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Mr. Murray.

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31.12.82

Summary of possible main lines of an approach to implementation of the Government's Northern Ireland policy over the next 6 months but in a longer-term perspective

I ANGLO-IRISH RELATIONS AND AIIC

1 Attitude of British Government

Recognise British Government most unlikely to take any radical new initiative before next Westminster election, most likely to be held in Autumn, 1983 but could be either earlier or later.

2 Weakness of Prior and Gowrie

Do not invest too much political capital in Prior and Gowrie - but equally do not be dismissive of them.

3 Priority aim of Irish policy

Make priority under this heading the restoration of atmosphere of confidence, predictability and co-operation in relations.

4 Presentation of approach to meetings

Presentation of approach to meetings with Secretary of State and Prime Minister to be on this basis - getting things back on the rails. Don't appear too eager for very early meetings and do not have - and certainly not disclose - what would be undue expectations that British can be moved before election, to adopt radical new approach. Do not take as an issue or refer publicly to restoration of right or practice of consultation about Northern Ireland - it is better to let this be established by events.

5 Votes for British citizens

Give political signal to British of wishes to improve relations by deciding to proceed with legislation to confer voting rights etc on British citizens, by announcing this and by expediting and circulating legislation - but try to get quid pro quo of British Government intention not to accept any recommendation of House of Commons Committee (now studying this and other matters) to remove corresponding rights from Irish citizens resident in Britain.

6 Get AIIC working purposefully, initially on low-key issues

Aim for agreement from meetings to get Anglo-Irish Inter-governmental Council working quickly in more purposeful way, at Ministerial and official level, on more low-key areas of co-operation flowing from joint studies and otherwise - economic co-operation, measures to improve understanding. To this end, pursue Programme of Action endorsed by the Government in January, 1982. Get Co-ordinating and Steering Committees working.

7 Aims for AIIC for period after British election

Aim to move on, after this initial phase of confidence-building and consolidation and after next British election, to building on commitment in November, 1981 Summit Communique to jointly promote reconciliation - but exercise caution in public references to expectations in this area, given possibility that a new Thatcher-led Tory Government would be unreceptive to Irish efforts to develop this axis of policy. Timing of effort to obtain from British operative activity to express full recognition of Irish identity of Northern nationalists requires careful consideration - there is a need for early action but unless the ground is well prepared and the atmosphere as right as it ever can be, we could be rebuffed in a way that could put the issue off the agenda for a lengthy period.

8 Hasten slowly on Parliamentary tier

Hasten slowly in relation to establishment of Anglo-Irish Parliamentary tier and consult first with SDLP and Opposition party; SDLP see early moves to establish tier as designed to pressure them to take seats in Assembly while unionists won't participate in even most minimal tier for some time to come, at least. Any tier to which British would now agree - after all the controversy - could be of minimal significance and have capacity for evolution severely restricted from the outset.

9 Visit by British Labour Party delegation

Arrange for early visit which has been requested by British Labour Party delegation.

10 Early contacts with Liberal and SDP leadership

Arrange for early discreet contacts with leadership of British liberal and SDP parties.

II ARRANGEMENTS FOR GOVERNMENT OF NORTHERN IRELAND IN NEAR-TERM

11 Agreed or voluntary power-sharing in North not on in near future

Recognise that in the foreseeable near future, it will not be possible to get the voluntary agreement of the parties in the North to devolved political institutions with the participation of both communities and therefore (1) in public references do not appear unreasonably sanguine about the prospect of any such agreement and (2) base policy on government of North on this realistic appreciation.

12 Keep open - but be silent on or sparing in public references to - option of non-boycottable Executive

Explore further reasons why British backed away from this option in early 1982. Pending outcome of exploration, retain this option for consideration. Recognise, however, that for reasons of timing (possible collapse of Assembly before time comes when British might be ready to re-consider option) and substance (may not be so unboycottable as one

might think on first consideration, probable difficulty of getting people to act on Executive etc). Accordingly, do not publicly commit Irish policy to pursuit of this option.

- 13 Adopt, in public references, as neutral or non-committal an attitude as possible to continued existence of Northern Ireland Assembly but in private contacts, especially with British Government, make clear lack of enthusiasm or expectations from it, in present form and circumstances.

