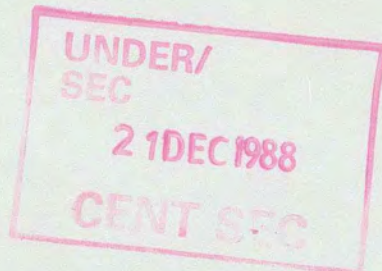


From PUS
20 December 1988

B/12/45/DMC

Mr Masfield - B

cc PS/Sir K Bloomfield
Mr A W Stephens B
Mr Burns B
Mr Miles B
Mr A Wilson B
Mr Thomas B
① Mr Spence B
Mr Blackwell B
Mr Bell B
Mr Hewitt B
Mr G McConnell B
HMA Dublin FAX
Mr George, RID FCO FAX
PS/PUS (L)



*Mr Wilson - To see
+ return pl.*

Conference Meeting IC(88)10

I have one comment on paragraph 7 of your admirable record of the IC meeting, I think I said (and if I did not, I should have done) that the LSRB had already held its first meeting to look at Special Category prisoners. The final sentence of the paragraph might therefore read: "The Life Sentence Review Board had made a start on these cases and he hoped that their consideration would have been completed by the end beyond that". In fact the last meeting of the Board is likely to be in early February and I explained this to Mr Matthews and to Mr O hUigin after the meeting.

(signed)

JOHN BLELLOCH

20 December 1988

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

PS/4263/88/LB

DRAFT
IC(88)10

ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE
NOTE OF A MEETING HELD IN STORMONT CASTLE, BELFAST,
ON 14 DECEMBER 1988

Present:

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

INTRODUCTION

1. The Ministers had private discussions for almost two hours and were joined briefly towards the end of that period by Mr Burns and Mr Brosnan. In the course of these talks there was a full and frank discussion of recent developments on extradition, a subject to which they returned in plenary session. The Ministers then held a restricted discussion on security for an hour with the Chief Constable, the new Garda Commissioner, and Messrs Stephens, Mathews, Ryan and Masefield in attendance. The plenary session began at 1.15 pm.

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

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

SOCIO-ECONOMIC MATTERS

a) Belfast Initiative:

2. Mr Lenihan warmly welcomed the multi-annual budgeting of additional expenditure for deprived areas of Belfast, amounting to £10m in the current financial year and £55m in 1989-92. He also praised the way in which the money was being targetted through voluntary agencies such as the Phoenix Trust and West Belfast Enterprises. Mr King noted that when the Belfast initiative had originally been launched, financial allocation for the current year had already been made, so available additional expenditure had been limited to £10m. Some commentators had dismissed the initiative on that account. The allocation of £55m in the next three years demonstrated Government's commitment. There was also a strong possibility of good news on the employment front in the near future. Sir Kenneth Bloomfield added that the sums cited were additional to planned Departmental expenditure. The skewing of Departmental expenditure towards the disadvantaged areas was, perhaps, even more important than the additional money. The latter was to be directed to catalytic initiatives which would not otherwise come about. They were being selected in consultation with local representatives, clergy and voluntary agencies. Another consultation document on strategy would probably be issued.

3. Mr King referred to difficulties which has arisen in the relationship between Government, the International Fund and some voluntary groups which had associations with Sinn Fein and supporters of terrorism, for example at Conway Mill. It was unfortunate that some well-intentioned people were involved with these groups. Mr Lenihan noted that in the United States Sinn Fein supporters had been hostile to the International Fund. He thanked particularly Sir Kenneth Bloomfield for his personal interest in the Belfast initiative. Mr King re-emphasised that the money earmarked was additional to the normal Departmental expenditure, a point which he expected to become more apparent shortly.

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

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

b) Fair Employment:

4. Mr King reported on the proposed new fair employment legislation, to be published the following day. He expected the second reading debate to be held in January with further Parliamentary discussion extending at least to the summer. The Government had sought to take account of Irish views in framing the legislation and he hoped that it would receive a positive public response from the Irish Government. There would be no immediate announcement of the membership of the proposed new Fair Employment Commission. Mr Lenihan hoped that, in filling the key posts under the Commission, the British Government would make good choices. He recognised that many Irish suggestions had been taken into account in the framing of the legislation.

ARTICLE 11 REVIEW

5. Mr Lenihan enquired about progress on the Review. Mr Gallagher reported that a meeting of officials had been provisionally arranged for 20 December. Mr Lenihan asked about the time scale for completion of the Review; he wondered if the end of February was realistic. Mr Burns replied that he did not think they should be pinned down to a specific date and though he recalled that the Tanaiste had previously spoken in terms of 6 months, he himself had early rather than late spring in mind. Mr King stated that he wished to keep open as long as possible the window of opportunity for Unionist participation. Meantime useful work relating to the mechanics of the Conference could proceed.

