

C O N F I D E N T I A L

UNDER/
SEC 21/2.
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CENT SEC

FROM: PRINCIPAL SECRETARIAT
2 FEBRUARY 1989

PS/4800/89/JEC

cc PS/Sir K Bloomfield - B
Mr Burns - B
Mr Thomas - B
Mr Spence - B
Mr Masefield
Mr Blackwell - B
Mr Kirk - B
Mr F G McConnell - B
Mr R Wilson
Mr Hallett - B
Mr Fisher - B
Mr George, FCO - FAX

Mr Miles - B

ARTICLE 11 REVIEW: JOINT MEETING ON ARTICLE 5

I enclose the minutes of the meeting held on 25 January 1989 in the Secretariat to discuss the joint Review of matters falling under Article 5 of the Agreement.

(Signed)

PRINCIPAL SECRETARIAT
2 February 1989

C O N F I D E N T I A L

ARTICLE 11 REVIEW

PS/4790/89/JEC

JOINT MEETING TO DISCUSS ARTICLE 5, HELD IN THE SECRETARIAT AT
2.30 PM, 25 JANUARY 1989

Present

Mr Miles	Mr O hUiginn
Mr Spence, Central Secretariat	Mr Collins
Mr Masefield	Mr Ryan
Mr Wilson, Central Secretariat	Ms Anderson, DFA
Mr Fisher, CPL	Mr Concoran, DFA
Mr Canavan	Mr Holohan, DFA
	Mr Harwood

1. The relationship of Article 5 with the rest of the Agreement was examined and it was considered that, apart from some links between a Bill of Rights and Article 7, this article was largely self contained. The meeting approached the general philosophy of the Article before discussing specific aspects.

2. Mr O hUiginn thought that the concept of two traditions was central to the Agreement. The accommodation of the rights and identity of the nationalist tradition meant redressing the historical disadvantages suffered by it. Article 5 had set out an agenda and the Irish Government had expected a more pro-active attitude from the British in enhancing the status of the nationalist tradition, without, of course, denigrating the Unionist. In fact progress on the Irish language and a Bill of Rights had been very limited. The Review offered the opportunity for a fresh emphasis on these issues.

3. In response, Mr Miles recognised the Article's validity as an agenda but could not go along with the Irish view on the speed of its implementation. Mr Spence thought that concentration on two traditions risked oversimplification. He placed more emphasis on the complex cultural diversity of the Province and reported on the work of the Hawthorne Study Group in this field. Mr O hUiginn thought that such initiatives were commendable but that the strength of the two solid ends of the socio-political spectrum could not be

4. The Irish side reiterated that Article 5 went beyond the concept of equal treatment for the minority and that it involved affirmative action to correct historical imbalances in political influence. Those best placed to indicate their priorities were the nationalists themselves and outside parties could not validly redefine or reinterpret their discontent.

Language and culture

5. Though the Irish side considered that Irish culture covered a range of activities, such as sport and music, they saw the official attitude to the language as the barometer for nationalists of how their culture was regarded. Policy in Northern Ireland contrasted sadly with the Scottish Office's treatment of Scots Gaelic. Particular disappointment was expressed at the failure to repeal the 1949 Stormont legislation forbidding street names in the Irish language. A further suggestion for demonstrating active support for the language would be a Government funded resource centre. The education reform proposals had apparently created disadvantages for those wishing to teach in Irish. A demand for an Irish language secondary school would arise in time and an enlightened Government would find ways to support it. An extension of the reception area for Radio na Gaeltachta would also be helpful (though it was conceded that implementation of this was an east-west matter, it was claimed that the objective was compatible with the Agreement). In general what was sought was respect in an active rather than a passive sense. Much goodwill could be won at minimal financial cost.

6. In response, Mr Spence pointed to progress made since 1985 in the handling by Government Departments of correspondence in Irish and in Arts Council support for cultural activities; on the latter point the Irish side asked for further details. Mr Spence also requested the advice of the Irish side at an early date on how the Irish language meshed with the approach on cultural diversity. He saw a danger in the language being seen as belonging to only one community and thought that the aim should be the broadening of the appreciation of the place of the language among all sections.

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Elections etc

7. Mr O hUiginn noted that legislation on 'I' voters should be in operation by the May elections. He commended the PR system for all Northern Ireland elections. The repeal of the Flags and Emblems legislation and the Public Order Order marked advances. He thought, though, that controls on offensive flags and emblems should be included in the new fair employment legislation.

Economic and social discrimination

8. The Irish side welcomed the new fair employment legislation but hoped that some remaining problems could be ironed out in the Parliamentary process. Ms Anderson brought up the religious breakdown of the schools inspectorate. Given the high Catholic representation in the education profession, there seemed to be cause for concern. Mr Spence offered to check on the figures she had cited.

Bill of Rights

9. Mr O hUiginn registered the Irish side's continuing interest in a Bill of Rights, a concept supported by a broad spectrum of Northern Ireland opinion. A balance had to be struck between the requirements of security and citizenship; a Bill of Rights would be a signal that the latter had not been lost sight of. Mr Fisher admitted that there was broad acceptance of the concept in Northern Ireland, but less consensus on the content of a Bill of Rights. He asked what the current Irish thinking was on the alternative of a declaration of rights. The Irish side was unenthusiastic, while not entirely dismissing it as a step towards a Bill of Rights. Mr Ryan thought that recent developments (the Brogan case, 'right of silence', etc) had added point to the issue. Ms Anderson, in response to a query on the status of the 1987 Irish paper on the subject, thought that, if it was to be revived, the Irish side would need to revise that paper. Mr Masefield warned that the Bill of Rights issue was sufficiently important to require a Ministerial decision on whether it should feature on the future agenda.

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10. Mr Fisher reminded the Irish side of the existence of S.19 of the Northern Ireland Act. They responded that this was a very narrowly drawn provision but noted that it had in a sense already breached the argument that a Bill of Rights would have read-across implications for GB. Mr Fisher suggested that the Irish side might wish to identify those rights not protected at the moment by other legislation. Mr Ryan thought the issue was not about which rights were theoretically unprotected but how rights were protected in practice.

11. The role of SACHR was also considered, with the Irish side proposing for it stronger powers and a higher profile. Mr Fisher warned that SACHR had always seen itself in an advisory role and that it might be sensitive about attempts to link it with the Anglo-Irish process. He added that it was already involved in a review of its own role and the concept of a Bill of Rights. Mr O hUiginn concluded by saying that they sought to harness SACHR's esteem to reassure people.

12. The meeting turned to how Article 5 might be covered in the Review report. Ms Anderson hoped that the fairly modest proposals contained in the previously circulated Irish submission would be given serious consideration. Mr Miles thought that the place for discussion of the merits of specific subjects, such as a Bill of Rights, was the Conference rather than the Review Report.

Mr O hUiginn was anxious for the two Governments to reaffirm their commitment to a healthy, ongoing Agreement. If the non-starters were removed, would there be enough in the Report to constitute a positive programme of future work?

13. Mr Spence took advantage of the meeting to inform the Irish side on three matters not related to the Review:

- plans for the review of the Fair Employment Commission;
- imminent publication of a strategic document on West Belfast;
- plans to allocate £2m for community relations initiatives.