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PS/Secretary of State (L)

cc: PS/SofS (B)
PS/Dr Boyson (L&B)
PS/Mr Scott (L&B)
PS/Mr Needham (L&B)
PS/Lord Lyell (L&B)
PS/PUS (L&B)
PS/Mr Bloomfield
Mr Brennan
Dr Quigley
Mr A Stephens
Mr Chesterton
Mr Ferneyhough
Mr Gilliland
Mr Innes
Mr Merifield
Mr Spence
Mr Elliott
Mr Wood
Mr Ehrman

FIRST MEETING OF INTERGOVERNMENTAL CONFERENCE

Purpose of Submission

This minute, with its annexes, identifies the main issues likely to arise at the first meeting of the Intergovernmental Conference next Wednesday; advises the Secretary of State on how best to maximise the benefits to the UK, without antagonising the Irish from the meeting; and enables him to respond in kind to any "shopping lists" submitted by the Irish.

... 2. Copies of the Agreement and Summit Communiqué are attached at

The UK Objectives

3. The Secretary of State is likely to attach particular importance to:

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- (a) establishing a cordial working relationship with Mr Barry, including reassuring him of our commitment to the Agreement, so that we can achieve our principal benefits therefrom, notably improved security cooperation;
- (b) establishing a pattern for the work of the Conference (and Secretariat) in future - including publicity; and
- (c) reminding the Irish that, while an important function of the Conference is to remedy the traditional imbalance in the ability of the nationalist community to make their voice heard, it remains essential that the Conference operates in such a way that "moderate" Unionist opinion is not irrecoverably alienated.

The Agenda

4. The Communiqué commits us to consider at the first meeting the Conference's future programme of work in all the fields covered by the Agreement. The Communiqué also says that the Conference, at its initial meetings, will concentrate on relations between the security forces and the minority, ways of enhancing security cooperation, and measures to underline public confidence in the administration of justice. The Irish also wish to discuss 'Economic Cooperation' which provides an opportunity for discussing the International Fund. Unless the Conference touches on all four subjects, however superficially, one side of the other will feel that the Agenda is unbalanced. This yields the following Agenda:

- (a) Opening Statements)
- (b) Work Programme) am

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- (c) Relations between the Security Forces and the minority community)
- (d) Security Cooperation)
- (e) Public Confidence in the Administration of Justice/Legal Matters) pm
- (f) Economic Development)

5. These items are discussed in turn below. (A separate Agenda is at (b) while the Secretariat is submitting separately the day's programme.)

Opening Statements

6. The Secretary of State may wish to welcome the Irish representatives to Stormont; reaffirm our commitment to the determined and imaginative implementation of the Agreement; and explain his own approach to the Conference. Mr Barry will undoubtedly respond, but should not be left in any doubt that it is the Secretary of State who remains ultimately responsible for the decisions of Government in Northern Ireland, and that the existence of the Conference does not mean that, as a result of the establishment of the Conference, the Government has ceased to listen to Unionist voices.

7. We understand the Irish wish for a "political review". This might be the right place for it. The Secretary of State will wish to emphasise

- (a) the strength of even "moderate" Unionist opposition; and
- (b) the impossibility of progress on devolution in the absence of a more positive attitude for the SDLP.

A brief on these points is attached at (f)

Work Programme

8. Whatever proposals the Irish advance for future Agenda items, the first meetings of the Conference should not be swamped by discussing all subjects falling within the ambit of the Agreement. Our aim should rather be to assign priorities to the topics to be addressed at future meetings; discuss the work methods of the Conference; and the publicity should be given to this and future meetings. These points are taken in turn below.

9. The Agenda for the first few meetings is largely determined by the Communiqué (plus Economic Development - suggested by the Irish, but acceptable since it provides the opportunity to demonstrate effective cooperation in the setting up of the International Fund). Our preference remains to devote the first meetings to dealing with these items, which the first meeting will not exhaust. However, the Secretary of State may also want to suggest other future items for discussion of common interest - and which also might be presented as benefits for Unionists. For example, we might also want to discuss the problem of handling Sinn Fein - with a view to ensuring that, if any action is to be taken, it could be on a joint basis; further work on denying terrorists access to explosives; and enlisting active support by the Irish in the US for the US-UK Extradition Treaty and against the MacBride Principles - which could jeopardise inward US investment into Ireland.

10. As to methods of work, the Secretary of State may wish to persuade the Irish to study a few issues in depth rather than survey the whole field at each meeting. This approach would be more likely to produce concrete results of benefit to both parties. However, to meet likely Irish objections, he may wish to suggest that there should be an item - which will assume considerable importance - at the end of future meetings entitled "Current Issues" to enable the Conference to learn of matters

dealt with by the Secretariat outside the Conference and forthcoming events and issues likely both to be put before the Conference and to be raised with the Secretariat separately. Without conceding an executive role to the Secretariat, the Secretary of State might explain that we envisage the Secretariat dealing with a wide range of issues outside the Conference proper.

