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PS/Secretary of State (L)

cc: PS/SofS (B)
 PS/Mr Scott (L&B)
 PS/Dr Mawhinney (L&B)
 PS/PUS (L&B)
 PS/Mr Bloomfield 2121986(2)
 Mr Brennan
 Mr A W Stephens
 Mr Chesterton
 Mr Elliott
 Mr Ferneyhough
 Mr Gilliland
 Mr Innes
 Mr Blackwell
 Miss Elliott
 Mr Mc Connell
 Mr Radcliffe
 Mr Wood - M
 Mr Clark, RID, FCO
 Mr Ehrman



INTERGOVERNMENTAL CONFERENCE 11 MARCH - BRIEFING FOR THE SECRETARY
 OF STATE

The Meeting

There will be a full meeting of the Intergovernmental Conference in Belfast on Tuesday 11 March. A provisional Agenda exists (at Annex A) and briefing is provided below. I understand the Secretary of State wishes to discuss the issues in more detail in Belfast on Monday morning.

Our Objectives

2. The aim of the meeting should, I suggest, be to convince the Irish (whom the UK Secretariat believe to be in an accommodating mood) that their interests in regard to the Agreement, as well as ours, are most likely to be secured by operating the Agreement and Intergovernmental Conference "sensitively" in the Prime Minister's words. We have a shared need to win grudging Unionist acceptance

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of the Agreement. Otherwise the Agreement will founder.

3. This implies in present circumstances the following more specific objectives:

- (a) emphasising the strength of Unionist opposition (not confined to the "hard men") but matched by the continuing strength of our commitment to the Agreement;
- (b) persuading the Irish of their corresponding obligations:
 - 1. not to press for changes in areas which would play into the hands of militant opponents of the Agreement (eg flags and emblems, wider public use of the Irish language, "reforms" in the police);
 - 2. to avoid any public comment in Dublin that could feed Unionist fears (eg nothing redolent of joint authority or overstating the importance of the Conference); and
 - 3. our shared political imperative to show the Conference as making progress in areas especially welcome to Unionists (eg enhancing cross border ' security coopeation).

2 4. To demonstrate our good faith the Secretary of State could emphasise the weight we are putting on an aggressive information effort to remove Unionist misunderstandings, the continuing offer of comprehensive consultation with Unionists on all aspects of NI affairs (but without suspending the Conference), and the emphasis on devolution as the way to restrict the influence of the Conference in way acceptable to all parties.

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Agenda

5. The following comprises an annotated provisional Agenda (more detailed briefing is attached):

1. Relations between the security forces and the minority (Annex B)

The Chief Constable has provided a detailed document to explain police policy and plans in this area.

Moreover some of the changes we are making by way of police complaints procedures go some way to meeting the points the Irish themselves have raised.

(Defensive) RUC accompaniment of army patrols intended to meet the public remains a firm policy and in applying it the Chief Constable gives priority to sensitive areas.

The Secretary of State may prefer to leave most of the talking to the Chief Constable^{*}, but he will certainly want to press the Irish to nominate nationalist candidates for the Police Authority.

2. Cross Border Security cooperation (Article 9a) (Annex C)

A report summarising developments will be put to the Conference by the Chief Constable and the Garda Commissioner. The Secretary of State will wish to stress the great importance we attach to improvements in this area and, if necessary, stress the need for more substantial progress by the next meeting. (He might inspire a further quadripartite meeting, possibly under Ministerial chairmanship.)

3. The Marching Season (Article 7) (Annex D)

The Secretary of State decided on 18 February that we should prepare a statement of policy which would be discussed at the next meeting of the IC with a view to putting it on public record as an agreed statement of policy in the ensuing joint press statement. This Mr Stephens has done (in his submission of 6 March) and fuller briefing is attached.

* including on police activity on 3 March

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However, you will now have seen Mr Elliott's minute of 6 March reporting that the Irish were saying that if the present draft were formally tabled, then they would have major drafting changes to suggest which would materially diminish the usefulness of Mr Stephens' proposed statement from our point of view. In the light of this, the Secretary of State may wish to discuss further our tactics at his briefing meeting on Monday.

4. Legal Matters, including the Administration of Justice (Article 8) (Annex E)

Reports on developments will be put back to the Conference. Essentially this is a "report back" item. But the Secretary of State will wish to remind the Irish of the importance we attach to improving extradition arrangements (there are improvements to be made in our procedures as well) and welcome Irish signature of the European Convention on the Suppression of Terrorism).

5. Social and Economic Cooperation (Article 10) (Annex F)

The Secretary of State can welcome the impressive extent of such cooperation although some last minute changes will be necessary to the list of items attached owing to last minute Irish suggestions. The Secretary of State could accept in principle that there might be advantage in looking further at cooperation in the tourist area.

