

From PS/PUS
2 December 1988

Mr Spence

*L/12/2/DMC
Mr Milsen 394/12*

*to see a return of
MM 5/12*

Note for the Record

- cc PS/PUS (B)
- Sir K Bloomfield B
- Mr A W Stephens B
- Mr Burns B
- Mr Miles B
- Mr Thomas B
- Mr Spence B
- Mr Knight M
- Mr Bell B
- Mr Masefield B
- Mr Kirk B
- Mr Wood B
- Mr M Maxwell B
- Mr Leach B
- HMA Dublin
- Mr George, RID, FCO

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Anglo-Irish Steering Group

PUS chaired a meeting of the Anglo-Irish Steering Group on Tuesday 29 November in Belfast. Present were: Sir Kenneth Bloomfield, HM Ambassador, Mr Stephens, Mr Burns, Mr Miles, Mr Thomas, Mr Spence, Mr Masefield, Mr George and Mr Leach.

Current State of Anglo-Irish Relations

2. Mr Masefield reported on the situation as he viewed it from the Secretariat. All in all, relations during the Autumn had been rather better than we had feared. The Irish had been preoccupied over recent weeks with the announcements following HMG's security review, developments on the Article 11 Review and the series of inquests. The Irish had reacted reasonably well to the new security measures, but continued to feel that they had not been properly consulted. Irish interest was beginning to focus on the Article 11 Review; and they had sought to take the initiative on this at the last Conference. The Irish had given HMG some credit for the forthcoming fair employment legislation, but argued that this was not a sufficient balance to the recent security announcements. For the future, the Irish would be looking to HMG to deliver on confidence measures as a quid pro quo for their restraint on security measures; we could expect the Irish to pursue this line at the next Conference.

3. The Ambassador reported on the situation as he viewed it from Dublin. The Irish Government reshuffle had been minimal; the emphasis was on continuity and reaffirming the Government's authority. Whilst the Government had faced a number of minor

challenges in the Dail, Fine Gael seemed prepared to acquiesce for the time being in Fianna Fail's economic policy, and the Government looked safe into 1989. Anglo-Irish relations had been less bumpy than had been feared; the Taoiseach had been out of commission, and the Irish had lacked strategic direction. The Ambassador confirmed that the Irish were smarting over HMG's alleged failure to consult them on security measures, and that they were likely to seek a quid pro quo on confidence measures; the Tanaiste had recently begun again to make noises about 3 Judge Courts. The Irish also continued to have a genuine and close interest in political development in Northern Ireland (without of course taking the same view on prospects), and how the Article 11 Review would be handled in relation to it; the Ambassador's assessment was that we would do well to continue to engage the Irish in discussion on political development. There was rough water ahead over extradition.

Events and Opportunities: Rhodes

4. No 10 had sought briefing from the Foreign Office for the Prime Minister's talk with Mr Haughey; the NIO had been asked to provide an input, with a view to submitting briefing on 30 November. It remained uncertain whether the Taoiseach would attend Rhodes, but Mr Nally was saying that the Taoiseach hoped and planned to go. It was agreed that the Prime Minister should be recommended to meet the leading Irish Minister at Rhodes, whoever attended; and that her objectives in the meeting should be:

- i. to press the Irish on the substance of security co-operation, and apply a corrective to the current line taken by Irish Ministers; relationships and procedures were of course important, but HMG still wanted to see concrete results on this front.
- ii. on political development to put across HMG's view about the full implications of Article 1 of the Agreement, and the need for the Irish to face the reality that the possibility of a majority in NI consenting to unification with the Republic was in practice sufficiently remote to make it essential to do something more about increasing the involvement of the constitutional parties in the government of NI.
- iii. to explain that HMG's broad strategy on Northern Ireland balanced firmness and fairness. Our aim was to strengthen our arm against terrorism; but security was only part of our policy: recent developments on integrated education, West Belfast and Fair Employment were evidence of that.

5. The Group noted that the Prime Minister's brief would need to mention the Article 11 Review, whether it was formally on the agenda or not; and that briefing would be needed on Ryan and extradition.

Article 11 Review - Strategy for Next Conference

6. The Group had before it Mr Bell's submission of 25 November which suggested how the SofS might exploit the next Conference meeting to ensure that the Review developed in the way most likely to further HMG's interests. The Group agreed on the general approach and objectives (paragraphs 3-11) outlined in the paper, subject to a number of minor drafting points.

