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AN RÚNAÍOCHT ANGLA-ÉIREANNACH

BÉAL FEIRSTE

ANGLO-IRISH SECRETARIAT

BELFAST

SECRET

6 April 1989

Mr. Dermot Gallagher
Assistant Secretary
Anglo-Irish Division
Department of Foreign Affairs

Dear Assistant Secretary

I enclose a draft report of the Plenary Session of the Intergovernmental Conference, held in Belfast on 5 April 1989.

Yours sincerely

Padraic Collins

Padraic Collins

MEETING OF ANGLO-IRISH INTERGOVERNMENTAL CONFERENCEBELFAST, 5 APRIL, 1989Report of discussion at Plenary Session

The Anglo-Irish Intergovernmental Conference met at Stormont Castle, Belfast, on 5 April 1989. The Irish side was represented by the Co-Chairman, Mr. Brian Lenihan T.D. (Tánaiste and Minister for Foreign Affairs), Mr. Gerard Collins T.D. (Minister for Justice), Mr. Noel Dorrr, Mr. Des Mathews, Mr. Dermot Gallagher, Mr. Joe Brosnan, Ms. Anne Anderson and, from the Secretariat, Mr. Sean O hUiginn, Mr. Noel Ryan and Mr. Padraic Collins. The British side was represented by the Co-Chairman, Mr. Tom King M.P. (Secretary of State for Northern Ireland), Mr. Ian Stewart M.P. (Minister of State at the Northern Ireland Office), Sir John Blelloch, Sir Kenneth Bloomfield, Mr. Tony Stephens, Ambassador Fenn, Mr. Quentin Thomas, Mr. Brian Blackwell and, from the Secretariat, Mr. Oliver Miles, Mr. Robin Masefield and Mr. Tony Canavan. The Commissioner of the Garda Síochána and the Chief Constable of the RUC attended the discussion on security issues. The latter discussion is recorded separately. The meeting commenced at 10.40 a.m. approximately with a tete-a-tete confined to Ministers. The tete-a-tete ended at 11.15 a.m. The first plenary session began at 11.20 a.m. and ended at 12.15. A restricted session began at 12.25 p.m. approximately attended by the Ministers, the Commissioner of the Garda Síochána, the Chief Constable of the RUC and a reduced number of officials. The plenary session resumed at 3.25 p.m. and finished at approximately 5.30 p.m. A joint statement (copy attached) was issued after the meeting. The following account of the meeting is in the form of direct speech and is based on detailed notes taken during the meeting. It does not, however, purport to be a verbatim record nor is it necessarily exhaustive of all the exchanges at the meeting.

Plenary Session

Mr. King: OK, Brian. Shall I say a word? Let me say first that I am pleased to see you. We have just had a word in the private session about the problem of the enormous and fearsome amount of work that we have to get through to put this Review of the Agreement into some sort of shape. There is a paper and we have the rough lines. We had a session yesterday amongst ourselves here on

the British side. We hacked it around a bit. We suggested some amendments. There are one or two thoughts I would like to put to you arising from that. Your side, I know, have produced a text this morning. I haven't had a chance to read it. From a handling point of view I understand, it is suggested that we use your text and that is OK. I will talk a bit about some issues of principle. I would propose that we talk here for about an hour and then go off into restricted session. Officials would then try to make sense of our discussions and we would have lunch and resume the plenary session.

Tanaiste: OK.

Mr. King: Shall I say a few things about the main points that concern me? These have been fairly well communicated through our officials, but it would be useful if I touch on them again. The first point to be stressed is that we are standing by the Agreement. We found in drafting that in many cases where we have tried to change what we thought was tired language and paraphrase the Agreement that in the end - in areas such as Article 1 - it was easier to get back to the Agreement. The flavour I want to get across in the general area is that, while we are standing by the Agreement, I don't want it to be seen that we are ramming it down people's throats in a real aggressive way. We need to look carefully at this Duisburg angle. I mean here the paragraph about adapting the future operation of the Conference to accommodate any desirable changes. We need to be careful that in drafting that paragraph that we don't undermine our commitment to the Agreement.

The second point I would make is that - and you will be conscious of my view on this already - are areas of what I call "jointness". There is much of this in the first draft. This is a sensitive point. What I mean is that all these references smack of joint authority. There is a sovereignty point here, that is, that we have to take the decisions in relation to Northern Ireland. There are, in addition, a number of technical points which I would like to say something on. The first one relates to the frequency of our meetings. I notice that your draft mentions that we should meet at least ten times a year. There is not much between us on this and it is not an issue of principle. Nevertheless, our concern is that we are providing a rod with which we can be beaten by our opponents. What I mean is that if we say we meet ten times and, for whatever good reasons, we don't live up to that, we can be criticised. You can have all sorts of reasons for that. For example,

in 1987 there were general elections in Britain and in your jurisdiction and we met only six times. I would prefer to have some kind of rough yardstick on this issue. You also mention the idea of one informal meeting and that seems like a good idea. I am keen on it. I suppose it means that we get to have a meeting in Parknasilla.