You will notice that the attached brief is noncommittal about the desirability of publishing the list of existing joint projects. Such lists have been published in the past, and publication now might go some way to reassuring public opinion about the extent and benefits to be derived from cross border security cooperation, and countering charges of secrecy. My own personal preference would be in favour of publication, but the Secretary of State will

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be continually mindful that the times are far from normal.

6. Education, Health and Housing (Article 5) (Annex G)

The Irish apparently wish to discuss in general terms how the minority is affected by our policies in these areas (and have submitted a separate paper on Divis, which is attached, urging a decision in principle in favour of demolition of the complex and its replacement by conventional housing. They accept that such a decision could not be implemented immediately and might well also have to be phased). We understand, however, that in addition to showing themselves active on behalf of the nationalists community, the Irish hope, by raising this complex of subjects, to illustrate to Unionists the kind of matters that would no longer fall within the scope of the Conference if agreement could be reached on a form of devolution.

The detailed briefing attached emphasises the resource constraints on expanding still further existing substantial programmes in respect of education, health and housing. (Additional briefing will be supplied on Divis)*.

7. Flags and Emblems (Article 5) (Annex H)

The Secretary of State will wish to emphasise the extreme sensitivity of this issue and why it would be undesirable to say anything in public till after the Marching Season.

8. Current Events

The Secretary of State may wish to cover the following:

- a. the current NI political scene, especially the Day of Action and its aftermath;

* now attached

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(Annex J.1) b. EC aid for Northern Ireland: the Secretary of State will want to limit the damage done by the UK decision not to support a special measure, and avoid giving the Irish the impression that we are not interested in seeking international support for the Agreement. This could perhaps be best done, first by reminding the Irish that they stand, as net beneficiaries, in a very different relationship to the EC than the UK, and, second, by referring to:

(Annex J.2) c. the International Fund: the Americans have now published their Bill, and officials can report back their discussions (still going on at the time this brief was written) in Washington.

9. Other Business

The Secretary of State will wish to give further thought to the joint press statement of which the latest complete version is attached at Annex K Mr Elliott will doubtless be able to report the latest negotiations with the Irish on Monday.

Another important question will be the date of the next meeting. The Irish will certainly press for another full meeting in April - which will be hard to refuse. On the other hand, there could be advantage for us, given the embarrassment that the commitment in the last communique to a March meeting gave us, not to include a similar reference this time round.

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P N Bell

P N BELL
7 March 1986

PS/ I have just received, too late to act upon, Mr Daniell's minute to Mr Elliott of 7 March - it does not fundamentally change the situation.

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A G E N D A - IC(86)2

1. (Article 7(c)) Relations between the Security Forces and the Minority
2. (Article 9(c)) Cross Border Security Cooperation
3. (Article 7(b)) The Marching Season
4. (Article 8) Legal Matters including the Administration of Justice
5. (Article 10(a)) Social and Economic Cooperation
6. (Article 5(c)) Education, Health and Housing
7. (Article 5(a)) Flags and Emblems
8. Future Meetings
9. Current Issues

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ARTICLE 7(c): RELATIONS BETWEEN THE SECURITY FORCES AND THE COMMUNITY

Points to Make

1. Article 7(c) calls for the development of a programme of special measures to improve relations between the security forces and the community. The Chief Constable touched on this at the first meeting of IC, and has now provided, as he undertook to do, a detailed document to explain the policy and the plans of the RUC in this area. (The Chief Constable to introduce). This shows that a programme is already in existence.
2. Decisions have now been reached on the final form of the new police complaints procedure. The Secretariat have recently had a presentation on this which we believe was found helpful. Some of the changes we are making go quite some way to meeting the points the Irish had raised. Any further comments will be considered when the draft proposals is published or indeed in the Conference itself.
3. [If pressed]. The army operations on the ground are particularly intensive at present, given the current terrorist threat, not least to the security forces and their bases themselves. There is no question of RUC accompaniment of all patrols; the important matter is an RUC presence with army patrols which are intended to meet the public. We are trying to develop figures on that basis. But RUC accompaniment remains a firm policy, and in applying it the Chief Constable gives priority to sensitive areas.
4. We are still awaiting your proposals for representatives of the minority community as possible members of the Police Authority.
5. We shall shortly make available to the Secretariat details of further life sentence and pleasure prisoners who have now been given provisional release dates.

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Background Note

1. At the first meeting of IC on 11 December, the Chief Constable described the current actions of the RUC on matters including local community relations, training and recruitment in the minority community, and agreed to provide a paper on these matters. He has now done so; his papers also include material on crime prevention and complaints against the police. The documents were passed to the Secretariat for transmission to the Irish Government on 5 March.

