

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

ARTICLE 11 REVIEW STEERING GROUP

Meeting held in Stormont Castle and Old Admiralty Building at
11.10 am on 13 February

	<u>Belfast</u>	<u>London</u>
Present:	Mr Miles	Mr Burns
	Mr Spence	Mr Thomas
	Mr Masefield	Mr Kirk
	Mr Bell	Mr Hallett
	Mr Canavan	Mr Manning, Cabinet Office
		Mr George, FCO

February Conference

1. An extract of the draft minute of 8 February Intergovernmental Conference discussions on the review had been circulated prior to the meeting. Those present were content with the record. The message which the Irish had seemed to convey in the Conference was that they wanted to short circuit the Review process and to proceed immediately to the drafting of a press release. Their signals though had not been unambiguous and there may have been a difference of emphasis between Irish Ministers and officials. Certainly there were other indications, including comments during Mr Weston's visit to Dublin on 7 February, that the Irish were dissatisfied with the way the Article by Article analysis had been going and were worried about British criticism on extradition in the context of Article 8. It was agreed that the immediate priority was for the British side of the Secretariat to ascertain from their opposite numbers the current Irish position on the Review.

2. Mr Burns thought that the apparent Irish proposal for a draft communique was not incompatible with the timescale to which British officials had been working. However, it was important that the British position on the outstanding articles should be placed on the record in the form of papers for the Irish, cleared by Ministers within the next 7-10 days. It was left to the discretion of the Secretariat whether joint meetings would be necessary on each of the

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standing Articles. Those involved in the preparation or clearance of articles were asked to proceed with all haste though it was recognised that the requirement to obtain Ministerial clearance could impose a delay in the process. Mr Thomas was to chase progress on the clearance of papers sent to the Secretary of State. The objective was to have the British position on the record before the Irish tabled a draft communique. Subsequently in the meeting, it was agreed that British comments should be couched positively, reaffirming a belief in the value of each Article and a continuing commitment to implementing it.

Proposed Communique

3. According to Mr Burns' information, Mr Lenihan had spoken during the Conference *tete a tete* in terms of parallel draft texts of the Review communique which could be sorted out by the Co Chairmen together. Inevitably there were going to be major sections of the Review on which there would be deadlock to be resolved. Mr Burns wondered if the Secretariat was the appropriate arena in which to negotiate on these, even with Ministerial clearance for lines to take. These could ultimately fall to Ministers to resolve, which would not be so far from Mr Lenihan's scenario. The Irish had already provided a list of their desiderata in their preliminary paper, the British side had not yet given theirs - hence the urgent need for the British position to be set out on the remaining Articles.

4. Discussion turned to the context of the proposed Review communique, given that it would be seen as an agenda for the next two or three years. Mr Burns was averse to including in this agenda items which would create ill-feeling and frustration in the future and which would create, for the Irish side, an additional pressure to deliver results. Mr Miles thought the point could be made in the Review communique that there are not two competing agendas but differing priorities. Mr Masefield added that it would be difficult to persuade the Irish to exclude from the communique references to matters previously stated as Agreement objectives. If something was not explicitly on the new agenda, they would perceive it as having been implicitly shelved.

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In addition to its function as an agenda it was also accepted that the review communique should look back on progress made and recommit both Governments to the Agreement - assessment and affirmation.

6. Articles 4 and 9

In passing mention was made of the state of play on some Articles on which there had not yet been a joint Working Group meeting. Article 4 presented some pitfalls. Very little work had been done under its aegis in the past two years. Mr Burns thought that the Secretary of State would not welcome arising from the Review a commitment to tell the Irish more about political development and to receiving more advice from them on it. However, Article 4 might be used to reinforce the message of Articles 1 and 2.

7. On Article 9, the officials who attend Quadripartite meetings would carry out the Review process. They could do so at short notice.

8. The Secretariat was asked to maintain a grip on the work on outstanding Articles. It was essential that papers be passed to the Irish in an appropriate format by 24 February. A meeting with the Secretary of State to concentrate his attention might also be needed about that time.

Forthcoming meetings

9. There were contrary indications whether there was to be an informal meeting between the Co-Chairmen on the following Saturday. If it was held, some business could be taken forward. Mr Burns was to clarify the position.

10. Mr Burns also thought that there might be merit in a joint meeting of senior officials sometime towards the end of February which would try to resolve, if necessary on a trading basis, outstanding areas of disagreement on the Review. It would be essential for such a meeting to work that officials on both sides had full ministerial clearance.

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Achievements' paper

11. The arguments on whether to go public with the record of the Agreement's achievements prepared by SIL were finely balanced.

- Mr Miles thought it a document which would offend Unionists, but they would be offended in any event. It would be useful in the British and US contexts, and perhaps also with Mr Lenihan. Many people would be surprised by its size.
- Mr George commented that, had there been no commitment to table it, it would best be used as a quarry for a Parliamentary speech.
- Mr Masefield added that something in this format would certainly be needed by the Whips Office, though not necessarily for publication.
- Mr Spence considered it an unfortunate document for publication in the Northern Ireland and ROI context. It would be preferable to have a statement of achievements in the Secretary of State's Parliamentary speech.
- Mr Thomas thought that a similar document would have to emerge in some form at some point in the Review process. The Secretary of State had committed himself to its publication. If, as was currently proposed, the Irish had sight of the record prior to a debate, and if they were dissatisfied, it would shift the balance of the arguments.
- Mr Bell thought it curious that Government was unsure of whether to claim credit for successes in a major area of policy.
- Mr Burns considered it preferable, on balance, for Government to have a record to stand over. He wished to see a document published, though in low key and with an eye on Northern Ireland political sensitivities.

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Parliamentary debate

12. Mr Hallett reported that the Secretary of State's letter had now issued.

Future Conferences

13. Various timing difficulties for both sides were identified when considering a Conference in the second half of March. It was decided to approach the Irish on a possible meeting in the week beginning 6 March. This timescale would not give sufficient time for the Secretary of State to consult his colleagues, so a deliberative rather than a decisive discussion on the agenda for future work to be set out in the Review report would be appropriate. The Conference would concentrate on the Review, though, as ever, circumstances might conspire against this aim. The commitment in the 8 February communique to have a discussion on confidence could be finessed by subsuming it within consideration of the Review. By the time of the Conference work on the outstanding Articles would have been completed and the British position made clearer to the Irish side.

14. This raised the prospect of a further two Conferences before completion of the Review process, one to take decisions on the future agenda, and a final meeting to endorse the Review report.

Next meeting

15. No date was set for the next meeting of the Steering Group, which might have to meet at short notice in response to developments.

PRINCIPAL SECRETARIAT

20 FEBRUARY 1989

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SUMMARY OF ACTION POINTS

1. Secretariat

To obtain clarification from the Irish side of comments at Conference on the Review's procedures.

2. All

To finalise clearance of papers on outstanding Articles.

3. Mr Thomas

To chase progress on papers sent to Secretary of State for clearance.

4. Secretariat

To approach the Irish side about a Conference in the week beginning 6 March.

5. Secretariat

To arrange a meeting with the Secretary of State in week ending 24 February.

6. Mr Kirk

To prepare a paper on Article 4