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Hold for Meeting 29/12  
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PS/PUS (L&B) - M

cc: PS/Secretary of State (L&B) - M  
PS/Mr Scott (L&B) - M  
PS/Mr Bloomfield 29/12  
Mr Brennan - M  
Mr Stephens  
Mr Chesterton - M  
Mr Merifield  
Mr Ferneyhough  
Mr Innes  
Mr Gilliland  
Mr Spence  
Mr Bell - M  
Mr S Hewitt  
Miss Elliott - M  
Mr Blackwell

INTERGOVERNMENTAL CONFERENCE: MEETING WITH MICHAEL LILLIS, 27 NOVEMBER

My informal meeting in Dublin with Mr Lillis yesterday covered a broad range of issues. I am minuting separately on the housekeeping points which he raised. This minute covers the agenda for the Conference, preparations for the first meeting, and the Secretariat's working methods.

Time and Place

2. Mr Lillis agreed to recommend 11 December for the first meeting; he thought the week of 16 December would be leaving it too long (the Irish want to get the first meeting out of the way quickly to avoid sitting up emotions again if they are beginning to die down). On that basis the Irish members of the secretariat would start full-time work in Belfast on 9 December. Mr Lillis agreed to Stormont House for the venue.

Attendance and Travel

3. On the principle that the RUC Chief Constable and Garda Commissioner would attend at least the afternoon session, which Mr Lillis agreed was desirable, the Irish would probably want to include two Ministers besides Mr Barry: Mr Noonan (Justice) to demonstrate civilian control of the Garda; and Mr Kavanagh (Environment) to balance Mr Noonan and demonstrate that issues other than security were being discussed.

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Mr Lillis will need to consult further about this. He mentioned Dr Boyson's name as a possible addition to our side to balance Mr Kavanagh, but made it clear that this was only a personal suggestion based on his interest in Dr Boyson's style and approach. The whole Irish delegation would probably travel together to Aldergrove by military aircraft and thence (if we think this is best) by RAF helicopter. Those not involved in the morning session (para 4 below) 'could occupy themselves' during the morning.

#### Agenda

4. The Irish ideas are very similar to ours. They expect the morning to be taken up with opening statements and discussion of procedures and future arrangements. Mr Barry would be assisted only by Mr Donlon and Mr Lillis's successor as Assistant Secretary (Under Secretary) at this stage. Mr Noonan, Mr Kavanagh, Mr Wren and Mr Ward of the Department of Justice would join for the afternoon session, to consider the three items specified in the communique. Mr Lillis suggested a further item on economic development North and South (in effect the question of an international fund) to reflect Article 10(a) of the Agreement and provide something for Mr Kavanagh. He also raised the possibility of discussion - for the same purpose - of the Newry-Dundalk road, but did not press this point.

5. We did not discuss specific agenda items in any detail, although I outlined our thinking. On security co-operation, Mr Lillis confirmed that the Irish would speak of their own Task Force. On the idea of an expert group to look into the handling of the Administration of Justice item, Mr Lillis did not appear to see any difficulty, although he was not sure who would be primarily responsible on the Irish side; it might be the Attorney General's department rather than Mr Ward of the Department of Justice.

#### Procedures and Methods

6. Mr Lillis appeared to agree that the Conference should not attempt too many issues at one time. He was not prepared at this stage to look in any detail beyond the first Conference, for which the agenda was already in practice set, or to consider the timing or frequency of future meetings. We did not therefore discuss the need for the Conference to consider papers as against oral presentations. It was

clear however that the Irish are still very reluctant to see any detailed record made of a kind which could embarrass them if it leaked (as they are sure it would); they believe that we ought to have similar worries. Mr Lillis admitted that the secretariat would have to maintain some detailed notes of IC meetings for reference, but argued that these should be kept to an extremely narrow circle. The formal agreed record of the meetings should cover the essential factual points and any conclusions reached, but no more. In practice it might differ little from a press statement.

7. On publicity, Mr Lillis saw no difficulty in principle in the issue of an agreed statement after IC meetings. He thought that it was our side which had earlier been reluctant to contemplate this. The Irish favoured a degree of transparency, but the text would have to be balanced. We agreed that it would be wise to have a draft ready before the meeting. (One indication of possible difficulties ahead came when I mentioned Sinn Fein as a subject which we might wish to flag up for future IC meetings; Mr Lillis saw no problem in the IC's discussing this, but was much less enthusiastic about any public reference to the subject as being on the IC's agenda.)

#### Secretariat

8. The Irish have decided that Noel Ryan, Assistant Secretary (=Under Secretary) in the Dept of Justice, will be the third permanent member of their team in Belfast, with Lillis and O Ceallaigh. His experience on the security side should be very valuable. At weekends the first team will return to Dublin and a duty officer will take over (although at first one of the main team may stay with him). The Irish seem now to be content that we should continue with our present duty officer system, although I said that we would try to have at least one of our secretariat team on call in Belfast at weekends. We discussed methods of operating; Mr Lillis recognised that in practice even if he did not put requests to us in writing, the substance of them would at some point in their progress through the NIO machine have to be recorded, and that NICS officials would inevitably guess what had originated from the Irish side. It seems likely that we shall soon achieve a modus vivendi.

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9. Mr Lillis expects that Mr Barry will invite him to speak at IC meetings; although this would <sup>not</sup> necessarily require him to be at the main table, it seems likely that he will want to be. He seemed at first a little concerned about the imbalance with our side which this implied, but then accepted that the circumstances of the two sides were distinct, and that his own position resembled that of the head of a diplomatic mission in a foreign country. (I gather that the DFA and the FCO are considering the question of privileges and immunities; the DFA have a notion that the IC might be regarded as an international conference, which might entitle its staff to certain immunities).

#### Next Steps

10. Mr Lillis will now report to Mr Barry. The main issue for the Irish to resolve is their Ministerial team for the 11 December conference. He expects to visit Belfast next week, largely to see the secretariat site. The full secretariat team would not need to arrive until the morning of 9 December unless unforeseen problems over conference preparations arise. 9 and 10 December would be spent in 'pre-cooking' the discussion of procedures and the press statement. Mr Lillis will also hope to call on some senior NIO officials (and he will eventually wish to meet the heads of NICS Departments).

11. Points on which we may wish to offer a view to the Irish before 9 December seem to me to include:

- a) the presence of 3 Irish Ministers at the Conference;
- b) what the rump of the delegation does in the morning of 11 December;
- c) the inclusion of an item on economic development, and perhaps on the Newry-Dundalk road.

There may well be others. I have Mr Lillis's telephone numbers and can communicate with him direct or through the Embassy.

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12. We shall also need to prepare briefing for the first conference. I assume that the secretariat will initiate briefing on procedures and methods; I should be grateful for guidance on briefing for the substantive items.

*Mark Elliott*

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