2. On the Secretary of State's instructions, I wrote to the Chief Constable on 6 March inviting him to have speaking notes available on the future development of his policies; further details on recruitment from the minority community; and the RUC Code of Conduct. I had also pointed out independently that a very short statement on the RUC's recognition of the two traditions, and their right to pursue their aims peacefully and constitutionally, would be helpful. This is implicit in the concept of impartial policing but I do not know whether the point has fully registered.

3. The Irish can be expected to put us under extreme pressure on this front, since they regard Article 7(c) as vital. The wording of the Article explicitly states that "a programme of special measures to to improve relations between the security forces and the community shall be developed, for the Conference's consideration", and the Irish seem to have the impression that the Secretary of State will be putting forward new proposals. I suggest that the best line will be to say that the Chief Constable's report shows that such a programme already exists and is being developed. What other items do the Irish wish to consider?

4. The Secretary of State has already reached decisions on our new police complaints policy, and officials have given a presentation to the Secretariat. We made it clear that the

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Irish could raise further points at the consultation stage when the draft proposal is published, and indeed in the Conference, but that officials had no freedom to negotiate further changes at their level. The changes made go some way to meeting the concerns expressed by the Irish, but there is one fundamental difference between us. The Irish want a residual power in exceptional circumstances of independent (ie non-police) investigations of serious issues either through a tribunal or by the police Complaints Commission itself, but this approach is foreign to the Northern Irish and Great Britain concept.

5. We can also expect to be pressed on RUC accompaniment of army patrols. The Secretary of State will be aware of the many occasions on which the Chief Constable has evaded this. Nevertheless, we are still pressing the RUC to produce sensible figures. The only ones which matter are of a police presence with army patrols which are pre-planned to meet the public.

6. Representation on the Police Authority ought to be a significant safeguard for the minority community. On 11 December, Mr Barry undertook to put forward proposals for nominations "shortly". The Secretary of State will wish to press the Irish for progress. They may of course argue that the events of the day of action create particular difficulties for them; and indeed it is hard to envisage a discussion on security forces' relations with the minority community which may not be drawn into consideration of 3 March.

10 7. Finally the Secretary of State might like to say that he will shortly make available through the Secretariat details of further provisional release dates for life sentence and "Pleasure" prisoners. While this information may not be formally within the ambit of Article 7(c) it is clearly a subject to which members of the community and their leaders attached great importance.

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ARTICLE 9(a): PROGRESS ON SECURITY CO-OPERATIONLine to Take

1. The centre of this should be the progress report by the Chief Constable and the Commissioner (see background note below). The Secretary of State does not have specific points to make, but will wish

- (a) to stress the importance attached to improvements in this area;
- (b) to invite, with his co-chairman, the Commissioner and Chief Constable to make their progress reports;
- (c) if as seems possible the report is somewhat thin, stress to the Chief Constable the need for something better at the next IC meeting (on the assumption that Mr Barry will do the same to the Commissioner); and
- (d) if necessary, inspire a further quadripartite meeting, possibly even under Ministerial chairmanship.

Background

1. At the last meeting of IC on 10 January 1986, it was noted that the preparation of a programme of work as envisaged in Article 9(a) of the Agreement, was continuing, and the Chief Constable and the Garda Commissioner were tasked to place a progress report before the next meeting of the Conference.

2. Since then there has been concern that progress was slow, and it was agreed at the Secretary of State's meeting with Mr Noonan in February that officials should be associated with the two police forces to make clear the political imperatives and to break any log-jam. This quadripartite meeting took place on 25 February. The programme of work and its organisation was agreed; the responsible officers in both police forces were identified; and reports, final if possible, were to be made to the respective police chiefs in mid-April. The way was therefore clear for the

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RUC and the Garda to proceed.

3. Since then we have no information if progress has in fact been made. The wording of both the agreed joint record of the January meeting and of our own private minutes implies a written progress report; but the Chief Constable and the Commissioner have not met in the interim, so that we do not know how they propose to discharge their remit. Against the possibility that the police will have no document to offer, the Secretariat have prepared a skeletal note to provide at least a framework.

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ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE

Cross-Border Security Cooperation

Report by Secretariat

1. At its second regular meeting on 10 January 1986 the Conference noted, in the context of a discussion of cross-border security cooperation, that the preparation of a programme of work as envisaged in Article 9(a) of the Agreement was continuing and would be placed before the Conference as soon as possible.
2. On 13 January 1986 the Secretary of State and Mr. Nicholas Scott had an informal meeting in London with Mr. Michael Noonan then Minister for Justice to review progress. It was agreed that it would be desirable that a group comprising senior police officers, including the Chief Constable and the Commissioner, and officials, as well as representatives of the Joint Secretariat, should meet from time to time to discuss aspects of the work programme.
3. The first meeting of that group, at which progress on the preparation of the programme of work was reviewed, was held in Stormont on 25 February (a list of the participants is attached as an Appendix). The Chief Constable and the Commissioner decided to allocate specific areas of the work, under the general headings set out in Article 9(a), to designated senior officers from each police force. The intention is that those officers will report to their chief officers by 15 April, if possible. Since that meeting, a meeting of senior police officers was held in Belfast on 28 February and further meetings at senior police level are envisaged.

