

*Joanne Maxwell says - Meeting on 1 Dec postponed.
Note B/F 18/Dec/98 to deal
on rescheduled meeting*

**FROM: MRS DOREEN BROWN
CENTRAL SECRETARIAT
24 NOVEMBER 1998**

**cc Mr Smyth
Mrs McAuley
Mr McGuinness**

**Mr Canavan
Mr Layberry
Mr O'Doherty
Mr Lavery
Mr Clements
Mr Watson**

AGENDA FOR THE NEXT IGC

1. I attach a copy of the note from the British Side of the Anglo-Irish Secretariat commissioning briefing for the next IGC meeting, to be held on 1 December.
2. Paragraph 19 of the note is a reminder of the need for briefing material to be short and well focused. I would be grateful if you could have regard to that in briefing on your areas of interest.
3. Briefing is required as follows:
 - ◆ Fair Employment - Mr O'Doherty (Mr Canavan might want to provide a short contribution about the equality provisions in the NI Bill).
 - ◆ EU Funding - Mr Layberry.
 - ◆ Fisheries - Mr Lavery
 - ◆ Millennium Bug - Mr Watson on action to tackle the bug; Mr Clements on contingency planning.

4. Could you please pass your contributions to Manus McGuinness in Central Secretariat by 11.00 am on Thursday 26 November.

[Signed: DAB]

D A BROWN

☎ 28151

CONFIDENTIAL

FROM: J R FISHER
ANGLO IRISH SECRETARIAT
20 November 1998

PS/SECRETARY OF STATE (B&L)

**AGENDA FOR THE NEXT INTERGOVERNMENTAL CONFERENCE (IGC):
1 DECEMBER 1998**

Issue: Decide Agenda for the next IGC.

Timing: Urgent, to enable early preparation of briefing.

Recommendation: Approve the Agenda at Annex A, that Mr Murphy tell the First and Deputy First Minister of the intention to hold the Conference and decide whether to offer hospitality.

Venue

2. The Secretary of State has agreed to hold the next IGC in Belfast on Tuesday 1 December. The meeting, which it has been *provisionally* arranged should be held in Castle Buildings, is likely to be the last before the new BIIGC institutional arrangements supersede those of the 1985 Anglo Irish Agreement, but there can be no absolute certainty of this. The Agenda for the meeting, provisionally agreed by the Irish side of the Secretariat, is attached at **Annex A** which, if the Secretary of State agrees, copy recipients (see **Annex B** should prepare concise briefing on, and in line with guidance which reflects the Secretary of State's wishes at the end of this submission. (The Secretary of State can take a final decision as to whether an IGC meeting would be conducive to the greater good towards the end of next week).

3. The meeting has been scheduled to begin at 2.30 pm. Both Mr Ingram and Mr Murphy are available. On the Irish side, Mr Andrews will be accompanied by Mr O'Donoghue and by Ms O'Donnell. The Agenda is

meant to be uncontroversial, but it includes some matters which are to become the responsibility of the NI Executive. It would therefore be **courteous for the First Minister and Deputy First Minister to be formally told of the intention to hold the Conference.** This might best be done by Mr Murphy when he next meets them. Mr Andrews is likely to be free of engagements to accept an invitation if the Secretary of State wanted to extend hospitality to Irish Ministers but this is, of course, entirely a matter of choice. Mr Adams has a prior dinner engagement.

4. **The Conference will essentially be a stock-take of security and political issues in the wake of the Prime Minister's visit to Dublin and discussion of the way ahead.** The Irish side will want to make the last Conference a success, but lack of progress on moving to a Shadow Executive and establishing North/South Institutions (as well as lobbying by Sinn Fein) may cause them to press the Secretary of State to move more radically in a Nationalist direction, to lean hard on the First Minister, and/or for the two Governments to drive through the process. There may be criticism of the role played by the Northern Ireland Departments; as the Irish see it, in allegedly seeking to frustrate progress on North-South bodies. Accordingly, those preparing briefing should not be reticent on pointing out the difficulties faced by the First Minister (including within his own party) and the steps *we have taken* over the summer (prisoner releases, scaling down of security forces activities etc) to meet the Nationalist perspective, when the threat of terrorism (and lack of progress on decommissioning) still exists.

Media

5. The primary purpose of the Conference will be a (low key) public demonstration that both Governments are continuing to work closely together, and their joint commitment to the implementation of the Agreement, but without overselling the IGC (soon to expire) as the vehicle for their

collaboration. (Mr Bell has already minuted Mr Kelly separately on the media handling of the event).

Restricted Security Session

6. Both the Chief Constable and Garda Commissioner will report on the **state of cease-fires**, the capability of dissidents on both sides to return to violence and the scale of **punishment attacks** by paramilitaries. Given that the last IGC was held in March, reference is inevitable to events this Summer, most particularly bombings in Newtownhamilton (June), and in Banbridge and Omagh (both August) as well as events at Drumcree in July. The Irish side remain concerned about the capabilities of Protestant paramilitary groups and earlier threatened attacks in the Republic. These concerns have been heightened by the recent murder of Brian Service in North Belfast by the Red Hand Defenders.