The other issue relates to this "rota" of other Ministers participating in the Conference. What I said before is that I think this is a very good idea. Again there is no point of principle between us here. What I am nervous about in the draft of the Review Communique is that we seem to be setting up a very specific rota. I shy away from that. My point is that where there is cooperation and contact between us it should continue on a pragmatic basis and where it can bring benefits. This leads me on to my other point which is that I would be nervous and concerned that we don't give the Conference an automatic right to embrace other areas and to extend its empire into these areas and try to take credit for things which are already happening. We mustn't forget that there is a problem of latent hostility to the Agreement amongst the unionist community. You will have seen the comments of the Moderator of the Presbyterian Church in the last few days. [Note: The Secretary of State was referring to a statement by the Moderator of the Presbyterian Church that unionist hostility to the Agreement remains strong.]

What I mean is something like cross border exchanges between schools. These are happening already and are working very well. What I would be afraid of is that if the Conference extends itself into these areas the contacts will be damaged and will become politicized. Therefore, we have to approach the idea of systematic stuff carefully and in a sensitive way. We have to remind ourselves that where we propose to extend the work of the Conference we should ask ourselves whether it helps or hinders cooperation. These are the main points I wanted to make. Having said that, I should say that I haven't read the Irish side's most recent draft? Has anybody read it? [Mr. King turned to British officials.]

Mr. Miles: Yes ... I think what we can agree on is that the Irish document is the best reference document. It contains all the earlier material and identifies the areas of distinction between the two sides. It brings it all together.

Mr. King: Right - that seems a good idea.

Tanaiste: Excellent. We have already had a useful short discussion on this at our tete-a-tete. I think that I should say that our main concern is not to diminish the language of the Agreement. The text of the Agreement is very sensitively phrased. Any departure from it would be pounced on. The language of the Agreement is tight and we would be laughed out of court if we retreat from it. The text of the Agreement is seen as paramount by many. Anyway, we have the text now being looked at.

Mr. King: Yes. Where have I diminished the language used of the Agreement? I must admit I can't readily recognise such areas looking at the text. Give me an example?

Mr. Gallagher: Devolution is one.

Mr. O hUiginn: Devolution and Article 1.

Tanaiste: We need to take a sensible political approach to it. I stress the point of not diminishing of the text of the Agreement. On the point you make about the frequency of meetings and in relation to getting other Ministers involved, especially in the 1992 context, I see the point you make about the desirability of not getting the lines crossed. However, if we do it systematically and sensibly we can steer ourselves clear of problems.

Mr. Gallagher: The texts at present make it clear that it will be at the invitation of the Joint-Chairmen. The British side have also inserted the terminology "in principle".

Mr. King: [turning to Sir Kenneth Bloomfield] Ken, we talked about this a bit yesterday.

Sir K. Bloomfield: There are three sorts of areas involved in the economic cooperation issue in 1992. These are I think:

- (i) areas where we are competing;
- (ii) areas of cooperation which are sensitive. If we insert the Conference too much into these, we can do more harm than good.

(iii) then there is the third group which involve issues which are more properly discussed here in the Conference.

Tanaiste: Yes. We can handle it internally ourselves.

Mr. King: There are sensitive areas like agricultural research and health.... Do you have salmonella?

Tanaiste: We have no Edwina Currie.

Mr. King: There are eggs for lunch.

Tanaiste: The other area that I attach importance to and which is one of very obvious discontent is appointments to public bodies. There is no proportionality involved. It is very wrong and I would like to have a reference in our text to that.

Mr. King: Yes. It is quite a political problem. I was Minister for local government myself in Britain ten years ago. I had to deal with this whole problem of local authorities packing committees. You have a situation where there was only one party being nominated to the committees. I agree with you that it is a serious problem. What Belfast City Council does is outrageous and a disgrace [Belfast City Council, nominates only unionists to public bodies to which it has nominating powers]. It is to be absolutely deplored that they behave in such a way on sectarian lines. Nevertheless, my problem is that nominating can be done politically in Great Britain and I have to be careful about how I go about solving the problem.

Mr. King: [turning to Sir K. Bloomfield] We had a bit in an earlier draft about this. Your formulation about proportionality between nationalists and unionists caused us some problems, I think.

