

DAB/1287/BN

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PS/Secretary of State (L&B)-m

cc: PS/Ministers (L&B)-m

PS/PUS (L&B)-m

PS/Mr Bloomfield 16/17

Mr Brennan-m

Mr Stephens

Mr Chesterton-m

Mr Merifield

Mr Innes

Mr Gilliland

Mr Palmer

Mr Spence

Mr Bell-m

Mr Blackwell

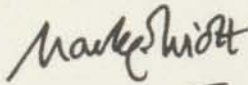
Miss Elliott-m

Mr S Hewitt

Mr G Hewitt

INTERGOVERNMENTAL CONFERENCE: RECORD OF FIRST MEETING

1. I submit the full record of the meeting held on 11 December. This is our own UK version; a shorter draft for the joint record is currently under discussion with the Irish and should be ready to submit within a day or two.
2. We stand ready to incorporate any changes. We have deliberately not done a blow-by-blow account, but I think the main points are there.
3. The FCO and the Embassy in Dublin, and also (at their own request) the Cabinet Office, will need copies. If the Secretary of State is content with the record I shall arrange for them to be sent.



M ELLIOTT

Political Affairs Division

16 December 1985

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ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE

RECORD OF THE FIRST MEETING HELD AT STORMONT CASTLE ON WEDNESDAY,
11 DECEMBER 1985

A: MORNING SESSION

Those Present:

British Side

Mr King
Mr Scott
Mr Andrew
Mr Bloomfield
Mr Stephens
Mr Brennan
Mr Gilliland
Mr Elliott
Mr Daniell
Mr Hewitt
Miss Steele
Mr Clark (FCO)

Irish Side

Mr Barry
Mr Donlon
Mr Lillis
Mr O'Tuathail
Mr O'Ceallaigh
Mr Ryan

Opening Statements

1. Mr King welcomed Mr Barry and his colleagues to the first meeting of the Intergovernmental Conference. During brief opening statements, both sides looked forward to the successful implementation of the Anglo-Irish Agreement signed at Hillsborough Castle on 15 November. It was agreed that the morning session should be spent considering the political climate in Northern Ireland and reviewing the future work programme of the Conference.

Political Background

2. Mr King said that, whilst the Agreement had received a guarded welcome from the minority community, the reaction of unionists had been much more hostile than expected. Unionists were concerned both at the substance of the Agreement and at the secrecy which had surrounded its negotiation. There would be a difficult time ahead. Northern Ireland Office Ministers were being ostracised by unionist politicians; the Assembly was in disarray with normal business suspended; and the disruption at District Council level continued.

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The by-elections, which would follow the resignation of seats by Unionist MPs, were expected at the end of January 1986. One or two MPs might lose their seats but increased unionist majorities could be expected elsewhere. It was clear that many unionists had not yet thought through the implications of their protest action. They would have to realise that Parliament would not change its mind on the Agreement. The one encouraging sign so far had been the strong public line taken by leading unionist politicians against the use of violence.

3. Against this background, it was essential to emphasise the way in which the Conference could deliver measures of benefit to the majority community. In particular, the Conference could play a key role in the development of cross-border security co-operation and in efforts to secure progress towards devolution. Mr King noted that the SDLP had so far avoided a triumphalist reaction to the Agreement, but said that a much more positive approach by the SDLP was needed in order to overcome unionist hostility. He hoped that the SDLP would be encouraged to support the security forces in the fight against terrorism and to talk realistically about ways of achieving devolution. The resentment felt by unionists at the secrecy of recent Anglo-Irish negotiations showed how important it would be for the Conference to adopt an open approach. The views of the majority community could not be ignored. Mr King paid tribute to the loyalty, commitment and professionalism of the RUC and underlined the need to retain their confidence in the difficult months which lay ahead.

4. Mr Barry replied that unionist reaction to the Agreement had been entirely predictable and (so far) no worse than the Irish Government had expected. Unionists had not studied the Agreement properly and their hostility arose mainly from the fact that they had not been consulted. Mr Paisley was running out of steam and the leadership of the DUP seemed to be passing to Mr Robinson. The UUP were divided but would probably do well in the by-elections. Mr Barry accepted that the next six months or so could prove to be a difficult time, but argued that if the Agreement were fully implemented the situation might improve considerably. He said that the Irish Government were impressed by the professionalism and dedication of the RUC and were pleased that they had made it possible for the Conference to go ahead in Belfast as planned; to have held it elsewhere would have been disastrous. He fully recognised the importance both of improving security co-operation

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and of achieving devolution. Although Mr Hume had, of course, accepted the Agreement most nationalists had suspended judgement until they saw what effect the Conference would have. The minority community were looking for improvements on the ground in terms of their relationship with the security forces; a change of attitude was needed from both sides. The introduction of an RUC Code of Conduct was especially important.