6. Mr Lenihan asked if any committees had been formed. Mr Burns replied that there were some difficulties of definition between the two sides. As the British side saw it, a core group could be in virtually permanent session, bringing in experts on specific subjects as necessary. Mr Gallagher hoped that these organisational questions would be resolved at the meeting of officials. Mr Burns concluded that both sides appeared to be thinking in similar terms.

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

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

PRISONS

7. Mr Lenihan turned to a number of issues linked with the minority community's confidence in the security forces and the administration of justice, which had been touched upon in earlier discussions that morning. He began by enquiring about the review of indeterminate sentence prisoners. Sir John Blelloch reported that the first stage of the review of Secretary of State's Pleasure prisoners had been completed. The prisoners concerned had committed crimes when young, but the fact remained that the crimes of those still in prison were very serious and some of them would be a danger to society if released. This view might seem pessimistic to some but it was only fair to record it. There were over 60 cases of former Special Category prisoners to review. He hoped that the Life Sentence Review Board would have looked at them by the end of January but there were further stages beyond that.

8. Mr King noted the favourable comments on prisons matters which he had received from Father Faul, Bishop Daly and John Hume; Maghaberry was seen as a positive development. Mr King stressed that the Irish side's interest in these matters was recognised.

CONFIDENCE ISSUES

9. Mr King said that recent security initiatives might have given outside commentators the impression that Government were interested only in tough security measures. However these were changes at the margin which were often misunderstood. The adverse decision in the recent ECHR case of Brogan had also attracted negative publicity but there was a disparity between the British and Continental legal systems in their view of the judicial function in investigating a crime. As well as seeking more effective ways to convict the guilty, Government was also anxious to protect the rights of people who came into contact with the security forces. There was an absolute commitment to ensuring fair treatment, as demonstrated by the new Police and Criminal Evidence Order, new police and Army

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

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

procedures, local police liaison committees, and measures taken by NIO to monitor allegations of harassment against the Armed Forces. The elimination of friction between the security forces and ordinary people was in the interest of Government. And in regard to remission the policy in Northern Ireland had been out of line with that in Britain.

10. Mr Lenihan asked for more information on the committee monitoring harassment allegations. Mr Burns said that a member of the British side of the Secretariat attended the committee and consulted in advance with his Irish counterparts. On the new Army complaints procedures, he explained that the target was to resolve informal complaints within three weeks, except those alleging criminal actions. Mr Lenihan confirmed that most of the complaints channelled through his Department were of petty harassment of a non-criminal nature. Mr King noted the excellent record of relations with the public in recent months of the Parachute Regiment and the Royal Irish Rangers, though Mr Collins and Mr O hUiginn referred to the long traffic delays at the Aughnacloy vehicle checkpoint manned by the RIR.

POLICE ACCOMPANIMENT OF ARMY PATROLS

11. Mr Lenihan referred to the commitment in the 1985 Hillsborough communique to the principle of police accompaniment of military patrols. He appreciated the practical difficulties of implementing this, but, while reiterating the principle, suggested that a hierarchy of priorities be agreed. He thought that a police presence at permanent vehicle checkpoints on the border could take top priority. He added that the Irish interest in police accompaniment reflected an increasing respect for the RUC. Mr King said that similar views had been expressed in his own meetings with the Catholic clergy. He undertook to examine the practicability of police presence at border checkpoints in particular.

12. Mr Lenihan referred back to that morning's private discussions. The Irish Government had made a conscious effort not to be drawn into confrontation over the recent security initiatives. As he put

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

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

it, while the Irish Government might not share the assessment, the final decision was a matter for the British Government. Mr King expressed his appreciation but repeated that the British Government had not forgotten that security operations could have a negative effect on the community and was eager to deal with the type of problems which arose.

EXTRADITION

13. Mr King stated that in that morning's private discussions there had been some very straight talking on the recent developments in the Ryan extradition case. He wished to return to this in the plenary session so that the whole Irish side would be under no illusions about the strength of his feelings. He had left Irish Ministers in no doubt about the British Government's disappointment at the events of the previous days. This had been reflected in the reactions of the Prime Minister and other Parliamentarians in the House of Commons the day before. He was personally very disappointed and believed that confidence in the Agreement had been damaged. The British Government was profoundly unhappy with the working of the new Irish extradition arrangements and did not believe they could operate effectively.