7. Turning to the substance of the Review, the Group noted that we were now committed to preparing a "joint" assessment of the achievements of the Agreement to date; the SofS had told Parliament on 10 November that he hoped to publish this document shortly. It was agreed that, whilst we could produce a factual record easily enough, agreed value judgements on the achievements of the Agreement, and the attribution of achievements to the Intergovernmental Conference were difficult. Such an approach would lend credence to the allegation that the Conference was a decision-making body; the position of the Chief Constable and of various autonomous NDPBs had also to be considered. Against this background, it was agreed that the best approach might be to produce a factual statement of developments on matters covered by the Agreement - using the precedent of the SofS's speech at Oxford in October 1987 - with no attempt to reach an agreed value judgement with the Irish in respect of each development. We would then set beside this statement a record of matters discussed by the Conference, with no attempt to attribute developments to the Conference.

(Action please: Mr Leach to prepare a draft assessment of the achievements of the Agreement in the light of discussion at AISG).

Mechanics of the Review

8. Mr Leach reported that the Irish appeared to want to establish several separate working groups, given the wording of the last Conference communique. It was agreed that this was a suggestion which should be resisted; the UK side should advocate a single Joint Working Party which would constitute a core group, and which could be reinforced by specialists on an ad hoc basis, together with a higher level Steering Group, which might include representation from FCO and LOD. Such an arrangement would meet the public commitment to establish "groups" in the last Conference communique, and would enable the Irish to get over their difficulties.

Effectiveness of the Conference and Secretariat

9. It was agreed that there were essentially three elements to the review of the effectiveness of the Conference and the Secretariat:

- i. a review of the mechanics of Conference and Secretariat proceedings; this was relatively straightforward and much work had already been done on the UK-side.
- ii. a review of the effectiveness of both the Conference and the Secretariat in handling under each Article the programmes of work and areas of concern to the Conference mentioned in Articles 5-10 of the Agreement. This was likely to be more contentious; it would provide an opportunity for the Irish to put us into the dock on the performance of the Conference on each of Articles 5 to 10, and to criticise us over alleged non-consultation. As such, it might be best initially to let the Irish make the running on this aspect of the Review. Nor was it likely that we would be able to deflect the Irish from pursuing this approach by putting forward a paper on the mechanics of Conference and Secretariat proceedings. Rather, we would need to prepare in advance an assessment of what the Irish might want to raise under this heading in terms of processes and issues, and have ready our advice for Ministers on how to respond to the Irish points on such matters as 3 Judge Courts and consultation. We should take the line that the Review was not the forum in which to decide substantive issues. In addition, there was scope for us to play the Irish game, especially on security co-operation and extradition.
- iii. a review of the presentation of the Conference as a piece of formal intergovernmental machinery which would stand for the foreseeable future. It was agreed that this aspect could not be properly addressed until nearer the end of the Review process; but it was important that we should not lose sight of it.

It was agreed that the outcome of the Review would be considered at a future AISG.

10. Closing the discussion of the Review, PUS said that he would minute the SofS on the discussion at AISG, outlining what had been agreed on Mr Bell's submission and asking if the SofS was content to proceed on these lines. (Action please: Mr Miles/Mr Masefield to provide a draft minute).

Parliamentary Body

11. The Group noted Mr Bell's submission of 18 November which outlined a way forward, and that the Foreign Secretary was seeking a meeting with colleagues, including the SofS, to discuss these matters.

Confidence Measures

12. The Group noted that the Irish were likely to press hard at the next Conference for further progress on confidence measures, as a quid pro quo for their relative silence on recent security announcements. The question of 3 Judge Courts was likely to surface again, but the Irish had been warned that in the absence of new and compelling evidence to support their case, there was unlikely to be any change in the UK reply.

Political Development

13. The Group agreed that we needed to continue to register with the Irish the realities of political development in NI. Article 1 of the Agreement provided a mechanism for determining the constitutional position of NI; it committed both Governments to the principle of consent, and since any realistic assessment of Northern Ireland showed that consent to unification was not going to be forthcoming for the foreseeable future, both Governments were left with the reality that political development for Northern Ireland would remain for the immediate future a question of how the communities there could learn to live and work together.

Summary of Action

14. The following action was agreed:

- i. Mr Leach was asked to prepare a draft assessment of the achievements of the Agreement.
- ii. Mr Miles/Mr Masefield were asked to provide a draft minute from PUS to SofS, summarising the discussion of the way forward on the Article 11 Review at AISG.

(signed)

P G PRIESTLY
PS/PUS
2 December 1988