Sir K. Bloomfield: Yes. We need to make a distinction between a robust declaration and committing ourselves to do something specific. There is a difficulty about how we solve the problem of sectarian nominations. Can we, for example, reject nominations by local authorities. This is a difficult issue in law. The other point is whether we can take the local authorities out of the nominating process. We might have to face up to that reality.

However, the point is that it would lead to the most awful row. The other point is can Ministers use the residue, so to speak, that is, can Ministers redress the balance completely by nominating one section or party only in the number of nominations that are reserved for Ministers? To a large extent, that is what happens in reality. Anyway, the problem is that, if we have a robust declaration in principle with the implication of redressing the balance, it could mean that we would find ourselves in difficulty with our 1973 Constitution Act. There are just real practical difficulties about it.

Tanaiste: The point I would like to make is that we should say something positive about the objective to be pursued here. What we are talking about is balance.

Sir K. Bloomfield: Yes. I hope we can come up with something. The difficulty is that if we went for something like proportionality this will include everybody and that means also including Sinn Fein.

Tanaiste: Yes. Balance is a better word. In any event, it is an important point and you know what I mean. The other point relates to the International Fund for Ireland. I think it is something that we should highlight in the Review Communique. What I am getting at here is to give a response to the attitudes being adopted in the United States. On the one hand, you have Noraid and the extreme Provos who are adopting a very negative attitude to the Fund. They are getting publicity in the media. This is not the attitude of people like Congressman Donnelly or Senator Kennedy. The latter two are, in fact, very supportive. There is politics being played by Italians looking for Irish votes ...

Mr. King: You feel that our present draft is not good enough? You want to beef it up?

Tanaiste: It is not so much that as I would like to give it a more prominent position.

Mr. King: Your point on that reminds me about the prominence - or lack of it - in relation to the paragraph on security cooperation. It lies in paragraph 23 at present, although it seems to me that we have a hook to put it on in

paragraph 2. We would want it to have a much more prominent position. I'd like to address that issue. We couldn't settle for it being relegated to paragraph 23.

Mr. Gallagher: There is a perfectly logical explanation for that. The point is that we are following the sequence of the Articles of the Agreement.

Mr. King: Well ... It is a problem for us. I mean, even in your own "Irish Times" there is an article underlining the importance of the security issue.

Mr. Gallagher: You could highlight the point that we are following the sequence of the Agreement at the press conference announcing the Review.

Mr. King: Anyway, I make the point that we want to talk about it.

Tanaiste: We should have somewhere a global statement about our adherence to the Agreement. Tom, will we let them at it? [The Tanaiste meant drafting work to be done by officials.]

Sir John Blelloch: Yes. The idea would be that officials would go away and draft.

Mr. King: Shall I just flick through? Yes ... I see there is a Bill of Rights in there.

Mr. Gallagher: ... "in some form".

Mr. Collins: There is a point in relation to paragraphs 23/24 of the present draft. It refers to meetings between police and official level meetings. I think we should leave out the reference to officials. It's just that in the present security situation it could expose people at official level for targeting.

Tanaiste: And deleting it would give more authority to the police meetings.

Mr. King: Aren't some of these meetings public, Robin [addressing Mr. Masefield].

Mr. Masefield: We have never publicised meetings of the Quadripartite Group, for example.

Mr. Collins: The point is that it is part of the machinery of the Conference and we don't need to highlight it.

Sir K. Bloomfield: Yes. They are the subordinate groups of the Conference.

Mr. King: But meetings would continue?

Mr. Collins: Of course it continues.

Mr. King: How would we put it ...?

Mr. Dorr: There is a tradition behind using the expression meetings "in the framework of the Conference".

Mr. King: I don't like that term "inter-police".

Mr. Collins: Maybe we should just say the police.

Mr. King: Yes. Something like meetings of the respective police forces. Could I add one point on timing. I thought I'd have a press conference today after this meeting. Obviously I'd have to say something about the Review and how good a response we've got from various organisations. There is, however, a rather embarrassing point in that I have no response from the SDLP. It is a tiresome old problem. I spoke to John Hume and he said they had a meeting this weekend and would have it on Monday. The whole problem I suppose is the chaotic nature of the SDLP.

Tanaiste: The problem is that John Hume is always on the plane.

Mr. King: It would not suit us if it became public you know. I think Eddie McGrady is doing it.

Tanaiste: I'll give him a ring

Mr. King: I did ring him this morning.

Tanaiste: Yes. The point is that it is very important that we get this out of the way before the local elections.

Mr. King: Yes. What can we say today then? I'll have to give it a flavour that the whole thing is not set in concrete now and that we are still getting responses.

Tanaiste: We are in broad agreement ...

