

ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE

NOTE OF THE PLENARY DISCUSSION HELD IN
OLD ADMIRALTY BUILDINGS, LONDON,
ON 8 FEBRUARY 1989

Present:

	<u>British Side</u>	<u>Irish Side</u>
Ministers:	Mr King Mr Stewart	Mr Lenihan Mr Collins
Officials:	Sir J Blelloch Sir K Bloomfield Sir N Fenn Mr Burns Mr Stephens	Mr Dorr Mr Mathews Mr O'Rourke Mr Gallagher Mr Brosnan Mr O'Donovan Ms Anderson
Secretariat:	Mr Miles Mr Masefield Mr Canavan	Mr O hUiginn Mr Collins Mr Ryan

INTRODUCTION

1. The Ministers commenced with private discussions over lunch and at 2.25 pm moved on to a restricted discussion on security with the Chief Constable, the Garda Commissioner, and Messrs Stephens, Mathews, Masefield and Mr Ryan in attendance. The plenary session began at 3.30 pm.

DISCUSSION ON THE ARTICLE 11 REVIEW

2. At the start of the plenary session, a draft joint statement prepared by British and Irish officials was distributed. A paragraph of this text referred to the Article 11 Review and discussion of the Review initially concentrated on the phrasing of the joint statement to be issued. Mr Lenihan explained his preference for a reference to 'political directions'. Officials had carried out detailed work on individual topics; submissions had been made by external parties and some more were anticipated. The Review had moved onto a new stage. There was an opportunity now to give the exercise a positive political steer. He foresaw completion around Easter.

3. Mr King expressed reservations about the phrase. Summarising the state of play on the Review, he thought the Unionists would ignore the consultation process, the next stage on the British side would probably be a Parliamentary debate, with the week beginning 20 February as the likely time, and Unionist MPs could make their views known during the debate. Unlike the Dail, there were significant elements in the Commons, including some among his own backbenchers who were opposed to the Agreement. Some MPs would be keen to bring the debate to a vote and handling this discontent would be more difficult if Members thought they were being ignored. He was anxious that the joint statement should not be seen as pre-empting the Parliamentary debate.

4. Mr Lenihan wished the joint statement to signal that matters were not being dragged out but that completion was in sight. After further discussion it was agreed that the other two elements to be emphasised were that the Governments were still keen to receive the views of interested parties, and that Ministers were giving directions to the officials' work. A sentence to that effect was included in the joint statement. Sir John Blelloch queried a reference in the draft joint statement to publicising the results of the Review and it was agreed to delete it.

Later in the Conference, discussion turned to the general approach to be taken to the conclusion of the Review. Mr Lenihan thought the two Governments should be aiming for an upbeat outcome, demonstrating that it had been a meaningful review of a meaningful Anglo-Irish process. Irish officials argued strongly for work to begin immediately on a joint final Review statement which would be published on completion. This would both short circuit some of the detailed work by officials and provide a focus for them. Mr Lenihan suggested that a draft of the final document should be available at the next Conference meeting. Mr Burns objected that there were aspects of the Review which could not be published, for instance on security, but the Irish side thought that this would not be insuperable. Mr King hoped that this proposal would not detract from detailed work on aspects of the Conference's workings related to individual articles of the Agreement. Some of these needed a hard look, for instance Article 6 on which he had reservations about the Irish Government's role as a channel for SDLP suggestions for appointments. He also noted that there had been no Irish input at the time of appointment of the Police Authority. On the latter point, Mr Gallagher responded that the rejection of the Irish suggestion for appointment to the Independent Commission for Police Complaints was unlikely to generate confidence.

6. Mr Lenihan suggested one method of reinforcing the Conference's role which could be highlighted in the Review report. It involved bringing into the margins of the Conference specialist Ministers in areas such as transport and health. At present, bilateral cross-border Ministerial meetings tended to receive little attention. Sir Kenneth Bloomfield added that an alternative way of raising the profile of this kind of cross-border co-operation would be to devote Conference discussions to a specific socio-economic theme; suggestions included 1992, veterinary health and EC structural funds.

7. The relevance to the Review of progress being made on a proposed British-Irish Parliamentary Body was discussed. Mr Lenihan pointed out that talks between Parliamentarians were expected to reach a successful culmination at about the same time as the Review would be

Completed. He was conscious of the sensitivities of those involved in the Parliamentary negotiations but an Article in the Agreement was devoted to the Body, and he wondered if it was possible to link it with the Review conclusion. Mr Gallagher provided an update on the progress of the talks on the Parliamentary body and suggested that the Review report could in some way endorse it. Mr King noted that the Parliamentary body came under the aegis of the Anglo-Irish Intergovernmental Council and that some of the participants would not favour a link with the Conference and Agreement. Mr Burns added, however, that the coincidence of timing had a lot to recommend it.

