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ASSISTANT SECRETARY
SECURITY POLICY & OPERATIONS 1
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NORTHERN IRELAND OFFICE (B)

5/00

FROM: MRS J O SEAR
IPL DIVISION
17 JULY 1996

MR BELL - B

cc Mr Leach (L&B)
Mr Lament, RID
Mr Perry
Mr Stephens
Ms Checksfield

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FIRST DAY BRIEFS - ANGLO IRISH RELATIONS

With reference to your minute of 5 July, I attach a revised and redrafted first day brief on Anglo Irish relations. This brief concentrates solely on the political relationship with the Irish Government vis-a-vis Northern Ireland. It makes no reference to either extradition or security co-operation which are the subject of separate briefs.

2. I would be grateful for comments. In particular I would welcome a separate note from Mr Bell on current issues being considered by the IGC. I would be grateful for comments by lunch time on Friday 19 July to enable me to send it to CPL by close of business that day.

Signed

JACKIE SEAR
IPL DIVISION
17 JULY 1996

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DU/TPU/1894

ANGLO IRISH RELATIONSIntroduction

i. Policy Responsibility

Responsibility for the UK's relationship with Republic of Ireland rests with the Foreign and Commonwealth Office. But, as Northern Ireland is the most important and difficult factor in that relationship the Northern Ireland Office has a major input to UK Government policy regarding the Republic of Ireland. The operation of the 1985 Anglo Irish Agreement has been primarily a matter for the NIO, in consultation with the FCO.

ii. The Anglo Irish Relationship

Relations with the Republic of Ireland have always bulked large in Northern Ireland political life. Many people in the Republic and the nationalist minority in Northern Ireland see themselves as sharing a common tradition and identity and aspire to a United Ireland. The Irish government has sought to act as the patron and protector of the nationalists in Northern Ireland.

Northern Ireland remains an important issue in contemporary Irish politics. The amount of attention devoted to it in the media and elsewhere is considerably higher than in Great Britain. All the main political parties have accepted the principle of consent (ie that the freely given consent of the majority of the people of Northern Ireland is an essential pre-condition to Irish unity) and have indicated willingness to change the Irish constitution (which includes a territorial claim to Northern Ireland in Articles 2 and 3) in the context of an overall political settlement.

Attitudes are changing. Helped by changes in Irish society and closer co-operation with the Government on Northern Ireland there has been an increasing normalisation of relations between the UK and the Republic of Ireland. More broadly there has been a visit by the Prince of Wales to the Republic of Ireland in 1995 and by President Robinson on a Guest of Government visit in June 1996 (the first

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official visit by an Irish Head of State since Independence) both provided confirmation of this trend.

The key developments in recent years have been signature of the Anglo Irish Agreement in 1985, the Downing Street Declaration made in 1993 and the issue of A New Framework for Agreement one of the two Framework documents which together were published as 'Frameworks for the Future' on 22 February 1995.

The present Government, which is coalition between Fine Gael, Labour and Democratic Left headed by John Bruton, is instructively more sympathetic to British government and Unionist concerns in Northern Ireland than its predecessors. In December 1995, the Taoiseach and the Prime Minister agreed a programme of co-operation, aimed at boosting links between the two countries in areas other than Northern Ireland.

Nonetheless, sensitivities remain and there is still considerable suspicion of the British Government, and a reluctance to be seen to be pursuing closer co-operation.

Landmarks in the Anglo Irish Relationship

- i. The Anglo Irish Agreement (signed 15 November 1995 came into force 29 November 1985 following approval by Parliament and the Irish Parliament (Dail)).

This Agreement was signed by the then Prime Minister and Taoiseach Mrs Thatcher and Dr Fitzgerald. The Agreement confirmed that the constitutional status of Northern Ireland was for the people of Northern Ireland to determine (Article 1); established an Anglo Irish Intergovernmental Conference concerned with Northern Ireland and with relations between Northern Ireland and the Republic of Ireland. The Conference can deal with political matters; security and related matters; legal matters including the administration of justice and the promotion of cross border co-operation. Under the provisions of the Agreement the Irish Government can put forward views and proposals on matters relating Northern Ireland so long as these are

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not the responsibility of any devolved administration in Northern Ireland (Article 2). The Irish Government may also comment on political matters including the composition of public bodies (Articles 4 and 5). The Conference also considers security policy, relations between the security forces and the community and prisons policy (Article 7).

The Intergovernmental Conference is co-chaired by the Secretary of State for Northern Ireland and an Irish Minister designated as the Permanent Irish Ministerial Representative (Article 3). The Irish co-Chairman is traditionally the Deputy Prime Minister (Tanaiste) and Minister for Foreign Affairs, Currently Dick Spring. The Conference is served by a small secretariat located in Northern Ireland and staffed jointly by officials from both sides.

The Agreement had a rocky introduction and Unionist opposition was fierce. Many saw it as a step down a road which led ultimately to forced Irish unity. There were marches and protests, RUC officers were intimidated and many were forced to move from their homes.

The passage of time has proved that Unionist fears were unfounded and the Agreement has provided both Governments with an opportunity to sort out problems face to face. A list of current issues before the Intergovernmental Conference is attached.

The Intergovernmental Conference was reviewed under Article 11 of the Anglo Irish Agreement. The review was completed at the Conference meeting on 24 May 1989 and the outcome announced. No fundamental changes to the way in which the conference operated were considered necessary but the Review endorsed wider Ministerial participation where appropriate to enable greater attention to be given to cross-border economic and social co-operation.

ii. The Joint Declaration (made 15 December 1993)

The Declaration was made in Downing Street by the Prime Minister and the Taoiseach (Mr Major and Mr Reynolds)

The Declaration complements and underpins the talks process launched

by the Secretary of State (Mr Brooke) in March 1991. It shows clearly that the Government had no wish to frustrate the freely expressed wish of a majority of the people of Northern Ireland if they voted to become part of a united Ireland and saw the two Governments challenging those who used or supported violence to stop now. The Declaration contained an undertaking from the Taoiseach on behalf of the Irish Government that in the event of an overall settlement, he would put forward and support proposals for change in the Irish constitution which would fully reflect the principle of consent in Northern Ireland. The two Governments also confirmed in paragraph 10 that "democratically mandated parties which establish a commitment to exclusively peaceful methods and which have shown that they abide by the democratic process, are free to participate fully in democratic politics and to join in dialogue in due course between the Governments and the political parties on the way ahead".

iii. "Frameworks for the Future" - A new Framework for Agreement.

When the 1991/92 talks broke down it was and continues to be common ground between the participants that any hope of achieving a future political accommodation rests on finding a way to give adequate expression to the 3 key relationships set out by Mr Brooke at the start of the talks (ie those within Northern Ireland; those within the island of Ireland and those between the two Governments). If the talks were to start again, in order to avoid a breakdown, the parties wanted to know the thinking of the two governments. This prompted the work which led to "Frameworks for the Future". The first document 'A Framework for Accountable Government in Northern Ireland' was prepared by the Government alone and concentrates on internal arrangements in Northern Ireland. The second 'A New Framework for Agreement' concentrates on Strands 2 and 3 and was prepared by the Government and the Irish Government.

The document contains proposals for North-South body which could carry out a range of consultative, harmonising or executive functions. The Body could only be established if there was a Northern Ireland Assembly. The Body would be established by legislation in Parliament and the Dail and would be accountable to

the Northern Ireland Assembly and the Dail.

The document also re-states the undertaking made by both Governments in 1991 when the talks were launched that they would be prepared to consider a new and more broadly based agreement.