11. The Secretary of State will not want to involve the Conference deeply in the working methods of the Secretariat. Nevertheless, given the apparent Irish preference to work in a very informal way, he may wish to emphasise the desirability of having papers to focus discussion and for recording conclusions to avoid misunderstanding. He can, of course, assure the Irish that we would do everything possible on our side to prevent leaks.

12. One important procedural issue to be addressed to the first meeting is publicity. The Communiqué states that meetings and Agenda will not normally be announced in advance, but it does not address the question of what should be said at the end of meetings. It is essential for us to publish agreed public statements indicating in general terms the subjects discussed and any conclusions reached. This would help counter accusations of secrecy and would avoid either side in engaging in leaks and unattributable briefing for its own ends. The Secretary of State will wish to ensure Irish agreement that public statements, including at least some reference to specific points made by either side, should be issued after each full meeting of the Conference. A draft for that to be issued after the first meeting is attached at (e) The Irish are content, subject to the outcome of this meeting.

13. The Secretary of State should also explain at the first meeting why he regards a Press Conference (whether joint or separate) as desirable in principle following meetings of the Conference, although he favours a photo-call (cameras only) for Ministers. But he will also wish to remind the Irish of

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his intention, again to counter accusations of secrecy, to lay copies of press statements following meetings of the IC in the Library of the House of Commons, and draw the Irish attention to the fact that, on the day following the Conference, he is fortuitously "top for questions" in the House of Commons. He may wish to reassure the Irish that in his replies to Questions, he will not go into substance beyond the terms of the Press Statement, except to remind the House that he would welcome the views of Unionists on matters discussed.

14. Additional briefing on these points, especially on working ... methods and the role of the Secretariat, is attached at (g).

Relations between the Security Forces and the Minority Community

15. On this item the Irish is likely to regard themselves the demandeurs - but we have demands of our own to which the Secretary of State will not want to give too low a profile. It will accordingly be necessary for the Secretary of State to be ready to report progress on those measures which have already been mentioned (eg in Parliamentary Debates) as being in hand, including the RUC Code of Conduct, and the RUC presence with Army patrols. (The Secretary of State must be careful not to allow the Irish to focus attention exclusively on the UDR.) He will be ready to draw the attention of the Irish to other measures in hand, including the new Army Complaints Leaflet, and improvements in the training of the UDR. He should resist pressure for any more radical changes in the UDR which would not be acceptable on either operational or political grounds.

16. The Irish will again wish to comment, and make proposals for further progress in the areas referred to in Article 7 of the Agreement. Briefing on matters likely to be raised by them (including Stalker, cross-border incursions, UDR deployments ... and joy-riding) (h) is attached together with measures we are taking.

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17. However, the Secretary of State will wish to remind the Irish that the Agreement is a "two way Street" and to press them hard for evidence of improved NI nationalist support for the security forces in the light of the Agreement (eg a less equivocal statement of support for the RUC from Mr Hume) and for early SDLP nominations to the Police Authority. (He could, also, remind Mr Barry that Mr Hume was, for instance, by no means as forthcoming in his support of the security forces in the House of Commons as he had previously suggested to the Secretary of State that he could be.) There is perhaps no area in which nationalists might do more to reassure moderate Unionists than to demonstrate confidence in the RUC.

18. He could also suggest that future meetings might address particular topics listed in Article 7 in more detail: for instance, arrangements by both sides for dealing with complaints against the police.

Security Cooperation

19. Current plans envisage this section starting with a briefing by the Chief Constable on the security situation, with particular reference to the border. (It is intended that the Secretary of State will hear the presentation in advance.) Commissioner Wren is likely to respond, and the Secretary of State could then discuss with Mr Barry (and Mr Noonan) those areas in which we particularly want to see improvements (such as agreed assessment of terrorist threat, information flows, police/police cooperation on the ground, and intergovernmental activity.) Although the police will be in the lead over most of this area, our aim will be to give political impetus to their efforts and to ensure that there are no constraints. The Chief Constable and Commissioner should be asked to bring back to the third meeting of the Conference an agreed security assessment and an interim report on developments on the ground.

