

## ARTICLE 11 REVIEW STEERING GROUP

Meeting held in Stormont House and Old Admiralty Building at  
10.30 am, 24 January 1989.

	<u>Belfast</u>	<u>London</u>
<u>Present:</u>	Mr Burns	Mr Thomas
	Mr Miles	Mr Bell
	Mr Spence	Mr Blackwell
	Mr Masefield	Mr Hallett
	Mr Hewitt	Mr George, FCO
	Mr Canavan	

Update

1. Mr Burns chaired the meeting which began with an update on current progress. Mr Bell's submission to the Secretary of State on the Review had now gone forward and that on the proposed 'achievements' paper would soon be submitted. It was agreed that discussion of these would be redundant at that meeting. Mr Bell suggested that a meeting to brief the Secretary of State would serve a useful purpose as a guide through the influx of paper. Mr Burns thought that an opportunity might present itself if a Parliamentary debate was arranged. Mr Miles had also submitted a paper on the previous day. He hoped soon to hand drafts to the Irish as the basis of negotiation.

2. Meetings had been held at Working Group level with the Irish on Articles 3 and 6. Further sessions on Articles 5 and 10 were scheduled for the following day. Drafts of Report sections on Articles 3 and 6 had been circulated among British officials, though not yet passed to the Irish.

Article 5

3. Mr Masefield reported that the Irish would be passing a paper across later that day on aspects of Article 5. In the absence of further preparatory work, it was agreed that British officials at

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the joint meeting would explore the Irish position guided by instinctive good sense. Two areas on which the Irish might press were identified: the Irish language and a Bill of Rights. On these any progress which had been made was accomplished in the first year of the Agreement and the Irish perception was that subsequent progress had been blocked by the British. Mr Miles did not recall any recent pressure for a Bill of Rights. Mr Spence intended to expand discussion on the Irish language into the wider field of cultural diversity.

Article 10

4. Central Secretariat had produced a table of progress on cross-border co-operation for the Article 10 meeting. The Irish side were to have identified new areas for co-operation. They were also expected to have ambitious ideas about 1992. The approach to the International Fund in the Review context was also discussed. It was considered that the Fund's current difficulties were more a matter for Conference discussion. Mr Bell was worried by an apparent distancing of the Irish from the Fund, once it had hit stormy waters.

Article 9

5. Mr Hewitt reported that a meeting had been held with the RUC who had indicated that, with a new Garda Commissioner, the issue of cross-border security would need to be handled sensitively for a time, if the longer term benefits were to be maximised. The meeting was conscious of the scope for gains from this Article. Mr Miles suggested that it might be handled differently from the others with a substantial document being tabled in advance of joint discussion. Mr Burns stressed that the Secretariat should leave the Irish in no doubt that Article 9 would be approached by the British side on a more substantive level than in the preliminary Irish paper.

Article 2

6. The status of Article 2 in the context of the Review was discussed. It had not been ruled out of discussion, but it

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covered matters wider than the mere workings of the Conference. Mr Bell raised the issue of reciprocity and the confinement of the Conference's activities to Northern Ireland. Discussion on the consultation issue was deliberately kept brief. Mr George detected in the preliminary Irish paper a pragmatic rather than a legalistic justification for prior consultation by the British side, though the meeting did not read too much into this. Mr Burns thought the Irish might be persuaded that some issues develop too quickly for practical consultation, but the overall attitude of British Ministers was unenthusiastic on the subject. This was unlikely to change, so a defensive line had to be maintained. The Secretariat was tasked to circulate a paper on what approach the British side should take on this Article.

Article 4

7. Mr Miles hoped that, as with Article 9, the British side were in the position of demandeurs. It was therefore agreed to leave consideration of it till late in the Review process for tactical reasons and in case consideration was overtaken by political developments. In response to a query from Mr George, it was explained that the Secretary of State would shortly make a speech in the hope of increasing the tempo of political development. Mr Burns advised that the Secretary of State did not wish to inform the Irish in advance but when a draft speech was available this point might be reconsidered.

Article 7

8. The relationship between the provisions of Articles 7 and 8 was discussed. It was decided that Article 7(c) should be bracketted with Article 8, leaving the general questions of security policy and prisons to be dealt with under this. Views differed on whether the prisons issue would be entirely non-contentious and hence obviate the need for prior Ministerial consultation. It was proposed that informal explanatory discussions be held in the Secretariat to discover more about the Irish approach.

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Article 8

9. It was generally conceded that this would be the most contentious of the Articles. A joint meeting (outside the context of the Review) on extradition had been held in London on 20 January. Discussions were ongoing and it was not proposed to graft this process on to the Review. Mr Burns suggested that what needed to be underlined in the report was the joint commitment to bringing fugitives to book.

10. There was some speculation about the reasons for the references to harmonisation in Article 8. Mr Hallett was tasked to research from SIL archives the reasons for it. The Secretariat was asked to investigate with Mr Wilson and Miss Mills whether it might be of benefit to the British side.