Mr. Gallagher: You could say something like we have made very considerable progress.

Mr. King: Anyway, I feel that we should protect ourselves. I don't want to give the flavour of a whitewash and that one of the key players didn't give a response. It wouldn't do if it came out that the SDLP response arrived after the written draft had been approved. We can leave it grey and say something like that we were working on the Review.

Tanaiste: We should make clear that we are at the penultimate stage.

Mr. King: I'll say something like we are moving to a conclusion but we are still taking account of comments.

Mr. Gallagher: And that we hope to conclude the thing at our next meeting.

Tanaiste: Shall we let the officials at it?

Mr. King: I think I'd like to read through the Irish draft quickly. I see there are objections in various paragraphs.

Mr. O hUiginn: Yes. These are marked out as areas for further discussion.

[The Secretary of State then began to read through the composite text submitted by the Irish side.]

Mr. King: I see you talk about improving the record of the Conference resolving differences.

Tanaiste: Yes. There are square brackets in various places. For example, there are square brackets around this thing of briefing on events "in either jurisdiction". That is not agreed by us, for example. Then there are all these paragraphs about cultural heritage and education. All this is very good. There are things happening there and I think it good that we should put it in.

Mr. King: Could I make three comments? My general comments that I made earlier stand. I repeat again that I have this problem about jointness. I also want to repeat the point about not ramming the thing down people's throats. There is a need for balance between our firm adherence to the Agreement and ramming it down people's throats.

I want to make two particular points. There is this sudden mention of a Bill of Rights. The Bill of Rights is one of a number of things in Article 5 of the Agreement. I accept that it is one of the things that we haven't done. We have dealt with the issue however. There are lots of other things that we have done on cultural heritage and flags and emblems under Article 5. The Fair Employment legislation, which is at present going through Parliament, has been done under Article 5. But I do want to make it clear that we discussed the issue of a Bill of Rights in the Conference. We made an alternative suggestion for a declaration of rights for the whole island of Ireland.

My understanding was that the present government was not keen on the idea of the Declaration. It was discussed in the Dail, I think. The reality is that there is no way that we can do a Bill of Rights for Northern Ireland only. It would lead to absolute chaos. People could claim rights in Northern Ireland that they couldn't claim in Great Britain. I mean there really is no prospect of getting this. It has been much discussed in the UK and really it is a minority view. The political reality is that it is not going to happen. So you would be mentioning something in this Communique that you have no chance of getting. It was discussed two years ago and has not been mentioned since. I am surprised that it is now in the draft.

Mr. Gallagher: It was mentioned on a number of occasions and has indeed been mentioned in some of the submissions we have received on the Review. The Methodist Church submission mentions it for example.

Mr. King: Anyway, the reality is that there is no prospect of a Bill of Rights. I could say cheekily that there are advantages in an unwritten constitution.

Mr. Collins: You can move the goalposts too easily.....

Tanaiste: Whatever about an actual Bill of Rights, the point is that what we want to do is to have emphasis on human rights and to beef up the human rights area.

Mr. King: Right. I mean I am very happy to get the ground clear on this. I don't want a situation where you ask for something which you can't get. That will end in tears.

Mr. Bloomfield: There are brackets around the sentence about legislative provisions for civil rights.

Mr. O hUiginn: Are you saying that we can't stand by the Agreement.

Mr. King: No. With great respect, what I am saying is that we have done it, Sean. I think if you check with your predecessor, Mr. Lillis, you will find that I am right. We looked at it very hard. It's not me sitting here saying no. I want you to understand that. It's an old sore in the UK. People in the UK are worried about having what I might call an external constitution in the sense that we have the European Court giving decisions which have to be implemented. We are getting painted into this umbrella of a written constitution. The point is that it poses problems. I suppose it poses problems for you as well as for us.

Tanaiste: It's part of the language of the Agreement that there should be a Bill of Rights "in some form". What's the wording?

Mr. King: But, as I say, we have dealt with it. It was dealt with in 1986 at a Conference meeting. There is a Communique on that. [The relevant Communique of 6 October 1986 was handed to Mr. King.] Is there a further reference, Robin? [turning to Mr. Masfield]

Mr. Masefield: I have tried to find another reference, Secretary of State, but that's the only one I could find.

Mr. King: Anyway the point is that it did come out in public and the opposition at the time criticised the Irish Government of the day and described this idea of a Declaration of Rights for the whole island as disgraceful. It became a domestic affair.

Mr. Collins: You are too well briefed ...

Tanaiste: Well, let's try and handle it by talking about the best way of protecting human rights.

Mr. King: The point is that I think if you ask the Taoiseach to phone Number 10 and ask the lady how is she feeling about a Bill of Rights today you will get an answer fairly quickly.