Acknowledge (privately) that in current circumstances little or no political progress can come from Assembly - and that any attempt to persuade the SDLP to take their seats, apart from threatening the already fragile unity of the party, would serve no purpose that might not be better pursued in other ways. Recognise that unionists may themselves collapse the Assembly sooner rather than later, if, as is likely, they are unsuccessful in obtaining the amendments they want to the Northern Ireland Act, 1982. Note, on the other hand, that unionists may ultimately decide that continued existence of Assembly is, on balance, to be preferred and that in any case, hostile or dismissive public references to the Assembly are offensive to unionists, to little purpose. Decide to offer comfort to Northern nationalists, more by positive responses to what they propose politically, than by negative references to what they oppose. Thus so far as possible in face of Dail etc needs, adopt non-committal attitude, in public references, to continued existence of Assembly. But in private contacts, especially with the British, make clear that Government have no enthusiasm from Assembly in its present form and no expectations from it, in present circumstances.

- 14 Head off British consideration of closer integration

Endeavour, in contacts with British Government, without explicitly raising the issue - which could give British Prime Minister bad thoughts - to head off any renewed active consideration of closer integration of Northern Ireland with Britain (indefinite direct rule, more power for local authorities, Assembly as top-tier local authority or, at extreme and unlikely, dissolution of specifically NI Departments). Do this by concentration on positive alternative lines of policy British could follow, in conjunction with Irish Government.

- 15 Be cautious and reserved about "apartheid" or "non-territorial re-partition" ideas floated recently by Lord Gowrie

Past experience (non-boycottable executive) has shown that ideas floated by Lord Gowrie were not pursued by British Government, certainly not in the form mooted by him; Lord Gowrie may be a casualty of the British Government reshuffle soon to follow departure of Mr Nott; the ideas in question run counter to the Government's longer-term policy objectives and would not be seen by the SDLP as meeting their concerns on the Irish identity of Northern nationalists.

- 16 Settle approach to operative activity we would, at right time, press British Government to give full recognition to Irish identity of Northern nationalists, as set out in Northern Ireland section of the Programme for Government

Such action, to follow up on the relevant and not unsatisfactory section of the Prior White Paper, is necessary. Some possibilities have been tentatively identified (Repeal of Flags and Emblems Act, agreed Irish-British approach to dual nationality, holding of passports, local franchise in North, agreed approach on RTE reception in North, facilities for GAA, non-divisive cultural heritage programme for North) but need to be developed and considered from a political standpoint, e.g. timing, order of preference and trade-offs, since some, especially Flags and Emblems Act and franchise, are very sensitive and will be so represented by the British.

- 17 Decide line to be pursued on PR for Westminster elections in North.

Even before their recent electoral success, it appeared that Sinn Fein intervention in Westminster elections in the North under the straight vote could cost the SDLP some of the 17 future seats, through split votes; now the danger is that Sinn Fein would force out the SDLP. This might be headed off if amending legislation were enacted to provide for use of PR in the North in such elections. But recent developments on the next direct elections to the European Parliament tend to confirm expectations of inflexibility by Mrs Thatcher on this issue. Is it worth pushing, in face of likely*possibility that SDP/Liberal Alliance could have say in next British Government programme. However, further security action just might elicit a British response in this area.

rebuff? Probably not, especially given

- 18 Decide other practical action to bolster SDLP

The party is shaken in morale, with particular worries about its performance, vis-a-vis Sinn Fein, in the next Westminster elections. It has a bad image in London (and in some quarters in the State) and its leader is away too much and may now have taken on too much. Its recruitment of young people is poor and compared with Sinn Fein, its financial resources are restricted; and acceptable political outlets for its democratic, constitutional brand of politics are lacking. There are obvious difficulties in direct assistance from the Irish Government, as Government, with organisation, money or youth involvement. Could organisational support and advice, from the Government and other major parties here, as parties, or otherwise indirectly, be considered, as well as all-party support for a fund-raising drive throughout the country? Can more help (including indirect financial assistance for entertainment and travel?) be given in improving the perception of the party in London political, civil service and media circles?

- 19 Re-establish and improve unionist confidence in Government in Dublin

This can best be done now by action in the security area - dealt with separately below. Attitudes to the Assembly and wider policy issues, considered above, will also be relevant as will economic matters, considered below. An intensification

of contacts, across a wide spectrum, not exclusively political, should help. Specific action and instructions should be considered (invitations to functions, nominations to State bodies etc)

III SECURITY

20 Consider measures to make security effort against Provisional IRA and INLA more effective

The actions of the Provos and INLA are so deeply prejudicing advancement of the objectives of the Irish people and Government in relation to Northern Ireland that serious consideration must be given to taking further steps that should be more effective in preventing murders and other violent acts before they happen. Possible measures - some of which might require the cover of Article 28.3.3^o of the Constitution and the state of national emergency pursuant thereto declared in 1976, as well as derogations from international obligations, - are:

- application, on a selective basis and conditional that similar action would not be taken in the North, of the confinement procedure that could be used if Part II of the Offences Against the State Act, 1940 were invoked;
- legislation to provide for directions restricting the areas within the State within which named individuals might reside or travel, so as to keep them far from Border areas.