11. Confidence issues were identified as the heartland of Article 8 and 7(c). It was noted that the Irish preliminary paper hoped for progress in parallel with and as part of the Review process. Mr Hewitt thought that if further progress was to be made on cross-border co-operation, the British side might have to look constructively at these issues. Mr Burns suspected that police accompaniment of military patrols would emerge more forcefully as an Irish demand. This was an important issue and it might present an opportunity to use the Review to good effect.

12. On the general handling of Article 8 and 7(c), Mr Masefield saw the two Articles already discussed with the Irish as alternative models. The Article 3 model would point to a short draft passage for the Report affirming such consensus as existed; an Article 6-type draft would set out British and Irish views and explain reasons for the divergence. Applied to Article 8 the latter approach could generate pages of Irish complaints. It was agreed that the British side should be generating its own agenda for the future arguing that issues relevant in 1985, such as three-judge courts, might no longer be so. SIL were tasked to develop this theme further.

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13. Article 8 and 7(c) were to be dealt with as the last of the list for joint discussion. Consultations with Ministers would be essential in advance of any discussions with the Irish on extradition and confidence measures; Mr Thomas and Mr Blackwell respectively were invited to take forward. This effectively ruled out much chance of covering all the outstanding Articles with the Irish before the next Conference. It was agreed that in the following week the joint discussions were likely to be confined to follow up work on the four Articles already considered (ie 3,6,5 and 10). Mr Burns requested from the Secretariat in the next 10 days an indication of the future programme of Review work for the benefit of other officials.

'Achievements' paper

14. Mr Bell recounted the outstanding commitments which the Secretary of State had made to a joint paper with the Irish on the achievements of the Agreement (2 November Conference) and to publication of a table of progress (10 November in Parliament). It had been assumed that one paper could serve for both purposes but this, and other handling questions, would require a response from the Secretary of State to Mr Bell's imminent submission.

Review consultation exercise

15. Mr Hallett reported that about 25 submissions had been received from the public in addition to those from the Labour Party, SLD, Workers' Party and Sinn Fein. The SDLP and Alliance Party had not submitted yet, nor had the Presbyterian Church in spite of earlier indications. Mr Burns requested PAB to look at its records and identify parties and groups which had promised an input which was not forthcoming, and to consider reminding them in a low key way.

16. Though the Secretary of State was receiving summaries of the major submissions, it was agreed that, when he considered drafts of the Review text, he should have a summary of consultees' comments on

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that area. The Secretariat was to ensure that this was integrated with submissions on individual Articles. Similarly SIL would include this in its policy submissions.

Next Conference strategy

17. At the time of the meeting the next Conference was scheduled for 8 February in London. By then 4 Articles would have been discussed and a Parliamentary Debate arranged. The most difficult Articles would not have been broached. Thus one or more further Conference meetings would be required to put the Ministerial stamp on the Review. Advantages were seen in a one-on-one meeting as the final endorsement. Before the February Conference the Secretary of State would require to consult his Cabinet colleagues, specifically the Foreign Secretary and Attorney General, on the conclusion of the exercise. The draft letter to the Prime Minister which Mr Bell had submitted to the Secretary of State could serve for this purpose and would be revised appropriately.

Other business

18. A number of forthcoming meetings were noted:

- 6 February: Mr Weston's visit to Dublin, for which he would need guidance on many of the subjects discussed at the Steering Group;
- 21 February: Anglo-Irish Intergovernmental Council Co-ordinating Committee;
- 22 February: Anglo-Irish Parliamentary Body Group in London, at which a significant announcement would be made.

19. Officials were reminded of the desirability of including Sir K Bloomfield, Mr Spence, and Mr George when circulating relevant documents.

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Next Meeting

20. The Steering Group decided to reconvene on Tuesday, 14 February in the afternoon, again using the video facility if it was economic. At Mr George's suggestion it was agreed to invite Mr Manning, Cabinet Office, to join the Group.

(Signed)

PRINCIPAL SECRETARIAT

27 January 1989

Other business

18. A number of forthcoming events were noted:

- 4 February: Mr. ... for which he would need guidance on ... at the Steering Group;
- 21 February: ... Council of ... Committee;
- 22 February: ... Body Group ... which a significant ... will be ...

19. Officials were reminded of the ... of ... Sir X ...

## SUMMARY OF ACTION POINTS

1. Secretariat - To circulate a paper on Article 2.
2. Secretariat - To hold informal explanatory discussions with the Irish on their approach to prisons.
3. Mr Hallett - To research SIL archives on the reasons for the harmonisation references in Article 8.
4. Secretariat - To investigate with Mr Wilson and Miss Mills the benefits of harmonisation.
5. SIL - To develop the theme of an agenda relevant to the future rather than 1985.
6. Mr Thomas - To consult with Ministers on the line to take on extradition in the Review context.
7. Mr Blackwell - To consult with Ministers on the line to take on confidence measures in the Review context.
8. Secretariat - A programme of future Review work.
9. PAB - To identify parties and groups which had promised an input to the consultation process but had not yet delivered; and to consider reminding them in a low key way.
10. Mr Bell - To revise his draft letter to the PM, so that Cabinet Ministers were consulted on the conclusion of the Review exercise.

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