Tanaiste: Let the drafting people see what they can come up with.

Mr. King: OK. Another small point. I see your reference in here to this whole business of "supergrasses". I have to say that views in Northern Ireland on this are different from what they were. There is no suggestion, for example, that what was involved here was a Birmingham Six kind of thing. It is widely recognised that lots of the people convicted under the "supergrass" system were guilty. Take the McGlinchey gang and all those INLA people who shot each other when they came out of prison, for example. If you put in a reference to the disappearance of "supergrasses", you have to be ready for a situation in which there is another one. It is a presentational problem. Let me make absolutely clear that I am not giving warning that there is another one coming. What I am saying is that, for example, in relation to some of the recent sectarian killings, that, if we could find a supergrass/informer, of course we would use him.

Mr. Stephens: The problem is that the term "supergrass" is itself unsatisfactory. Does it mean uncorroborated evidence or what.

Tanaiste: We'll find some language to handle it.

Mr. King: Another point I am worried about relates to prisons where we have what I call the problem of "jointness". The point is that I have to be clear that I make the decisions about releasing these people.

Tánaiste: Right. I am happy that we have now exchanged views on the basic political problems and we'll hand it to the officials.

Mr. King: Yes. A good deal of it relates to drafting problems. I mean what I have just said is not a comprehensive view of the document. Anyway, it is better if we don't say too much. Then we can be freer with our criticisms of the text produced by officials.

Tánaiste: Yes. The general lines are right. We are now at the stage where we can hope to have a final text fairly quickly.

Mr. King: I propose then that we have the restricted security session now, followed by lunch. Officials will produce a text in that period. It means that officials will miss lunch. We will then re-group here to hear how the officials have got on. We can agree on our side that it is possible to work on the Irish text. There is enough there to let us aim to be moving towards a further meeting at the end of the month. However, it is a narrow window, so to speak.

Tánaiste/Ambassador Fenn: We will need a text quickly to put to our Governments

Mr. King: I hope we can virtually close the thing today. In any event, if we don't finish there will only be one or two things. They can be solved at a brief meeting or a phone call between yourself and myself, Brian. The schedule is tight enough because I am going to the States at the end of April, then there are the local elections, there is the marching season and the possible problems with a new Chief Constable taking over. [Ministers left the meeting at this point.]

Sir John Blelloch: There are alternative ways of handling this Noel [addressing Mr. Dorr]. It seems to me that there are three main groups of issues as follows:

- (i) block one relates to issues of confidence etc. and could be said to comprise paragraphs 15 to 24;
- (ii) the second group relates to economic cultural issues and could be said to be covered by paragraphs 10 to 14 and paragraphs 25 to 28;
- (iii) then there is the third group which relates to political developments - paragraphs 2 and 3 really I suppose.

We could save ourselves an awful lot of time if we steer this properly and break into sub-groups according to the outline I have set out above.

Mr. O hUiginn: But we do need an overview of the document ...

Mr. Dorr: I have no problems of principle with what you suggest. It depends, I suppose, on how much time we have. I wonder if we shouldn't have a quick look at the overall text.

Mr. O hUiginn: There is a coherence in the present text and a coherence required in the final text. It could be difficult, I think, for sub-groups to handle it.

Sir John Blelloch: Ken [addressing Sir Kenneth Bloomfield]. I still think the idea of sub-groups is a right one given the time we have available. You, Ken, for example, could take the economic area. I mean, we know the general lines of what Ministers want. On our side, there is the problem of jointness. You have a different view.

Mr. Gallagher: It will be very difficult for sub-groups to do it. I must say I would prefer to have it handled in one group.

Mr. Dorr: Maybe we should take ten or fifteen minutes to go over the overall text.

Sir K. Bloomfield: I think really we just have to get down to the old slog of drafting. There really isn't much point in security officials having to sit by while we draft the economic/human rights sections or vice versa.

Sir John Blelloch: I am sorry that we seem to disagree on the methodology.

Mr. Dorr: No, no. I have no objection in principle. I am just suggesting that we spend some minutes reading the text.

Mr. Gallagher: OK. We'll split up.

Sir John Blelloch: What I had in mind was that there are a couple of divisions forming coherent sets of topics. We should get drafting on these in parallel.

Mr. Dorr: The idea is that the sub-group would go away and report back to the master group?

Sir John Blelloch: Absolutely. Yes. I am sorry if I didn't make myself clear.

[Note: A group of officials comprising Sir K. Bloomfield, Ms. A. Anderson, Mr. P. Collins and Mr. T. Canavan then broke off from the main group of officials. The main and master group of officials, chaired by Messrs. Dorr and Blelloch, then drafted in areas other than human rights, Fair Employment, appointments to public bodies and on economic issues. Ministers re-joined the plenary session at 3.25 p.m.]