5. During further discussion, Mr Barry explained that the Irish Government intended to go ahead with its plans to accede to the European Convention on the Suppression of Terrorism. However before signature it would be necessary to introduce new legislation to ensure that Irish law was consistent with the Convention. This was the Attorney General's firm view, although it had yet to be conveyed in writing (and this was essential before the next steps could be taken). The legislation would be both controversial and complicated and might take as long as 18 months to pass: ^{Work had not yet started.} / Mr King emphasised the significance of this issue for unionist opinion and expressed the hope that action would be taken as quickly as possible. Mr Barry agreed to give the Conference information on the precise position.

Working Methods

6. The Conference considered a number of procedural issues. It was agreed that:

- a. Early meetings would concentrate on the priority items identified in the Joint Communique;
- b. Each meeting of the Conference would include a discussion of current issues as well as a review of matters being handled by the Secretariat; only some issues could be handled at one time;
- c. As well as servicing the Conference, the Secretariat would operate as a channel of communication between the two sides and not as a public complaints bureau;
- d. Background factual papers would be exchanged through the Secretariat;
- e. Regular meetings should be held at least once a month. The second meeting should take place in January 1986.

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7. Mr King proposed that the Conference should consider one or two items which might help to reassure the unionist community. These were measures to deal with Sinn Fein; the control of explosives; and the possibility of joint action in the United States aimed at supporting the UK/US extradition treaty and opposing the disinvestment campaign. It was agreed that the Secretariat would identify specific matters in relation to Sinn Fein for consideration in detail at a future meeting of the conference. These matters would include broadcasting policy, contact between government and elected representatives of Sinn Fein, and access to public buildings. It was agreed also that joint discussion on the control of explosives had proved beneficial and that the progress made should be reviewed by the Conference. Mr Barry expressed some reservations about the value of joint action in the United States at this stage, especially as far as the disinvestment campaign was concerned. The Americans already had sufficient accurate information on the situation.

8. Speaking of the need to avoid excessive secrecy, Mr King said that although the Conference would provide an opportunity for the views of the minority community to be considered, unionist views should also be taken into account. A joint statement issued after each meeting of the Conference would give unionists the chance to comment on the matters under consideration. It would also provide the basis for subsequent public comment by both Governments. It was agreed that joint statements would be prepared, although both sides recognised that there would on occasion be problems, for example when a particular meeting discussed only issues which would be seen as in the interests of one side and not both. The answer on such occasions might be a very short statement. Mr King indicated that he intended to place the joint statements in the Library of the House of Commons. Mr King added that no decisions had been reached on ways of consulting unionists and that he could not rule out the possibility of some new structures for this purpose which might help to reassure the majority community. He undertook to discuss the matter with Mr Barry before any decision was taken.

9. Mr Barry then outlined a number of issues on which he believed there should be early discussion within the Conference. He confirmed that the Irish Government were keen to see some form of devolution established in Northern Ireland on a basis which would command widespread acceptance, and undertook to put forward views, within the next

few weeks, on the way in which devolution might be achieved. The Irish side would also present proposals on various cultural and electoral matters as well as ideas for the avoidance of social and economic discrimination. In particular, they would be proposing the repeal of the Flags and Emblems Act and the introduction of proportional representation for Westminster elections. They would also provide material on complaints they had received in relation to certain electoral officers and the provision of registration forms. Mr King agreed to provide information on relevant law and electoral practice in Northern Ireland.

10. It was agreed that the Secretariat would consider how best to handle further discussion about the introduction of a Bill of Rights for Northern Ireland.

11. Mr King explained that arrangements were in hand to alert officials in Northern Ireland Departments to the need to identify proposals for major legislation and policy issues affecting the minority community, in accordance with Article 5(c). Such matters would be referred to the Conference through the Secretariat.

12. Mr Barry said that the Irish side would provide nominations for existing vacancies on the Police Authority. Mr King said that it would be very helpful if the Irish side would put forward more names than there were vacancies. The British side would produce a paper on the present composition of and procedures for appointment to the five public bodies listed in Article 6. The paper would also list all the other public bodies in Northern Ireland identifying those to which appointments are made by the Secretary of State.

13. Mr Barry agreed that the Irish side would comment within 14 days on the current proposals for reforming the Police Complaints procedure.

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B: AFTERNOON SESSION

Those Present:

British Side

Mr King
Dr Boyson
Mr Scott
Mr Andrew
Mr Bloomfield
Mr Stephens
Mr Brennan
Mr Gilliland
Mr Elliott
Mr Daniell
Mr Hewitt
Miss Steele
RUC Chief Constable
Mr Clark (FCO)

Irish Side

Mr Barry
Mr Noonan
Mr Kavanagh
Mr Donlon
Mr Ward
Mr Troy
Mr Lillis
Mr O'Tuathail
Mr O'Ceallaigh
Mr Ryan
Garda Commissioner

Security and Related Matters

14. Opening discussion on this item, Mr Barry said that, in his view, Article 7 was the most important part of the Agreement and full implementation was the key to its success. The Irish side wanted to ensure that security policy was based on the premise that both communities had equal rights. The confidence of the minority community depended on changes in three particular aspects of current policy. The UDR should operate only in support of the RUC; persons convicted of terrorist offences and sentenced to indeterminate terms of imprisonment should be granted early release; and the composition of the Judiciary needed to be reviewed. Mr Noonan said that security policy could not be effective in dealing with terrorism unless political action was taken to undermine support for the IRA. A policy of early release for life sentence prisoners would have a major impact on nationalist attitudes.