Political matters - Implementation of the Agreement

7. The passage of the **Northern Ireland Bill** through Parliament and Irish Government views on its provisions can be expected. But main Irish side attention will be failure to meet the 31 October deadline for formation of a **shadow NI Executive and establishment of North/South Implementation Bodies**. They will want to break the present impasse as much as we do. They can be expected to press for movement by the UUP on both issues and, inevitably, **decommissioning** will feature here (and, although yet to be agreed with the Irish, probably also and explicitly as a 'confidence measure' under Agenda Item 3) as well as progress on establishing the **British Irish Council** (to which the Irish have so far given little thought). The Irish will be

interested in assessments on the extent of Mr Trimble's vulnerability within his own party, and will want to report on the outcome of their latest contacts with Sinn Fein (and the First Minister).

Confidence Issues

8 On **policing**, the Irish side will be looking for views on the progress and likely outcome of the Patten Commission on Policing, and the implications of its likely recommendations. They may want to put on record their own views (no less clearly, in the light of the Jim Cusack stories, and their apparent Dublin sourcing). Ministers may wish to re-affirm the *independence* of Patten from *both* Governments. The Irish Side will seek reassurances over the proposed time tables and resources for setting up the proposed Complaints Ombudsman (including when the post is to be publicly advertised) and what will be the transitional ICPC arrangements.

9. On **normalisation of security arrangements**, the Irish Side are already aware that the views they have put forward are to be accommodated in the Security Strategy Paper. This is most unlikely to have been published by the time the Conference meets, although the Irish should have seen a revised draft. The Irish side can also be expected to raise Army force levels, levels of patrolling (Belfast and rural areas) and the scope for dismantling border security installations especially in South Armagh.

10 On **criminal justice issues**, the review team met Irish officials in Dublin in mid October. The Irish Side are likely to ask about the progress of the review, target dates, when consultation is likely to take place with the political parties (and other bodies), and when publication of the Review's developing thoughts is likely. They will seek an assurance that they will have the opportunity to make a further input.

11 On **prison issues**, the Irish Side will want to take stock of the programme of releases which have so far taken place and the likely rate of future releases under the NI (Sentences) Act. The Secretary of State may want to remind the Irish (again) of the growing political difficulty this is causing especially in Great Britain, in the absence of movement on decommissioning. They will discuss intentions with regard to specification of INLA under the legislation. The Irish side may also want to register their views on the cases of Guardsmen Fisher and Wright under this heading, and the present state of play on the repatriation of some half dozen prisoners to the Republic of Ireland from jails in GB whose applications are outstanding.

12. On **firearms**, British and Irish officials recently met at Maryfield to discuss the respective reviews being undertaken in both jurisdictions, and exchanged views on a wide range of aspects affecting the issue of firearms certificates (including the criteria followed for and conditions attached to their

issue, period of validity, and use made of visitors certificates) but what could be of serious interest to the Irish Side are intentions in regard to personal protection weapons and possible reciprocal recognition of certificates issued by the authorities in NI, GB and the South.

13. On **parades**, the Irish will want to review this Summer's marching season especially Drumcree and the outlook for next year. They will be especially interested in the present situation in Portadown.

14 Of **individual cases** of concern to the Irish Side is the current state of play on the Derryhirk Inn incident (March 1997), the murder of Robert Hamill in Portadown (April 1997), the case of [REDACTED] (an SDLP councillor) and [REDACTED] (court action against the RUC). We are encouraging the Irish not to waste time on ancient grievances.

Rights and Equality

15. The Irish Side have hitherto been exercised about the powers of the NI **Human Rights Commission** and that its membership should reflect community balance. They will want 'to mark progress' towards its establishment, not least because of the need to introduce legislation in the Dail before Christmas to establish a comparable body in the South.

16. The Irish Side are anxious to learn how matters now rest with intended changes to **fair employment** legislation following publication earlier this year of the Consultation Paper 'Partnership for Equality'. Their last information was that it was intended to proceed to legislate by way of Order in Council but they will be aware that, generally, no major reforms in the devolved field are being taken forward without consultation with the First and Deputy First Ministers.

EU Funding Prospects

17 The Irish Side are anxious to learn, as the Secretary of State knows from her recent dinner at Maryfield, what negotiations are taking place and what our hopes are in relation to Objective One status funding for NI, further Peace money or any other package of financial aid. The Irish have their own problems and are contemplating new regional arrangements to continue EU Funding for the West and Border counties. The Irish are allies in seeking to maximise funding for NI. But what we are seeking to avoid is a situation where Northern Ireland comes off demonstrantly worse than eg the Irish West.