14. Mr Lenihan replied that he had earlier emphasised and now reiterated that the Irish Attorney-General's decision on the Ryan case did not in any way reflect on the British system of justice. The atmosphere at any court hearing could be eroded by publicity and the politicisation of a case. That was true of any jury system, even in Ireland. He did not feel that the jury system was best fitted to dealing with terrorist trials. This explained the effectiveness of the Irish Special Criminal Court in handing down stiff sentences which, he suspected, would not have been possible under a jury system. The Ryan case was unique and he hoped he would not see its like again.

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

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

COMMUNIQUE

15. A draft joint communique, prepared by the Secretariat, had been distributed in the course of the plenary session. The plenary session concluded after just under one hour and, after agreement by Ministers, the attached joint statement was issued to the press later in the afternoon.

SECRETARIAT

15 DECEMBER 1988

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



NORTHERN IRELAND Information Service

ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE

JOINT STATEMENT

A meeting of the Anglo-Irish Intergovernmental Conference took place in Belfast on 14 December 1988. The British Government was represented by the Joint Chairman, Mr. Tom King M.P. (Secretary of State for Northern Ireland), accompanied by Mr. Ian Stewart M.P. (Minister of State, Northern Ireland Office). The Irish Government was represented by the Joint Chairman, Mr. Brian Lenihan T.D. (Tánaiste and Minister for Foreign Affairs) and Mr. Gerard Collins T.D. (Minister for Justice). The new Commissioner of the Garda Síochána Mr Eugene Crowley and the Chief Constable of the Royal Ulster Constabulary were present for that part of the Conference which dealt with security cooperation.

At the beginning of their discussions the Secretary of State said that he was gravely concerned at the Irish Attorney General's decision announced yesterday on the case of Patrick Ryan. In particular the claim that he would not receive a fair trial if extradited was quite unacceptable. Moreover the grounds identified by the Attorney General for his decision went far beyond those indicated at the time of passing of the Irish Extradition Act. This raised a significant new problem in the arrangements for extradition from the Republic of Ireland, in addition to those difficulties about which representations had already been made. The Irish Government had undertaken to review the 1987 arrangements if it emerged that they were not working satisfactorily. The British Government were now requesting the Irish authorities to give effect to that undertaking and would shortly be forwarding their further views on the problems that had arisen.

Stormont Castle, Belfast BT4 3ST. Telephone (0232)63011. Telex 74163:74250:74272
Whitehall, London SW1A 2AZ. Telephone 01-210-6471/2/3. Telex 1918889

The Tanaiste and the Minister of Justice made clear that individual cases were a matter for the respective Law Officers and legal processes. They emphasised the view of the Attorney General that his decision did not involve the formation by him of any view on the system of justice of the requesting state. The question of a fair trial had arisen only because of the unique circumstances of this particular case and the issue concerned only the capacity of any system of trial by jury, however fair the system might be, to provide a fair trial in those circumstances. The Irish Attorney General expected, and hoped, that the case would remain a unique one and that the particular circumstances that required him to arrive at this decision would not be repeated. They pointed out that provisions already existed in Irish legislation for the regular review of extradition arrangements. The views put forward by the British authorities would be considered in that context. The Irish side stressed also the importance of the Criminal Law Jurisdiction Act as an effective means of dealing with the problem of fugitive offenders in appropriate cases.

Ministers took stock of the security situation and the broader context of current relations between the two Governments. They noted progress in a number of areas of cross-border security cooperation.

The Conference discussed the promotion of confidence in the system of justice, including the need for good relations between the security forces and all sections of the community. Ministers noted various measures in hand, and in particular the Irish side stressed the importance of ensuring that, save in the most exceptional circumstances there is a police presence in all operations of the Armed Forces which involve direct contact with the community. It was agreed that progress on all aspects relating to these articles of the Agreement would be reviewed on a regular basis at future Conferences.

The British side stated that they would be introducing legislation on Fair Employment very shortly in the House of Commons. The Conference expressed the hope that the passage of the Bill through Parliament would result in strong and effective legislation against discrimination in employment in Northern Ireland.

The Irish side welcomed the intention of the British Government to allocate £55m additional funding for the next three years to supplement main line programmes in the development of disadvantaged areas of Belfast. The intention of the British side to develop a co-ordinated approach to the problems of other disadvantaged urban areas in Northern Ireland was also welcomed.

The Conference noted work in hand on the review under Article 11 of the Agreement.