

PUS/L/100/MLR

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Note for the Record

cc PS/PUS(B) M
 PS/Mr Bloomfield M
 Mr Brennan M
 Mr A W Stephens M
 Mr Chesterton o/r M
 Mr M Elliott M
 Mr Fernyhough M
 Mr Innes M
 Mr Palmer M
 Mr Spence M
 Mr Bell M
 Mr Daniell (Personal)
 Miss Elliott
 Mr S Hewitt N



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ANGLO-IRISH STEERING GROUP - 2 JULY 1986

PUS held a meeting of this Group on 2 July in Belfast. Mr Bloomfield, Mr Brennan, Mr Stephens, Mr Elliott, Mr Innes, Mr Spence, Mr Bell, Mr S Hewitt and I were present.

PANI AND THE IC

2. The Group had before it Mr Innes' minute to Mr Stephens of 25 June recording PANI's request for an indication of the views advanced by the Irish at the last IC meeting on relations between the security forces and the community, and suggesting two alternative draft replies. PUS said that in principle it was important to be forthcoming to PANI: the Secretary of State was keen that the Conference's proceedings should be as open as possible to those with a direct interest and had undertaken to consider how PANI might be consulted on matters within its responsibilities which were discussed by the IC. On the other hand, prior to the Agreement, the Irish had insisted that Conference proceedings should remain confidential so that no outside body could establish a 'score-card' of requests accepted or rejected. When the NIHE had asked for an account of the IC discussion on housing, this consideration had led the Secretary of State to give an oral briefing to the Chairman.

3. In discussion it was pointed out that the Irish were now more relaxed about revealing the outline of IC discussions and would expect PANI to be consulted on the matters relevant to them. The treatment of PANI's request was likely to set a precedent for other public bodies, although it could be argued that PANI were more

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directly concerned with the IC than others because of the Chief Constable's involvement. It could also be argued that there was as yet nothing about which to consult PANI since the Government had not accepted any of the Irish proposals which in any case were not new. Any reply would have to be careful not to prejudge the consideration of how PANI might formally be consulted on proposals arising from the IC, which was being covered by the PANI Review.

4. Summing up, PUS said that the written reply to PANI should explain that the discussion at the IC was on familiar grounds and included no suggestions of which they were not already aware. Irish views should be set out along the lines of page 1 of draft 1 attached to Mr Innes' minute of 25 June. The Authority should be told that their regular meetings with the Secretary of State offered an opportunity for matters relevant to the IC to be discussed and that arrangements for consulting them were being considered in the PANI Review. The reference to the matters discussed in the IC not impinging on PANI's responsibilities should be deleted. Such a reply would be in line with the Secretary of State's comments on Mr Innes' drafts and so Ministers need not be further consulted (Action: Mr Innes). The Irish should be told through the Secretariat that PANI would be informed from time to time of IC discussions relevant to their responsibilities (Action: Mr Hewitt).

Future Strategy

5. PUS said that the impact for future strategy in the IC of the Prime Minister's meeting with the Taoiseach on 27 June and of the result of the Irish referendum on divorce needed to be assessed. The Prime Minister had made it clear that 3-judge courts, which could have been the central element of an autumn package of measures, would not be introduced unless they had the support of the Northern Ireland judiciary. This was unlikely to be forthcoming although an informal dinner with the LCJ in the near future would offer an opportunity for soundings to be taken. It was likely that an alternative package of smaller measures would need to be constructed. But the result of the Irish divorce referendum called into question whether any concessions should be made to a government which might now be very short-lived.

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6. In discussion, it was said that the Prime Minister's view on 3-judge courts was not a surprise; an alternative package of measures had been envisaged in PUS's strategy paper of 12 June. Nevertheless 3-judge courts were still before the Administration of Justice Working Group, who in fact could add nothing to the discussions they had already had until ^apolitical decision were taken. SIL were preparing a factual paper on the issues, which would include the number of extra judges that might be needed. There was no significant alternative to 3-judge courts: the Irish suggestion of a second senior judicial appointment was likely to meet even stronger opposition from the Northern Ireland judiciary. Surprisingly, however, in view of the Prime Minister's reported attitude on 3-judge courts, the Irish side of the Secretariat had the impression that her meeting with the Taoiseach had gone well.