Mr. King: OK. Let's go on to the rest of the agenda.

Mr. O hUiginn: I would suggest that we deal with it on the basis of looking at the Communiqué.

Mr. King: OK, Sean.

Mr. Gallagher: Let's work back from it.

Mr. King: I see you have something in on accompaniment. Could I just say that we have taken action to improve the situation in relation to the main access route to West Belfast. This has considerably reduced complaints about a lack of accompaniment to the Secretariat, I understand.

On Fair Employment can I say that the Bill is progressing through Parliament. You know this. You are probably well plugged in to what is happening. We would hope to have the report stage in the House of Commons

by 1st May. And, of course, it has to go through the House of Lords and has to get Royal Assent. Our timetable is that it would receive Royal Assent by the end of the summer.

Tanaiste: There are a number of points of concern to us on this. We are worried that there would be criticism of weaknesses in areas like contract compliance and particularly on the ceilings on awards to individuals who suffered discrimination.

Mr. King: The problem we have is that we are moving into this country of comparisons being made with other areas of discrimination. We are very concerned that we don't do anything which starts working up lobbys on women and sex. I mean sex and race. As you know, there is legislation on these issues in Great Britain. I have to watch that angle. I mean the real point is that the intention is not that people will be fined. The main point of the legislation is that people would practice Fair Employment. But, I don't think I could deliver on the issue of increasing the fines for individual cases. Isn't that right, Ken.

Mr. Bloomfield: Yes. That's right. I don't think we could deliver on that. You couldn't move in the area of Fair Employment without moving in the area of sex and race discrimination. It is something that would have to be very carefully thought about.

Mr. Blackwell: It is worth making the point that the amount of the fine will of course increase as the amount of the fines in relation to sex and race discrimination increase in Wales. Every time they do that we will increase the Fair Employment fine. It is not set in concrete.

Tanaiste: Is it phrased that way in the Bill?

Mr. Blackwell: Yes.

Mr. King: I hope that you will find that affirmative action and goals and timetable are being handled properly. I have to make sure that the best is not the enemy of the good. You will say, I am sure, that there are differences between us and I can accept that you have a different view in some areas. Nevertheless, what is important is that, eventually, we have a united

front in public. You saw the awful problems we had with the visit of the Controller of New York City Council, Harrison Goldin a couple of days ago. I mean this guy just isn't serious. We had arranged a meeting for him with officials. He arrived 43 minutes late and then only stayed two minutes. He didn't meet with the Minister for Industry, Peter Viggers at all. He spent three hours with Gerry Adams and loads of time at the Conway Mill. I can tell you the whole thing was an absolute nightmare. He did find a small amount of time to visit the US Consul, Bob Myers. Anyway that's Fair Employment. The discussion will go on and we'll make sure that you are kept in touch. Right. Let's move on to prison matters.

Mr. Gallagher: What we are doing here is welcoming your recent announcement about referring the cases of 33 Special Category Prisoners to the judiciary ...

Mr. King: I read Mary Holland today. [Ms. Holland had an article in the Irish Times of Wednesday 5 April entitled "Accepting that charity begins at home". The article was critical of the fact that while the Irish Government has signed the European Convention on the Transfer of Sentenced Persons, it has not taken the necessary steps to ratify it formally. Ms. Holland was also critical of the fact that we do not apply conditions in relation to prisoners home leave as generously as those applied in Northern Ireland.]

Mr. King: It is a vicious personal attack on you, Brian.

Mr. Collins: Was she briefed?

Tanaiste: I haven't seen it ...

Mr. King: I am only pulling your leg, Brian. You have encouraged us down the road of having a liberal policy in relation to prisoners. I agree that you are right. The thing is working. I am getting that message. The only point that I want to make is that what has happened is that these cases have been referred to the judiciary and there is still a Ministerial decision to be made on receipt of the views of the judiciary. In other words, there is still something to be done before the process is completed.

Mr. Gallagher: Yes. There is no doubt that recent developments in relation to prisons policy have put the Provos under severe pressure ...

Mr. Stephens: I think it may be a bit early to put it in the Communique.

Sir John Blelloch: It would be far better to deal with it when the process is complete.

Mr. King: In relation to other confidence issues, what is the position, Brian? [addressing Mr. Brian Blackwell]

Mr. Blackwell: The main thing is accompaniment of the Army by the RUC.