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6 March 1986

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Meeting on Security Co-operation, Stormont Castle,

25 February 1986

PARTICIPANTS

Irish Side

British side

Garda

Mr. L. Wren
Commissioner

Mr. S. Fanning
Assistant Commissioner

RUC

Sir John Hermon
Chief Constable

Mr. D. Cushley
Senior Assistant Chief
Constable

Mr. E. Henry
Chief Superintendent

Department of Justice

Mr. D. Matthews
Mr. J. Kirby

N.I.O

Mr. A. J. Stephens
Mr. W. Innes

Secretariat

Mr. N. Ryan

Secretariat

Mr. S. Hewitt

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BRIEFING FOR INTERGOVERNMENTAL CONFERENCE

MARCHING SEASON

Line to take

1. The forthcoming marching season will be a very difficult period. Unionists will see any re-routing as being inspired by Dublin and will oppose it twice as fiercely in consequence.

2. I accept the Irish right to make representations about forthcoming parades (under Article 7b of the Agreement), though I must also draw attention to Article 9b which makes clear that operational matters are outside the remit of this Conference. The routing of parades is an operational police matter within the responsibility of the Chief Constable, who takes his decisions on public order grounds.

3. In practice the UK Government and the Chief Constable know what is wanted and we are determined to stick to the line taken last year, when the RUC demonstrated its even-handedness.

4. If any discussions in this Conference allowed unionists to claim that the Conference was determining the Chief Constable's operational decisions, this would make it much more difficult for the the RUC to maintain their line on potentially provocative marches.

5. I believe that the best course is for us to issue a joint statement now which:

- i. makes clear that both sides support the current RUC policy on the routing and policing of parades and marches;

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- ii. emphasises that the police exercise their powers without any political influence, on the basis of their objective professional judgement of the public order considerations; and
- iii. implicitly sets limits on the extent to which the Irish side will make representations.

6. I believe it is essential, in the interests of removing Unionist suspicions of the Agreement and helping to maintain public order during the summer, to show that any discussions in Conference will not touch on the operational aspects of routing and controlling parades, but only on any wider public interest considerations which arise.

Background

1. The Secretary of State has discussed with officials how to handle the forthcoming marching season in the context of the IC and has agreed that the issue should be raised with the Irish at this meeting of the Conference with a view to securing agreement on a joint statement which would
 - a. make clear that both sides supported the current policy on the routing and policing of parades;
 - b. emphasise the operational independence of the RUC in the exercise of their Public Order powers; and
 - c. set limits on the extent of Irish representations.
2. The speaking note above brings together the arguments most likely to cut ice with the Irish.
3. The Unionists are paranoid about Irish involvement in the re-routing of 'traditional' parades and threaten to make

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their ability to march along 'traditional' routes this summer a touchstone of opposition to the Anglo-Irish Agreement (eg the Apprentice Boys march scheduled for Portadown on Easter Monday). The re-routing of the Portadown parades on 12 and 13 July last year was blamed on Dublin; and several recent press stories have claimed that the Irish have handed over a list of 23 parades which must be re-routed.

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ARTICLE 8: LEGAL MATTERS INCLUDING THE ADMINISTRATION OF JUSTICE

Line to take

We had a useful meeting of the legal sub-group on 13 February. Two working groups of officials now established to carry Article 8 matters forward; first meetings now being arranged and hope they can meet roughly monthly thereafter.

As you know, we attach great importance to extradition and very glad you were able to sign European Convention on Suppression of Terrorism on 24 February.

[Matters of detail are best left to the official working groups].

Background Note

The legal sub-group met on 13 February (note on meeting - not cleared .. with Irish - attached). We pressed the Irish hard on extradition and they pressed us on mixed courts. The meeting also ran over the ground which the two official working groups will cover. There was a useful and constructive exchange of views, and it emerged in particular that the Irish were prepared to be softer than expected on supergrasses. The Attorneys General reported to the meeting on the practical work they were doing together in the extradition field.

12 Two official working groups were established, to cover the administration of justice (including mixed courts) and criminal law matters (including extradition) respectively. The second group will meet for the first time on 21 March and a meeting of the first is being arranged for as soon as possible after Easter. The Irish have been a little critical of delay in organising the meetings; this was due to other pressing commitments on the part of the UK members who are drawn from a number of departments. It is becoming clear

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that there will be a linkage between the two groups, with progress in the second (where we want early action) being dependent on progress in the first (where the Irish will make the running).

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