15. Mr King said that the Conference had a vital role to play both in dealing with genuine complaints about the operation of security policy and in overcoming the rumour and mythology which surrounded security issues. He said that the British side would not seek to hide genuine problems when they arise and hoped that the Irish side would help to counter allegations which were not justified.

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16. After a discussion of current procedures for dealing with life-sentence prisoners and Secretary of State pleasure cases, it was agreed that the British side would produce a paper detailing the work of the Life Sentence Review Board and the policy on compassionate home leave. Mr Barry said that consideration should be given to linking policy on prison releases to the prevailing level of terrorist violence, and to a public statement on the link. This would bring pressure to bear on the IRA. Mr King replied that he saw considerable difficulties with such a policy.

17. The Conference considered the various items listed in Article 7(c) of the Agreement concerning relations between the minority community and the security forces. The Chief Constable outlined current RUC procedures on recruitment within the minority community, and community relations including local consultative committees and training. He said that the RUC currently enjoyed surprisingly good relations with the minority community. The number of Catholics in the RUC command structure was disproportionately high compared with the numbers in the force as a whole. The greatest obstacle to further improvement was the intimidation of Catholics by the Provisional IRA through beatings, kneecappings and murder. The Chief Constable agreed to produce a paper setting out the measures being taken to improve the relationship between the RUC and the minority community including the preparation of a new Code of Conduct for subsequent discussion by the Conference. He also said that his senior officers would be willing to offer detailed oral briefing on any of these matters. Mr King emphasised the need to bring the SDLP to play a more active role in publicly calling on members of the minority community to support the security forces.

Security Co-operation

18. Introducing this item, Mr King said that the British side attached great importance to the improvement of co-operation between the RUC and the Garda. The Chief Constable then gave a detailed assessment of the threat posed by cross-border terrorism and its effect on the security situation in Northern Ireland. He outlined the strategic importance of the border to the maintenance of the Provisional IRA campaign stressing the use made of the Republic for manufacturing explosives, training personnel and evading arrest. It was possible that, following the Anglo-Irish Agreement, Loyalist terrorists might carry out attacks in the Republic of Ireland although, on the basis of current

intelligence, operations within Northern Ireland seemed more likely.

19. The Garda Commissioner replied that his own assessment of the threat would be different. Not all explosives used by the Provisional IRA were supplied from the Republic and the number of terrorists on the run south of the border was not great. Nevertheless, he said that the Garda would do their utmost to counter the threat. The number of policemen in border areas had doubled since 1969 and had been increased by 60 well trained men in the past two months. In one particular 29-mile stretch of border, there were a total of 24 cars operating 35 check-points and as many as 30 joint Garda/Irish Army patrols per week. Local RUC/Garda links were effective.

20. During further discussion the Chief Constable said that closer co-operation was needed and that a considerable improvement could be achieved. The joint aim should be to be able to take pre-emptive action by securing better intelligence through the exchange of ideas and resources. In reply to a question from Mr Noonan, the Chief Constable explained that the RUC could not patrol all border areas by road because of the threat of bomb attacks. Nevertheless, such areas were covered from the air. He suggested that the RUC and Garda should compile an agreed list of terrorist suspects. It was agreed that a channel of communication was now open between the RUC and the Garda and that the programme of work identified in Article 9(a) should begin. It was also agreed to exchange information on methods of preventing prison escape.

Legal Matters

21. It was agreed that Mr Brennan (NIQ) and Mr Ryan (Department of Justice) would consider how best to handle the matters connected with the administration of justice as set out in Article 8. During a brief exchange of views, Mr Barry expressed the hope that no further "supergrass" trials would be held. The Chief Constable said that the RUC would be failing in their duty if they did not seek prosecution on the basis of evidence supplied by informants.

Economic Development

22. It was agreed that the British and Irish Ambassadors in Washington should be instructed to approach the State Department with a view to opening discussion on the question of an International Fund. This approach would be followed up by officials with an agreed paper on the possible structure and management of a Fund and an illustrative list of projects which might be supported from the Fund.

23. Mr Kavanagh explained the importance attached by the Irish side to the construction of the Newry/Dundalk road. Dr Boyson outlined the difficulties being experienced in funding the northern part of the road notwithstanding the generous offer from the Irish to finance two thirds of the project. There was some debate as to whether or not this should be included in the list of projects for the International Fund. It was agreed that the British side would consider the matter carefully and report back to the Conference on the latest state of play as the Irish were anxious to proceed with the Dundalk By-Pass.

24. It was agreed that tourism would be discussed at an early meeting. Mr Kavanagh said that other items for early consideration should include the disposal of toxic waste; water quality of cross-border waterways; and pollution in the Irish Sea.

25. It was agreed that the Secretariat would draw up a schedule of existing contact between the two Governments on social and economic matters and that these would be reviewed on a regular basis by the Conference.

26. The text of the joint statement was finally agreed (after numerous reprises), and the meeting closed shortly after 5.30 pm.