Mr. King: It is a long standing issue and we have been struggling with how to deal with it. Those who have been around this conference table for the last couple of years know the struggle that we have had to find a means of measuring implementation the commitment we entered into in the Hillsborough Communique. As I said earlier, the number of complaints to the Secretariat in relation to non-accompaniment in West Belfast have fallen significantly. Having said that, I have to admit that the border is a problem area. We put a paper to you on it. I don't suppose you have had a chance to read it.

Tanaiste: No. We'll come back to it. Can I ask about Stalker/Sampson - you'll know our views on this. Public attention is now focussed on the issue of the inquests. We have expressed concern to you about that point [Note: The Tanaiste was referring to the British Government's decision to appeal a judgement by Lord Justice Hutton which compelled members of the security force to attend as witnesses at inquests when summoned to do so. There is also the possibility that the British Government would proceed to amend the law in advance of the outcome of the appeal to the House of Lords.]

Mr. King: We are looking at that issue now. As you know, the court decision moved the goalpost on us. There really is a problem about individual soldiers and police attending at inquests. The question of their security is a very real problem. We have to consider taking the goalposts and putting them back where they ought to be. I warned you about this before. I will certainly keep you posted on it. The issue is being examined but it is very possible that what we will do is put the goalpost back where they were. I mean, I looked at the Dessie O'Hare inquest. The Coroner there was meticulous in ensuring that questions in relation to possible criminal issues could not be asked of the police or the soldiers there. The issue for us is how do you

prevent an inquest becoming a re-trial. As you know we have appealed it but at the moment that is held up. In one case, as you know, the solicitor was the late Pat Finnucane.

Tanaiste: Right. We'll come back to it. You will keep us informed of developments on this?

Mr. King: Absolutely and of course. Brian [addressing Mr. Brian Blackwell] Will you do that and ensure that the Irish are kept informed on this.

Mr. King: We discussed that in private. I don't need to add anything. I see we have something in the Communique about the "Making Belfast Work" issue. You know what is involved there and the amount of money we propose to spend on disadvantaged areas of Belfast.

Mr. Gallagher: Yes. It is having a considerable impact. The point is of course that places like Derry don't want to be excluded, obviously. It would be helpful if something similar could be done for disadvantaged areas in other cities.

Mr. King: Right. I am very sensitive to Derry and to the other cities. That's the agenda. Now, Brian, what about this great document. [The Secretary of state was referring to the text on the Article 11 Review.] I want to read it.

Tanaiste: Can we have a stab at settling it.

Mr. King: Let's see how we go.

Sir John Blelloch: I would suggest that we start at paragraph 5 and we can come back to the introductory paragraphs and to the paragraph which talks about "flexibility".

[Note: The rest of the plenary session was devoted to drafting. There were, however, during the course of the discussion on drafting points, some exchanges of substance which may be worth recording. It has been necessary to telescope these comments and only the most important ones are recorded. The exchanges were very revealing of Secretary of State King's attitude to the

nationalist agenda and the points chosen here are chosen to show Mr. King's views. The majority of the interventions are Mr. King's for this reason. Even so, the following is a very selective summary of interventions during the drafting session.]

Mr. King: I stopped up a bit in relation to the section on how the role of the Secretariat is going to be developed.

Mr. Dorr: There is an element of "behind the scenes" in it, I suppose.

Mr. King: Oliver, I asked you about the internal/organisational changes in the Conference. [addressing Mr. Miles] I asked you about this yesterday evening and you had a very good reply.

Mr. Miles: Yes. I think I said something about agendas and abolishing the tete-a-tete [general laughter].

Mr. King: Have you ever, Brian, seen such unanimity amongst officials.

Mr. Dorr: One of the ideas might be that you could call in officials and tell them what had happened at the tete-a-tete.

Mr. King: It is for you is it ...?

Mr. Collins: Out you stay.

Tanaiste: We can fudge away.

Mr. King: We have this phrase "on a basis which would secure widespread acceptance throughout the community". It is in square brackets. We have problems with it ...

Mr. Dorr: It is the language of the Agreement.

Mr. King: I used a different phrase in a speech recently. My point here is that while I know that it is the language of the Agreement it seems to me that it is an old slogan and a tired old formulation. I thought we needed to freshen up the language a bit. The other point that worries me about it as well is that it reeks too much of each side having a veto.

If I could come back to the point about the frequency of meetings. As I said earlier it is not a point of principle with me but I wonder about the wisdom of mentioning the very specific figure of ten meetings a year. It is a rod for all our backs you know. If you don't meet the ten you will be challenged in the Dail. Right. I don't want to go to the wall on it. We'll find some formulation which meets your point and ours. I am not so happy about this phrase you have in relation to the role of the Conference in the Fair Employment area. There is this question of the use of the word "monitoring" or "closely follow" and the effectiveness of it. I see that the Irish side have now agreed at official level with the British side to use the terminology "closely follow". Ken [turning to Sir K. Bloomfield] what do you think?

