

FROM: P N BELL  
JOINT SECRETARY  
18 JUNE 1996



cc PS/PUS (B&L) - B  
PS/Sir David Fell - B  
Mr Thomas - B  
Mr Leach - B  
Mr Watkins - B  
Mr Hill - B  
Mr Maceabe - B  
Mr Beeton - B  
Mr Lavery - B  
Ms Checksfield - B  
Mr Whysall - B  
Mr Budd, Cabinet Office  
(via IPL) - B  
HMA, Dublin - B  
Mr Lamont, RID - B  
Mr Campbell-Bannerman - B

MR STEPHENS - B

**HMG NEGOTIATING BRIEF - EAST/WEST ISSUES AND THE NEW ANGLO-IRISH AGREEMENT**

I have been revisiting a number of our Negotiating Briefs recently and, as I have been telling colleagues fairly promiscuously, I find myself in the embarrassing position of believing what we have to say about "East/West" issues is perhaps the least satisfactory, or certainly most tentatively sketched area of our negotiating position, but without having an excess of bright ideas of my own. The presence of so many square brackets in the statement of "Government Objectives" suggest that others may have felt similar uncertainties. Which is, so far as it goes, reassuring.

2. Also reassuring is that fact that our Brief recognises that Unionist agreement (on a new Agreement on all these issues) will be contingent on a satisfactory amendment of Articles 2 and 3 of the Irish constitution (about which I have today minuted separately - not to all). My own suspicion is that the less satisfactory the



Irish formulation, the more wide-ranging (in the sense of not confined to Northern Ireland) in recompense the Unionists will want any new Agreement to be. But, even assuming the repudiation of the Irish territorial claim in more unequivocal language than in 'Frameworks' for which I argue heretically elsewhere, I believe there may be greater mileage in some of what the Unionists are, or have been proposing recently than the conventional wisdom allows. I say this less from any sense of building into a final accommodation a strengthened East/West link to counter balance stronger North/South links - though I believe that will be needed - but because the very conclusion of a comprehensive agreement will fundamentally change relationships between Belfast, London and Dublin.

3. In particular, so much of what now passes for the bilateral relationship in connection with Northern Ireland will change out of all recognition: for example, come the New Age:

- with devolution, the Irish Government will not have (or ought not to have) any locus in matters for which the new Northern Ireland administration is responsible (this point was already taken care of in Article 5 of the Anglo-Irish Agreement itself) except in respect of matters dealt with by the new North/South bodies, which will have their own 'Secretariat';

- the bread and butter of the present Anglo-Irish Secretariat will largely have vanished. There will (one hopes) be no neuralgic (or indeed any) security problems. And, before too long, Law and Order functions also would be, we would hope also, devolved to the Belfast authorities. Similarly, political development issues which have very largely replaced security issues as the staple of the Secretariat will have been resolved by the settlement itself;

[Signed]

P. H. BELL



4. Adding all these three together, the need for a "special AI relationship" in respect of social, economic, political or security issues confined to Northern Ireland will have greatly reduced. While, on the other hand, the need to manage a more complex relationship involving the three Capitals will have increased. One need only, for example, think of the complications which the EU functions of a new North/South body is likely to cause to see what I mean. More generally we shall be entering a set of a complex relationships with both parts of Ireland (and, who knows, Scotland and Wales?) to say nothing of North/South bodies on a wide range of policy issues of a kind the AI Secretariat, as presently constituted, is ill-served to co-ordinate and service. But where a revised and enhanced AIIC might have a role to play (including perhaps assisting with our so far discreet "thickening exercise").

5. My tentative conclusion, therefore, apart from warning against too readily accepting that minimalist changes to the Anglo-Irish Agreement (e.g. members of the Northern Ireland administration sitting in at meetings) are all that will be necessary, would be to endorse the plea in paragraph 15 of the existing Negotiating Brief that we do need to re-examine and update the analysis in 'Frameworks' and also outline possible new structures (a 'menu' of options?) accordingly. Such a paper will also, as that brief suggests, need to take seriously the Unionist criticisms that East/West arrangements were dealt with less elaborately in Frameworks than those dealing with North/South arrangements. (This in turn is a useful reminder that in our future planning we should give (at least) parity of esteem to relationships across the Irish Sea as to those within the island of Ireland.)

6. Is this analysis something we might usefully look to IPL to put in hand, building on the work that was done at the time of the last Talks or in preparing for 'Frameworks'? Perhaps even the antique "Joint Studies" may have forgotten riches to offer?

[Signed]

P N BELL