Other Business

18. The Irish side are aware that on **broadcasting** decisions on extending RTE reception to NI are imminent but they are likely to register that, even when this takes place, there are likely to be (in their view) significant pockets of nationalist viewers who will be unable to receive Irish TV channels. (Briefing, will need to cover Irish side delays in finalising the agreement over Clermont Carn owing to their apparent wish to include TV3 in the package). The subject of **fisheries and the Hague Preference** was discussed at Maryfield last week following a long delayed Irish response to an earlier British paper. It is too early to say whether this will be a 'take note' item or, more likely one on which the Secretary of State will need to press the Irish Government for concessions or just to get some movement. Officials also recently met at Maryfield to discuss the **Millennium Bug** and by the time the Conference meets both Prime Ministers may have used the opportunity in Dublin on 26 November to raise public awareness of the problems. A case exists for closer co-operation with the Irish especially, the Irish acknowledge, in the area of contingency planning. Although not mentioned on the formal agenda, the Irish are likely to raise **Coolkeragh** and the vexed question of gas v. electricity in the North West. The Irish Side may raise the question of the cost of legal representation at the **Bloody Sunday Tribunal Inquiry** when reviewing where we now stand.

Briefing

19. **Briefing material prepared by some divisions for the last meeting of the Conference could have been both shorter and better focused.**

Each item requires no more than one A4 page brief setting out in 'bull point' form; key points in bold to be made in response to likely Irish concerns; and, separately but equally briefly, only such supplementary factual material as is absolutely necessary. Briefs which fail to meet these requirements will be ruthlessly edited by the Secretariat.

20. To enable the Secretariat to provide a strategic steering brief, I should be grateful if material is sent to Jackie McGimpsey in the Secretariat as soon as possible, and in no case, **no later than close of play Thursday 26**

November.

Signed:

J R FISHER

J R FISHER
(01232) 427532

MEETING OF THE INTERGOVERNMENTAL CONFERENCE, BELFAST
TUESDAY 1 DECEMBER 1998

DRAFT AGENDA

- 2.30 pm Arrival of Irish Minister for Foreign Affairs, Minister for Justice and accompanying delegation and photo-call
- 2.40 pm Tête-à-tête
- 3.00 pm Restricted Security Session
- 3.30 pm Plenary
1. **Political Matters (including overview of implementation of the Agreement).**
 2. **Confidence Issues:**
 - [Decommissioning]
 - Policing
 - Normalisation of Security arrangements
 - Criminal justice review
 - Prison Issues
 - Firearms
 - Parades
 - Individual Cases
 3. **Rights and Equality:**
 - Human Rights Commissions
 - Fair Employment
 4. **EU Funding**
 5. **Any other Business**
 - Broadcasting
 - [Fisheries-Hague Preference]
 - [Millennium Bug]
 - Bloody Sunday

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5.30 pm

Press Conferences (Minister for Foreign Affairs to go first)

ANNEX B

BRIEFING FOR 160 18 NOVEMBER 1999

Residual Security Section

Mrs Schulzfeld

Political Matters

(Including Implementation of Agreements)

Mr Stephens

Confidence Issues:

Deportation/Expulsion

Mr Leach

Passing

Mr Lindsay

Normalisation etc.

Mr Leach

Criminal Justice Review

Mr O'Neill

Prison Issues

Mr Collins

Firearms

Mr Lindsay

Expats

Mr Leach

Individual Cases

Mrs Schulzfeld

Rights and Equality

Human Rights Commissions

Mr Beaton

Fair Employment

Mrs Brown

EU Funding

Mrs Brown

Other Business:

Broadcasting

Mr Brauke

Fisheries

Mrs Brown

Millennium Day

Mrs Brown

BRIEFING FOR IGC 19 NOVEMBER 1998

Restricted Security Session

Ms Scholefield

Political Matters

(including implementation of Agreement)

Mr Stephens*

Confidence Issues:

[Decommissioning

Mr Leach*]

Policing

Mr Lindsay

Normalisation etc

Mr Leach*

Criminal Justice Review

Mr Daniel*

Prison Issues

Mrs Collins

Firearms

Mr Lindsay

Parades

Mr Leach*

Individual Cases

Mrs Scholefield

Rights and Equality:

Human Rights Commissions

Mr Beeton

Fair Employment

Mrs Brown*

EU Funding

Mrs Brown*

Other Business:

Broadcasting

Mr Brooker

Fisheries

Mrs Brown

Millennium Bug

Mrs Brown

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Bloody Sunday

Mr Beeton

* For co-ordination and delegation. Please inform AIS who is actually briefing, if not themselves.

MR TERRY
MR GIBSON
MR WATSON
MR GILL
MR BROWN
MR DANIEL
MR HAYWARD
MR KELLY
MR LEACH
MR STEPHENS
MR BRYSON
MR BROOKER
MR COLLINS
MR GILL
MR HENRY
MR MADGALL
MR PRINGLE
MR SCHUBERT
MR THOMAS
MR SEAR
MS MCGIBBON
MR PERKINS
MR WILSON
MR WATSON

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