

ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE

NOTE OF A MEETING HELD AT STORMONT CASTLE ON TUESDAY, 17 JUNE 1986

British Side

Mr King
Mr Scott
Sir Robert Andrew
Mr Bloomfield
Mr Brennan
Mr Stephens
Mr Elliott
Mr Templeton
Mr Daniell
Mr Hewitt
Mr Clark
Miss Steele

Irish Side

Mr Barry
Mr Dukes
Mr Donlon
Mr Ward
Mr Lillis
Mr O'Tauthail
Mr O'Brien
Mr Ryan
Mr O'Donovan
Mr Collins

(Sir John Hermon, Chief Constable of the RUC, attended for items 1 and 2 : Mr McMahon, Deputy Commissioner of the Garda Siochana, attended for item 1).

Cross-Border Security Co-operation

1. The Conference began by considering the progress made in developing a programme of work under Article 9(a) of the Agreement and took note of the report (copy attached) submitted by the Secretariat. Mr King welcomed the completion of the joint RUC/Garda report on intelligence matters which he described as an impressive and encouraging document. Emphasising the importance of improved security co-operation, he said that the two police forces should now concentrate on producing an agreed programme aimed at implementing the report's recommendations.

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2. Sir John Hermon paid tribute to the senior police officers responsible for producing the joint report : they had done a good job and their recommendations had been agreed in principle by both forces. Having completed the report, they would now be responsible for ensuring that its recommendations were fully implemented. This would involve a significant re-organisation and rationalisation of Garda resources in the border area. He welcomed the production of an agreed threat assessment which he regarded as a particularly important aspect of the report. Mr McMahon said that the Garda Commissioner was fully committed to the report's findings and was determined to enhance the force's operational capabilities. The strength of the Garda Detective Units in each of the four border divisions would be increased and the covert surveillance capacity enhanced. A feasibility study would be undertaken to ensure the proper implementation of the report's recommendations on secure communications. Although it had been decided not to appoint an additional Assistant Commissioner with sole responsibility for intelligence matters, consideration was being given to transferring each of the four border superintendents to the detective branch. Finally, it had been agreed that the additional uniformed men, posted temporarily to the border area in September 1985, should now be withdrawn.

3. During further discussion, Sir John Hermon said that a paper on the threat posed by Loyalist paramilitaries had been prepared by the RUC and would be forwarded shortly to the Garda Siochana. The Loyalist paramilitary organisations were well penetrated and intelligence about their intentions and capabilities remained good. They could be expected to continue attacks against Catholic schools and businesses, members of the RUC and the homes of moderate Protestants. Mr King said that the withdrawal of uniformed men from the border divisions could have a damaging presentational impact and needed careful handling. Mr McMahon said that they would be phased out gradually over a period of weeks as surveillance operations were intensified. Their deployment had been a temporary measure and had not proved particularly successful.

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4. The Conference noted that two further RUC/Garda reports were nearing completion. A report dealing with operational matters would be finalised within the next few days. The joint study on support services, training and legal matters would be completed by the end of July. Following agreement between the Chief Constable and the Garda Commissioner, the reports would be considered by the quadripartite group and then brought forward to the Conference.

Relations between the Security Forces and the Community

5. Mr Barry said that, in the view of the Irish Government, improvements in the relationship between the Security Forces and the community were crucial to the success of the Agreement. He was impressed with the work already being done by the RUC in the field of community relations but additional measures were required. A number of issues had received preliminary consideration in the Secretariat and further meetings were planned. Amongst the issues already identified where the Conference had failed to produce results were the new police complaints procedures, the accompaniment of army patrols and the RUC Code of Conduct. He was also concerned about the practice of strip-searching and the use of plastic baton rounds.
6. Mr Barry said that the Irish Government still did not believe that the proposed new complaints procedures for Northern Ireland would command support in the minority community. In particular, they felt that the independent element in the complaints procedure should be strengthened. This could be done by retaining the power to hold tribunals under Section 13 of the Police Act; and by allowing supervisory members of the new Complaints Authority to play a greater role in the investigation of serious complaints. Mr Scott explained that representations on the subject of police complaints had been received from local political parties and interest groups in Northern Ireland as well as from the Irish Government. As a result, a number of modifications had been made and a Draft Order was now in preparation. On balance, it had been decided that Section 13 tribunals should be scrapped. Only one such tribunal had ever been established and it had proved ineffective. Instead, an entirely new power would be introduced whereby, in public interest cases, the Secretary of State or the Police Authority would be able to instruct the new

