised by Mr Masefield. The agenda should be examined with a view to both defensive measures and to potential opportunities. It might be possible to take account of the Taoiseach's domestic interests and problems whilst winning him around to a parallel approach. Tactically that might involve a summit after the Article 11 review or perhaps greater use of the Intergovernmental Council machinery.

6. Mr Burns asked for comments on the views expressed before discussing what he regarded as the classic agenda:

(i) how to avoid trouble;

(ii) how to progress on the three key objectives of extradition, political development and security cooperation.

7. Mr Miles was slightly more optimistic about the prospect; he noted the low key Irish reaction to the Gibraltar inquest. Tactical lessons had also been learnt from the Guardsman Holden case. While not wishing for the British Government to go on the offensive, there might be a case for a more forward defence. The Irish had tended to set the agenda. Perhaps it could be put in a context set by the British. Border incidents could be highlighted to remind the Irish of their responsibilities. In the light of a recent court case (of Dermot Quinn), the case for emergency judicial procedures could be developed. Mr Burns was worried about the use of such tactics publicly. It could lead to quarrelsome rather than the open, adult relationship which was desired, though this was not necessarily incompatible with the tactics suggested by Mr Miles. Mr Chesterton noted that the tactic of getting one's retaliation in first was a reflection of the adversarial relationship between the two countries. Regrettably after three years of the Agreement, one of the objectives of which was the education of both sides, they were in an even more adversarial relationship, for instance on extradition. The need to restore the relationship must not be lost sight of.

8. Sir Kenneth Bloomfield commented that the present Irish administration was completely Taoiseach-orientated in its Anglo-Irish policy. If the Taoiseach's only direct exposure to British views occurred on the margins of EC Heads of Government meetings, there would be little scope for developing his thinking. More senior Ministerial, and even Prime Ministerial, time might need to be contributed to that end. The Conference, though an excellent piece of machinery, required the necessary spirit on both sides. The commonality at official level built up under the coalition was of less use under the current administration.

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9. Mr McConnell reported briefly on the attitudes of the Northern Ireland parties. The recent Anglo-Irish problems had made little impact on the Unionists. Some Unionists were looking to Dublin because they hoped the Taoiseach could give them something. They were however unlikely to go to Dublin, least of all the DUP. The SDLP were gearing up for their party conference and adopting a strong green line in preparation for local government elections. They hoped to marginalise Sinn Fein, especially if the Unionists could be persuaded to talk with the Irish Government.

10. Mr George contrasted the attitudes to unity of the coalition and Fianna Fail administrations. In the coming months agreement would have to be reached with the Taoiseach on common political objectives in Northern Ireland. Sir Kenneth Bloomfield thought the current attitudes of the Taoiseach and SDLP would not encourage the Unionists to behave sensibly. Mr Burns summarised that a major objective in the coming months would be establishing direct lines with the Taoiseach as Dail bipartisanship evaporated, as the Article 11 Review generated expectations and as the British Government attempted to make political progress in Northern Ireland in the face of disinterest in the SDLP and Unionist obstinacy. It was essential to know exactly what was wanted from him, especially if the Prime Minister was to be involved.

11. The meeting discussed the opportunities afforded by the Review to make a constructive joint statement on relations and what leverage might be applied to the Taoiseach. In terms of his domestic political support there was unlikely to be much advantage in being seen to be cooperating with the British. Mr Spence thought there was advantage to him in keeping the lid on the Northern Ireland situation and avoiding an overflow into the Republic. Mr Burns thought that intergovernmental cooperation would be well received internationally and this could be an area of interest to him distinct from his domestic constituency.

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12. Discussion turned to difficulties of communication between the two Governments and the Irish claim that the British refused to take them into their confidence. Mr Chesterton suggested that one of the messages which could be fed back through the Secretariat was that there was fault on both sides. Mr Masefield added that this was the message given about the Holden case by the Secretary of State to the Head of the Irish side of the Secretariat but the Secretary of State had seen it as a problem of official handling rather than a Ministerial responsibility. The possibility of letting the Irish side see an edited version of the 'icebergs' survey of forthcoming events was discussed. Mr Burns thought this could be done consistently with the Secretary of State's views. It was noted that the Irish had apparently not appreciated the nuances of what they had been told on the security review. Mr Chesterton thought the Secretary of State might give something of the background at his meeting with the Tanaiste that evening.

13. Mr Burns recapitulated. The main objective was the restoration of constructive relations. The tactical questions were how to open a channel to the Taoiseach and what message to give him. But having established a relationship of mutual confidence, to what end should it be put? What were the further objectives beyond mutual confidence?