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20. Previous experience suggests that it will not be easy - though it remains essential - to convince the Irish that they need; to do much more, if cross border security cooperation is to become effective and be seen to be so by unionist opinion. The Secretary of State may accordingly wish to draw on the information contained in the paper prepared by NIO(B) which contains a fuller account of the points which the Chief Constable will have made together with an Annex which lists the incidents over the last two years in Northern Ireland where there are good indications (other than intelligence) of cross border involvement. It is vital that this information should be transmitted to the Irish, since we must change their perception of the problem. Although it would be wrong at the first meeting of the Conference to pass over, without prior notice, detailed papers - the Irish do not intend to do so, and could take offence if we did - the Secretary of State should explain that the British Secretariat would shortly pass the document to their Irish colleagues for Irish Ministers and the Garda. He should make it clear

- (a) the information on incidents is factual and not based on intelligence;
- (b) the information has over time been brought to the attention of the Irish; but has however not been collated in this form before;
- (c) in any case his purpose in making it available is not intended as criticism, but an aid to explaining the extent of the problem as perceived by us and to provide a basis for discussions on future cooperation.

21. He might also invite the Irish to report progress on their border reinforcement measures. This would give us a further opportunity to press them to make a sustained effort, and not

merely for temporary reinforcement in the face of what they have often perceived as a primarily loyalist threat.

22. As suggested in paragraph 9 above, he might also mention for discussion at a future meeting the control of explosives. It is in our interests that the Conference takes stock of the work being done elsewhere, and ensure that it is given any necessary further impetus. The Irish have already been put on notice.

... 23. Further briefing, along with the paper mentioned above, is attached at (i) : it includes a note on forthcoming legislation in the security field.

Public Confidence in the Administration of Justice

24. Article 8 raises complex issues. On the other hand, it is greatly in our interests that extradition procedures in particular, are streamlined since there are grounds for believing that the Irish are raising needless difficulties. The Secretary of State may wish to suggest that these problems could best be addressed, in the first instance, by a sub-committee which on our side might be chaired by Mr Brennan and on the Irish by a senior official from the Department of Justice or the Attorney General's Office. The first objective of this committee would be to advise the Conference on the best methods of taking forward the difficult questions referred to in this Article (including the possibility of enlisting 'experts' including judges, as well as officials from LCD, the Law Officers' Department and the Home Office.

25. There is no prospect that the Irish will drop the mixed courts proposal, and we are committed to examining the proposal with an open mind though without commitment. However, were

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the subject referred to a legal sub-committee, we could play along and seek to cut the linkage sought by the Irish between this issue and others where we wish to make progress, notably extradition.

... 26. Further briefing on these points is attached at (j).

Economic Development

27. Article 10 of the Agreement envisages closer cooperation in the economic and social fields, and raises the possibility of seeking international support. Faced with such a wide ranging subject, the Secretary of State may wish to seek to persuade the Irish at this first meeting to confine themselves to noting progress made on the International Fund. The current position is that, following meetings with UK and Irish officials, agreement has been reached on the terms of reference of a Fund (essentially those proposed to the Prime Minister by the Secretary of State in September, its legal basis and management structure, and on the sort of projects which it would assist. (These, including the Secretary of State's original minute and a purely illustrative list of projects are set out at (k).

... The Secretary of State may wish to draw the attention of Mr Barry to these proposed arrangements as a successful example of Anglo-Irish cooperation in the interests of both parts of Ireland, and invite his endorsement to the current proposal that UK and Irish officials should visit Washington probably in early January to secure American endorsement to our current proposals with a view to funds being voted in the New Year. He may, in the light of his recent discussion in Brussels, also wish to elicit Mr Barry's views as to other contributors, apart from the US, to any international fund (eg from West Europe or Canada) but he should remind Mr Barry that, for the UK, it is important that any contribution did not fall foul of our policies on additionality.

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28. It is also possible, in view of Mr Kavanagh's presence, that the Newry/Dundalk road may be advanced as an example of possible future cross-border economic cooperation. Our view is that it would not be justified in terms of the current priorities of the NI Block to allocate resources for this particular project from existing funds. If, however, additional funds were available - whether from the International Fund or elsewhere - then the Secretary of State might take a more sympathetic view of the project. (Given the security and International Fund dimensions of the road, and its possible exploitation by the Irish as an earnest of cross-border cooperation, it may be preferable for this issue to be dealt with in future in the context of the IC rather than in the separate meetings between the two DOEs that have previously formed a forum for discussion.)

... 29. Further briefing is at (k) (along with a note on cross-border economic cooperation generally.)

Next Meeting

30. The Secretary of State may wish to suggest a second meeting in mid-January to review progress on the matters determined at the first meeting, especially the agreed security assessment Irish proposals for improved cross-border security cooperation, and the advice of the sub-committee on legal matters, as well as to review the work in the interim of the Secretariat.



P N BELL

6 December 1985

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