21 Decide how All-Ireland Court idea should be pursued and its relationship with evolving situation on Anglo-Irish and North/South extradition and operation of reciprocal extra-territorial anti-terrorist legislation

British may seek reactivation of and widened representation at, discussions between Attorneys General and their officials. Recent development here on extradition may strengthen their reluctance to become involved in pursuit of idea of All-Ireland Court. There is a need to decide whether the Court idea is to be pursued and, if so, to consider how it is to fit in with extradition and extra-territorial legislation arrangements.

22 Decide whether FBI-type police force idea is to be developed and in what foreseeable political circumstances, it would be pursued with the British

Federal or other special complementary police forces operate side by side with local, State, provincial etc forces in many countries. It should be possible, without commitment, if considered desirable, to obtain further information on the operations of such forces and in the light of this information and an appreciation of the specific Irish circumstances, to develop the concept further. Political consideration of the political and institutional circumstances in which joint consideration of the concept would actually be pursued with the British is clearly essential. This

could be undertaken before or after the technical elaboration of the concept and depending on this timing aspect and the conclusion reached, the information-gathering and elaboration process might not take place at all.

23 Decide line to be taken on abuses by security forces in Northern Ireland

An attitude of forthright and publicly expressed opposition to abuses such as have been involved in relation to plastic bullets and appear to arise in respect of recent "shoot-to-kill" incidents would be welcome to all shades of moderate nationalist opinion in the North and, within the context of a wider, balanced policy, could be defended against attack on the merits of the case and on the basis of need for adherence to legality and justice. Such an attitude would, however, even balanced by other statements and actions, evoke a hostile reaction from many unionists and could prejudice relations with the British on a wider front. It will, in any event, be difficult to avoid taking and expressing an attitude on such matters, in the face of events on the ground. It should be possible to strike a balance, based on positions previously adopted, which will go far to reconcile the various imperatives.

IV ACTION DIRECTED TO OR TO BE TAKEN IN THE ALL-IRELAND CONTEXT

24 Re-establish confidence and stability in Republic's public finances and stability and dynamism in economy

Action on these imperatives in a Twenty-Six County context can have, over time, a significant effect on attitudes in Northern Ireland and in Britain.

25 Pursue commitment in Programme for Government to study possible scenarios for a coming-together of North and South, by taking up SDLP proposal for the establishment of a Council for a New Ireland and give this priority in time over Constitutional Review

The suggestion that the SDLP proposal be taken up is conditional on it being possible to reach in advance an all-party agreement, acceptable to the Government, embracing the major parties represented in the Dail and the constitutional nationalist parties in Northern Ireland on what the Council (better termed Convention?) would or would not do - as it would clearly be most unhelpful in relation to Irish objectives for Northern Ireland if a Council were seen to be a forum for public disagreement between parties in the Republic or between them or some of them and the Northern nationalist party or parties. An earlier paper on the SDLP proposal is in course of adaptation and will develop this and other points. The suggestion that the New Ireland proposal be given priority in time - as regards public revelation of the results - is based on an agreement that it may be easier to secure all-party agreement in respect of future scenarios in which such contentious problems as Articles 2 and 3 or divorce might be eliminated,

either by definition or on the basis of the options outlined than to secure such agreement on steps that might be taken in the shorter-term to amend the existing constitution - but that the agreement reached on future scenarios might serve to constrain the scope for disagreement on shorter-term action, conceived as promoting progress towards unity.

- 26 Exploit all opportunities for integrative action within Ireland, in economic, social and cultural areas, which do not impose excessive penalties on Republic

One has in mind here such matters as energy links, links in third-level education, improved communications and the possibility of a ship order from Harland and Wolff. This would fit into the Programme of Action to be pursued under the aegis of the AIIC

- 27 Identify where all-Ireland bodies can be sustained or established and act to maximise such bodies, consistent with sensible and efficient administration

One has in mind the approach to resolution of current difficulties in respect of the Commissioners of Irish Lights and the possible scope, sooner or later, for joint bodies in relation to aspects of the administration of Lough Foyle and Carlingford Lough water management in the Erne basin, third-level education in the North-West etc.

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31 December, 1982