7. The divorce referendum result had already had a beneficial impact on unionist opinion; the prospect of a united Ireland was generally seen to have receded. Although Dr FitzGerald, with the support of Labour and the Progressive Democrats, wanted to avoid an early election, that might be impossible. Mr Haughey's attitude to the Agreement, if returned to power, was unpredictable but there had been some suggestions that he would abandon it and seek to negotiate direct with unionists. Alternatively he might seek to negotiate improvements or to press for more results. Meanwhile Dr FitzGerald's uncertain position suggested that any autumn package of measures should be justified entirely on its merits - if measures were taken simply to please Dublin there was the risk, that concessions might prove impossible to deliver in return.

8. Summing up the discussion, PUS said that the Secretariat should explore further the Irish understanding of the Prime Minister's meeting with the Taoiseach and gauge their assessment of the impact of the referendum result for the Agreement (Action: Mr Elliott). Meanwhile the Dublin Embassy and PAB were also producing their own assessments, which should be completed and used as the basis for a new strategy paper which SIL should put forward to the Steering Group before the end of July. This should indicate that action on 3-judge courts, although not yet fully ruled out, was most unlikely and that a package of alternative measures should therefore be prepared. Possible candidates for this alternative package should be looked at hard, to assess whether they were still worth

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doing in the light of the changed political situation.
(Action: Mr Bell).

Stalker Inquiry and Police Complaints procedures

9. PUS explained that, as reported in Mr Elliott's minute of 30 June, the Irish had suggested that the publication of the Proposal for a Police Complaints Order should be delayed until after there were prosecutions arising from the Stalker Inquiry. The implication was that the Irish would support the Proposal, if it were delayed, but would not do so if it were published as planned in July, claiming that it did not introduce an adequately independent element. There was little prospect of early prosecutions arising from Stalker: it could well take until January 1987 for the DPP(NI) to decide his directions.

10. Summing up a short discussion, PUS said that Ministers' approval should be sought for publishing the Proposal shortly. The Irish proposals for allowing the investigating officer to be other than a police officer would undermine the newly-introduced procedures in Great Britain, antagonise the Chief Constable and be widely perceived as introduced at Dublin's initiative. The presentation of the Proposal should emphasise the significant and independent powers of supervision proposed for the Police Complaints Commission and should explain the difficulties of going further.
(Action: Mr Innes).

Social Security Reviews: Action in IC

11. PUS said that Dr Hayes had drawn attention to the special impact on the minority in Northern Ireland of the current social security proposals. While the Irish had been informed that there were proposals, their attention had not been drawn to the impact on the minority since the parity principle left no room for any changes to the proposals for Northern Ireland.

12. In discussion, it was pointed out that the SDLP were fully aware of the likely impact and had recognised the UK-wide nature of the proposals by making their representations direct to DISS(GH).

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Nevertheless it would be in the spirit of the Agreement to show the Irish that DHSS(NI) were conscious of the likely impact on the minority although the justification for the parity principle would need to be made clear at the same time. PUS asked for this to be done. (Action: Mr Elliott).

13. Mr Spence reported that the Irish had also pressed strongly to be involved, prior to publication of any consultative paper, in the proposals for enhancing employment equality. PUS said that the Steering Group had adopted the general principle that the Irish should not be given a special status above other interests by being consulted in advance on the terms of any consultative paper. Nevertheless informal discussions about the issues involved would help understanding between the two sides and could proceed. (Action: Mr Elliott to note).

Next IC Meeting

14. Mr Elliott explained that the Irish had not yet asked for a meeting in July, although he expected them to do so before long. There was, however, little to discuss and the Secretary of State seemed to wish for a break until September. Nonetheless there might be a case for seeking legal working group meetings, so as to avoid accusations of delay.

15. Summing up a short discussion, PUS said that the British side should not raise the question of the next full meeting of the IC. (Action: Mr Elliott to note). Meetings of the legal working groups should be sought, although they might prove impossible to arrange with the leave season approaching. (Action: Mr Brennan). It was important, however, to ensure that the quadripartite group met before the end of July to consider the second of the joint RUC/Garda working parties reports. (Action: Mr Stephens).

Jonathan Stephens

JONATHAN STEPHENS

PS/PUS

4 July 1986

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