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Complaints Authority to undertake an investigation even if no formal complaint had been made. The new procedures would have a strong independent element and would be based on similar arrangements recently introduced in England and Wales. Important cases would be supervised by a member of the Complaints Authority : in addition, the Chief Constable would be empowered to ask a senior officer from a mainland force to investigate serious complaints. The Draft Order would be published shortly giving a further opportunity for representations to be made. Publication could not be delayed but the British Side would listen to any further points the Irish wished to make through the Secretariat.

7. Mr Barry asked what progress had been made with the new RUC Code of Conduct which the Irish Side had expected to be promulgated earlier this year. Sir John Hermon explained that, following consideration of the matter by a sub-committee of the Police Authority, a draft Code had been sent to the Police Federation and the Superintendents Association for comments. The next step would be to seek the approval of the Police Authority as a whole. It was essential to proceed with caution and to ensure that the introduction of the Code was supported by all those involved.
8. Sir John Hermon said that the policy of accompanying Army patrols, which had been in force since the mid 1970s, was being strenuously pursued. The demands placed on the RUC by the increased security threat meant that there were insufficient resources available to ensure that all patrols were accompanied. Nevertheless, priority was being given to the more sensitive areas. Mr Barry said that it would be very helpful to have up-dated figures on the percentage of patrols being accompanied. Mr King replied that such figures were not currently available. The RUC did not have the resources to maintain the necessary statistics and, in any case, the figures were likely to be distorted over the coming months by emergency deployments in response to the security situation. The earliest that statistics could be prepared was after the marching season in September but it was essential that the figures were meaningful and that their basis was thoroughly understood. Mr King explained that new physical security arrangements, due to be completed shortly, would mean that it would no longer be necessary to mount unaccompanied UDR patrols in the Castle Street area. No publicity should be given until after the work was finished.

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9. Mr Barry asked why the new guidelines governing the use of plastic baton rounds in England and Wales could not be applied to Northern Ireland. Mr King explained that the guidance issued to the RUC was similar to that which was issued to mainland forces and was based firmly on the doctrine of minimum force. The differences of emphasis in the RUC guidelines were the result of the very different practical circumstances in Northern Ireland. Plastic baton rounds had never actually been used in Britain whereas in Northern Ireland the threat of serious public disorder was much higher. It was therefore inevitable that different guidance should be required.
10. Mr Barry said that the Irish Government had been disappointed to see a recent increase in the number of strip searches carried out on female prisoners in Northern Ireland. Mr Scott replied that the number of discretionary searches had actually fallen in the last three months from 18 in March 1986, to 16 in April and only 14 in May. Automatic searches which were carried out whenever a prisoner was discharged from or received into custody had however been unexpectedly high in April.

Electoral Matters : 'I' Voters

11. Mr Scott said that, following consideration of proposals put forward by the Irish Side, it had been decided that the franchise for district council and Assembly elections in Northern Ireland should be brought into line with that for Westminster elections. This would remove the anomaly whereby about 8000 Irish citizens resident in Northern Ireland, the so-called 'I' voters, were prevented from voting in local elections. For Assembly elections, the change could be made by Order in Council and it was intended that such legislation should be brought forward in the Autumn. For district council elections, primary legislation would be required and a suitable vehicle would be sought before the next round of elections in 1989. Mr Barry said the proposed changes were very welcome. He wondered if the British Side had yet reached a conclusion on the possibility of amending the disqualification rules so as to allow simultaneous membership of the Assembly and the Irish Senate. Mr King said that no final decision had been taken on this issue although it would be a more difficult proposition because of the implications for the House of Commons Disqualification Act 1975.