14. Sir Kenneth Bloomfield raised the constraints which Fianna Fail ideology imposed on the Irish policy towards Northern Ireland. The 'failed entity' mentality was also prevalent in sections of the SDLP. Mr Dickinson predicted that the Taoiseach's forthcoming Bodenstown speech would contain more of the same. If the Taoiseach believed he could get the Unionists to the negotiating table, there was little incentive to cooperate constructively in the British policy of gradualist political development in Northern Ireland.

15. Mr Burns summarised. An approach to the Taoiseach was the only way to restore mutual confidence. There would be an outcome from this and the natural place for it would be at the conclusion of the

review. This would imply a new concordat putting a fresh gloss on the Agreement but Ministers saw the Review in more limited terms. An intergovernmental statement of mutual confidence would cut little ice. There was a need for more discrimination in the objectives which motivated policy; he saw these as political development and security cooperation (to which he added, at Mr Chesterton's suggestion, confidence in the system of justice). Getting through to the Taoiseach would take time. The issues of the next few months would have to be handled in a way which did not vitiate the aim of reaching the Taoiseach. Mr Chesterton added that though the Taoiseach might be the prime target, this did not exclude approaches to others close to him such as Mr Lenihan and Mr Collins. The meeting discussed the difficulty in selling the idea of devolution to the Taoiseach given his ideological stance. Sir Kenneth Bloomfield suggested that two points could be made to him - that devolution was not necessarily incompatible with his objectives and that without progress towards devolution there were alternatives for the British Government which he might like less.

16. Extradition: Turning to the specific issues in Mr Bell's previously circulated paper, the meeting discussed extradition. Mr Chesterton reported that the Secretary of State was aware of Irish sensitivities on the subject, the Attorney-General less so. The position to be aimed at was one where the issue was marginalised with extradition, or in some cases extra-territorial proceedings, regarded as routine. Given relations between the two Attorneys-General, the idea of involving them in an Intergovernmental Conference at this stage was not pursued. The significance of the forthcoming Finucane case was noted. (Sir Kenneth Bloomfield left the meeting at this point and Mr Stephens joined it).

17. Stalker/Sampson: Mr Stephens reported on the confusion which had arisen over the disciplinary charges to be brought against RUC officers and the issue of public interest immunity. The Irish were also to be informed and a bout de papier was in preparation. The issue should be presented as positively as possible.

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Mr Chesterton feared that none of this sat well with the aim of generating confidence. The likely reaction of the Irish was discussed. Mr Masefield made the point that while they could take it on the chin, they might make a linkage with cross-border cooperation.

18. Forthcoming inquests: Mr Stephens explained that though an inquest in Northern Ireland could theoretically be completed very quickly, the coroner often gave the family of the deceased the opportunity to make representations. Mr George speculated that the Irish Government would wish to send observers. Mr Miles noted that they would be holding an inquest of their own on McAnespie. Mr Burns suggested that, as in the Gibraltar case, some Governmental machinery for handling the forthcoming inquests might be useful. It was agreed that a note should be prepared for Ministers, covering issues such as the appearance of RUC officers.

19. Security review: Mr Burns noted the apparent Irish misconception. It was important to prepare the ground with them and the Secretary of State's meeting with Mr Lenihan that evening could begin the process. Mr Dickinson made a plea for some appearance of prior consultation with the Irish. The longer the advance warning, the better their reaction was likely to be.

20. Gibraltar inquest: There was a consensus that the lack of adverse Irish Government reaction to date was welcome and that, with the passage of time, any considered response from them would be less relevant.

21. Guildford Four: Mr Bell reported that information from the Home office suggested a delay of two months before a decision was announced. Mr Burns stressed the importance of the Home Secretary being aware of the Irish interest.

22. Duty Free issue: Mr Bell commented that the Head of the Irish side in the Secretariat was not greatly vexed by the British

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intervention in the European Court case, because both countries stood as equals in the Community.

23. Fair Employment: Mr Masefield reported that the Irish side was due to have a briefing before the draft legislation is published. DED were encountering problems with their legislative timetable.

25. Public appointments: Mr Spence said that a paper, containing a number of inaccuracies, had been received from the Irish. An early meeting would help to agree on the facts. Mr Burns added that both sides were agreed that there was a problem to be tackled in the appointments field.

26. Parliamentary Body: Mr Burns stated that a delegation was going to Dublin that day.

27. Review and anniversary of Agreement: Mr Masefield informed the meeting that the Secretary of State had just issued his invitation for contributions to the Review. On the handling of the anniversary, Mr Miles reported the the Minister of State was interested in the idea of a newspaper article under his name. Mr Bell added that SIL was assembling a data bank for speeches and articles and Mr George reminded him of the overseas market for this kind of information.

J A CANAVAN
14 OCTOBER 1988

Distribution: Those present
Mr Innes
Mr Hewitt

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