Fair Employment

8. Mr Lenihan, referring to the draft joint statement, said that it recorded the Irish Government's support for the purpose of the proposed legislation and its concern at the way affirmative action was apparently being treated. Sir Kenneth Bloomfield thought that the latter point could be read as a criticism of the legislation and suggested that the joint statement might simply note the continuing Irish interest in the subject. Mr King thought the phrasing proposed by the Irish could be interpreted as an attempt to influence Parliament, and as lining the Irish Government up publicly with the British Government's Parliamentary Opposition which was scarcely an appropriate position for the Conference partners to find themselves in. There was in his view however nothing between the two Governments on the main issue. Steps were being taken to see whether the point of concern on affirmative action could be resolved during the passage of the Bill - the Government would consider introducing an amendment further legal advice was that the definition of indirect discrimination inhibited the scope for affirmative action. The Irish Government, would, of course, be free to make known its views on the Bill publicly after its enactment. A line, similar to that suggested by Sir Kenneth Bloomfield, was included in the joint statement.

DISADVANTAGES AREA

9. Mr King was concerned about the comment in the draft joint statement that the Irish Government hoped that the initiative under way for disadvantaged areas of Belfast could be extended to other

aces. Much was being done in Belfast, the Government wanted to make progress also in Londonderry, but the danger in expressing over hopeful statements was that expectations could be raised.

Sir Kenneth Bloomfield said that co-ordination of efforts could be stepped up in all areas; the real problem though was finding additional resources. Mr Lenihan agreed to delete the offending sentence from the draft while retaining the Irish welcome for the latest strategy document on disadvantaged areas of Belfast.

INTERNATIONAL FUND

10. The Irish side expressed reservations about a paragraph, proposed by British officials, in the draft joint statement which expressed full confidence in the Board of the International Fund for Ireland. Mr Gallagher noted that the Conference had endorsed the Board's new strategy at the September meeting. There was a risk that the controversy over the latest Annual Report would be revived by over emphatic support for the Board in the joint statement. Members of the Irish Government had received representations from America and elsewhere about the Fund's denial of support to Conway Mill. The Irish side remained concerned about some individual grants. Sir Kenneth Bloomfield said that he had gained the impression from a recent meeting with the Fund's Chairman that the Board felt beleaguered. They were responsible people whom both Governments had asked to take on a very difficult task.

11. Mr King was concerned about some of the ways in which the Fund had spent its money, but he thought both Governments had obligations towards the Board which they had appointed and which was advised at all stages by officials. Much of the American criticism had come from left-wing Democrats who disagreed with the economic thinking which had informed Congress's original backing of the Fund. He thought the Conference should be conscious that the Fund's enemies in Northern Ireland and elsewhere would seize on any criticism by the two Governments. Whatever they might wish to say to the Board in private, the Governments should be seen publicly to be behind the Board. Sir Kenneth Bloomfield noted that they had been most fortunate in securing a broadly representative Board, which included Unionists, at a time of great difficulty, but he agreed there was scope for debate about the Fund's strategy. Mr King thought there

ould be a role for the Secretariat in co-ordinating the line taken by British and Irish Ministers in dealing with American politicians and opinion formers.

12. It was agreed that the joint statement should include a forward looking reference to the Fund which linked it with the British Government's strategy on disadvantaged areas. Mr Lenihan thought that the two sources of finance, the UK exchequer and the International Fund, should be targetted towards these areas.

13. In response to a query from Mr Collins, Mr Gallagher responded that the next report from the Board would be published in March and would deal with recent expenditure on urban development. He had seen a draft informally and was concerned that it would generate adverse publicity. Most of the criticism of the last Annual Report had focused on this type of expenditure which was administered under delegated authority by DOE(NI) as Urban Development Grant. Mr King expressed concern at the apparent lack of direct control by the Board of how this money was spent, though he acknowledged that urban facelift schemes could be beneficial. Mr Lenihan suggested that Sir Kenneth Bloomfield and Mr Gallagher, who were due to meet on the Fund the following week, should be mandated to devise a more effective way of focussing the Fund's support on disadvantaged areas.

PRISONS

14. Sir John Blelloch reported on the review of special category cases. The Life Sentence Review Board had recently completed its consideration of these cases and they would now go forward to the judiciary. Mr Lenihan welcomed these developments and the completion earlier of the first stage of the review of SOSF cases. An emotive issue had been defused and the Irish Government's feedback from the nationalist community had been positive.

CONFIDENCE ISSUES

15. Mr Lenihan referred to the monitoring committee which maintained oversight of the handling of complaints against the security forces and suggested that an Irish member of the Secretariat should attend meetings. Mr King explained that this was a purely internal committee, on which the British side of the Secretariat was represented. It was not a complaints committee but it monitored the

handling of complaints. He cited recent statistics furnished to the committee on the response by the Army authorities to complaints. In response to a query from Mr Gallagher, Mr King confirmed that the committee interested itself in the pattern of complaints in relation both to the type of operations and the military units concerned. Often there was considerable variation between units in relations with the public. He mentioned that the Parachute Regiment had established a good record in South Armagh recently and another battalion of the same regiment would shortly begin a residential tour of duty at Palace Barracks.