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The position of the Irish Language

12. Mr Scott said that the British Government recognised and supported the wish of individuals in Northern Ireland to speak and use the Irish Language but not to the extent of promoting a bilingual society. It was therefore Government policy to show respect for the Irish language and to respond to demand through the education system and through support for the arts. Facilities for learning Irish were also provided in the prisons. Although there was no official estimate of the number of people in Northern Ireland who had knowledge of Irish, the number was thought to be small. There were no native Irish speakers and everyone in Northern Ireland spoke English. Against this background, the Government had carefully considered the proposals put forward by the Irish Side at the Conference meeting held on 10 January. As a result, the Government had decided to give further thought to the case for allowing Irish place names to be used. One possibility was to sponsor the preparation of an Irish version of the Northern Ireland Ordnance Survey Map. Work would also begin on a practical scheme to permit the residents of a defined district to display street names in Irish as well as English if they so desired. Dual language road signs would not be introduced and the British Side felt that there was no need to give the Irish language parity of esteem in official business or the courts. In view of the absence of precise information on the number of Irish speakers in Northern Ireland, a question about knowledge of the language would be included in the 1987 Continuous Household Survey and consideration would be given to including a question in the 1991 Census. Finally, the Government would invite the Arts Council for Northern Ireland to consider whether there was greater scope for giving financial assistance to Irish cultural activities. These proposals were welcomed by the Irish Side. Mr Barry said that any measures taken by the British Government to promote the Irish language would deprive Sinn Fein of a valuable propaganda weapon.

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Legal Matters including the Administration of Justice

13. The Conference noted the further progress reports (copies attached) submitted by the two legal Working Groups. Mr King said he understood the strength of feeling on the issue of three-judge courts. He had recently discussed the matter with John Hume of the SDLP and he was aware of the points made by Dr Fitzgerald in his meeting with Sir Robert Armstrong. There were considerable practical and political problems but the proposal would be carefully considered by the British Side.
14. Mr Barry said that the introduction of three-judge courts for all non-jury trials was an essential prerequisite for the delivery of effective extradition legislation in the South. Unless major changes were made in the administration of justice in Northern Ireland no such legislation could be passed. In answer to a specific question, Mr Dukes explained that a constitutional challenge to any new extradition legislation could not be ruled out although, given recent developments in Irish case law, such a challenge was unlikely to succeed. Mr King emphasised the need for effective extradition arrangements. He said it would be disastrous if Irish legislation passed by the Dail were to fall at the constitutional hurdle.

Cross-Border Economic Co-operation

15. Mr King said that following the recent meeting between Mr Needham and Mr Boland the British Side understood the desire of the Irish Government to go ahead with the Newry/Dundalk road. In Northern Ireland terms, the project did not have a high priority and, in any case, it appeared to be unpopular with local residents. There was also the possibility that the road would become a target for terrorist attack. Mr Mallon of the SDLP had promised to re-examine local attitudes and report back to Mr Needham. The Government would continue to keep an open mind on the subject and to consider the possibility of using any international funds which became available to finance the project. Mr Dukes said that, if it were built, the road would be an important symbol of increasing economic co-operation between the two parts of Ireland. He thought that local opposition was not significant.

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Current Issues

15. Mr King said that a number of Northern Ireland affairs were due to be discussed at Westminster. The future of the Assembly and the Interim Period Extension Order would be debated on 18 June. The renewal of the Emergency Provisions Act would take place shortly and would provide an opportunity for the Government to announce its proposals for amending the legislation.

Joint Statement

16. A joint statement (copy attached) was agreed and issued after the meeting.
17. The meeting which began at 11.30am finished shortly before 2.15pm.