Sir K. Bloomfield: I'd let it go Secretary of State.

Mr. King: I am also concerned about the use of the terminology about the two governments reaffirming their commitment to pursue policies aimed at improving relations between the security forces and the community and enhancing respect etc.

Mr. O hUiginn: But it seems that the fact is that both governments are agreed that further work remains to be done on confidence. We need something robust on the nationalist agenda.

Mr. King: What we need to be robust about is finding semtex in houses. But what is this work to be done? What needs to be done?

Mr. Masefield: It could be said, for example, that much remains to be done in relation to encouraging catholics to join the RUC ...

Mr. Ryan: We wanted, for example, a statutory Code of Practice for dealing with suspects in custody under the Emergency Provisions Act. That remains a problem between us.

Mr. King: Anyway, I would prefer the flavour of work in hand if we can manage that. I am sorry to be awkward and I know we are getting bogged down. I want this flavour of work in hand. The other thing I had talked about earlier was this idea of reciprocity and we handled it by talking about briefing on forthcoming events in both jurisdictions. You don't like that. I can agree

to take out the phrase "in both jurisdictions". The point I was making here is that there is this perception that some things are yours and some things are ours. One of the overall points I would make to you is that this is very tough stuff for unionists. The political message is that all hope of a concession on the Agreement is gone. That is the message they are getting. Another point that I am not happy about relates to the paragraph which talks about encouraging political dialogue. How shall I put it? What I am concerned about here is that there is an invitation to the unionists to go and talk in Dublin. You know my views on that. I wrote to you about this last year, if you recall Brian. I don't accept your position on the playing field on this if I may use that turn of phrase. I would prefer if you were to cheer from the stand, if you know what I mean.

Mr. O hUiginn: But we used precisely that phraseology last September.

Mr. King: You are now reminding me, Sean, of my past mistakes. Wise men make mistakes and fools repeat them.

Tanaiste: The political point here is that there is a carrot being offered to the unionists where we state earlier in the paragraph this idea of being willing to consider adapting the future operation and machinery of the Conference to accommodate any desirable change consistent with the provisions and spirit of the Agreement.

Mr. King: You really want this paragraph?

Tanaiste/Mr. Collins: Absolutely. Yes we do.

Mr. King: I can see the point about a carrot but I do wonder about how effective a carrot it will be if it comes from you. This is really tricky country for me. I have problems with this. This will be difficult. I can feel it in my water that this paragraph is not right. I can see that what you have said, Brian, is the heart of the matter. I would like to chew on it. At least it is something I would want to get right.

Tanaiste: It seems to me that what the Irish draft says is the least we might do. We'll be sharply criticised if we don't indicate some readiness to consider change.

Mr. King: There is possibly a basic difference between us here ... I don't understand either this language you use about reconciling and acknowledging

the rights of the two major traditions that exist in Ireland. What are these two traditions?

Mr. Dorr: The language here is taken out of the preamble although we haven't taken out the definition of the two traditions in the preamble. The definitions there refer to those who want a sovereign united Ireland and those who want no change in the status of Northern Ireland. These definitions really were put in to avoid putting religious labels on it.

Mr. King: [turning to Sir K. Bloomfield] What do you think Ken?

Sir K. Bloomfield: I see a certain logic to what Noel is saying, but I can see the problem with the whole island of Ireland.

Mr. Dorr: The real point is that this is meant to be an olive branch to unionists. If you truncate it the way you propose, Secretary of State, you are left with no olive branch.

Mr. King: I am not sure, to be honest, how my colleagues in government would react to this. They might take the view that it can be seen as a sign of weakness and of weakening our commitment to the Agreement. It is probably something we can deal with on the telephone, Brian. We need to chew on it a bit more.

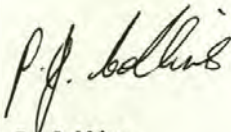
Right. Let's have a little word on how to handle today's press conference. I'll be giving a press conference and of course I'll mention the security issue and the fact that we have spent a lot of time on the Review. I'll indicate that we expect to complete the Review at our next meeting. I'll leave open a window so that we can receive the SDLP submission by saying that we are still open to submissions.

Officials will now try to get a text on the Review on the basis of our discussion. Anything else?

Mr. O hUiginn: The date of the next Conference, Secretary of State.

Mr. Masfield: The 26th seems to be the most suitable date.

Voices: OK.

A handwritten signature in dark ink, appearing to read 'P. J. Collins', written in a cursive style.

P. Collins
Secretariat

6 April 1989