16. Mr Gallagher said that the high side had been concerned at a drop in the preparedness of individuals to come forward with complaints, but agreed with a comment from Sir John Blelloch that paramilitaries often used complaints as a means of creating a climate of discontent. They also, he added, fed false information to the security forces deliberately to create antagonism among the community. Mr Masefield, who had attended the monitoring committee, suggested that the Irish interest in its work could be accommodated through briefing sessions and written reports in the Secretariat. The Irish side was agreeable to these measures.

ACCOMPANIMENT OF ARMY PATROLS

17. Mr Lenihan reverted to an old theme, the police accompaniment of Army (especially UDR) patrols, on which he had seen no signs of progress. Mr King replied that the British side was keen on the principle of accompaniment. It was their policy and they wanted to see it implemented. He told the Irish side, in strict confidence, that after the last Conference he had made his views known to the Chief Constable and the GOC with specific reference to access routes into West Belfast and Border PVCs. He asked the Irish side to keep the Government informed, through the Secretariat, of reported sightings.

EXTRADITION

18. Mr King expressed his continuing concern about the effect of Irish extradition legislation and referred to the specific proposals for changes which had been put to the Irish Government. British

officials, he said, had been given the impression at a meeting on 20 January that there was little prospect of legislative changes. On extraterritorial proceedings, though the Sloan case was progressing, there seemed to be little movement in the Ryan case which was currently with the DPP. One of the objectives of the Agreement was the prosecution of fugitive offenders. He had no doubt that, in any forthcoming Parliamentary debate on the Review, the failure of the Agreement to deliver in this respect would be adduced against him.

19. Mr Collins distinguished between the statutory annual report on the operation of the Extradition arrangements due to be made to the Dail in March and the ongoing review of the legislation. On the Sloan case, he noted that Northern Ireland prison officers had refused to attend the court. This was the first time non-civilian witnesses had done this and it was a worrying precedent. There had never been any difficulties about the protection of visiting witnesses in the Republic. The issue needed to be resolved. He was aware of a recent exchange between the Metropolitan Police and the Garda on the subject and he asked Mr King to look into it. On the Ryan case, the papers were with the DPP whose function was the same as his British equivalent. A number of extradition cases were proceeding through the Irish Courts with the Finucane, Carron and Kane appeals due to be heard shortly. He also reminded the British side on the need for legislative action on their part on the specialty issue, which was more urgent following difficulty in the Dinnegan case.

20. Mr King said that there was anecdotal evidence to suggest that UK police forces were not issuing requests for extradition in non-terrorist cases because the complexities were too great. He knew that in Northern Ireland there had been a virtual cessation of such requests. He asked if the Irish side could provide historic figures for extraditions to Great Britain, as it was difficult to collate the data from the various police forces. Mr Collins replied that the previous day he had agreed to the extradition of a non-terrorist suspect, but there was a continuing need for co-ordination on the British side.

21. Discussion turned to the recurring problem of flawed warrants and the as yet uncompleted checklist which was being drawn up to deal with it, Mr Burns said this was a task which had fallen on the Russell-Saunders joint group of specialists; a draft checklist had been tabled but had yet to be agreed by the Irish side. One problem with it was the changing stance of the Irish courts on the matters covered by the checklist. Mr Brosnan replied that, though the checklist was still in draft, it was being used in practice.

22. Mr Burns stated, with regret, that, though the British side had raised a number of problems in the operation of extradition arrangements at the 20 January meeting, they had been given a very definite impression that corrective action was unlikely to be taken because Irish Ministers were were unwilling to face the Dail with the necessary legislative changes. Mr King commented that the Irish side was well aware of the sensitivities in Britain on extradition. It was seen as the touchstone of whether the Anglo-Irish process was effective. Mr Lenihan said that consideration was being given to the British side's points including that of preparatory work that would be needed for legislation.

STALKER/SAMPSON ENQUIRY

23. In response to a request for an update from Mr Lenihan, Mr Stephens reported that matters were moving forward but that he could not yet give a date for the disciplinary proceedings against RUC officers. Mr Stewart emphasised that the British Government had no interest in prolonging the matter.

POLITICAL DEVELOPMENT

24. Mr King suggested the deletion from the draft joint statement of references to the political situation. In view of the controversy over the Duisburg talks, he thought that both Governments should be seen publicly to be standing back from internal political negotiations. Sir Kenneth Bloomfield added that some participants in political dialogue would be discouraged by the Conference's endorsement. It was agreed to omit the reference.

COMMUNIQUE

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25. After some further minor amendments, the Ministers agreed to the attached joint statement being issued to the Press as the Conference communique. The plenary session concluded at 5.30 p.m.

SECRETARIAT

February 1989