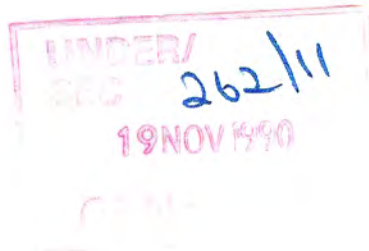


C O N F I D E N T I A L

SP/12272/90/DR

FROM: STEPHEN POPE
15 NOVEMBER 1990

cc PS/Minister of State (B&L) - B
PS/PUS (B&L) - B
PS/Sir K Bloomfield - B
Mr Ledlie - B
Mr Pilling - B
Mr Alston - B
Mr A Wilson - B
Mr Spence
Mr Hamilton - B 19/11
Mr Thomas - B
Mr Wood (B&L) - B
Mr Dodds
Mr Cooke - B
Mr Bell - B
Mr Daniell - B
Mr D A Hill - B
Mr McNeill - B
Ms Lodge - B
Mr McKervill - B
HMA, Dublin
Mr Archer - B
Mr Appleyard, Cabinet Office
Mr Kennedy, Cabinet Office
Mr Gowan, Cabinet Office
Mr Cowper-Coles, Washington



PS/Secretary of State (B&L) - B

IC(90)5 - INTERNAL RECORD OF THE INTERGOVERNMENTAL CONFERENCE HELD
IN LONDON ON 25 OCTOBER 1990

7. I attach the finalised Plenary Record of the Anglo-Irish Conference held in London on 25 October, including amendments suggested by Ministers and officials to whom the draft was previously circulated.

[signed]

STEPHEN POPE
15 NOVEMBER 1990

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INTERNAL PLENARY RECORD

IC(90)5

RECORD OF THE ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE PLENARY
SESSION HELD AT NORTHERN IRELAND OFFICE (LONDON)
ON 25 OCTOBER 1990

Present:

	<u>British side</u>	<u>Irish side</u>
Ministers:	Mr Brooke Mr Cope Mr Needham*	Mr Collins Mr Burke Mr Molloy*
Officials:	Mr Chilcot Sir Nicholas Fenn Chief Constable Sir Kenneth Bloomfield Mr Pilling Mr Ledlie Mr Archer Mr Pawson Mr Gibson*	Mr Dorr Mr Matthews Garda Commissioner Mr O'Rourke Mr Gallagher Mr Brosnan Ms Anderson Mr Murphy
Secretariat:	Mr Alston Mr Dodds Mr Pope	Mr O Donovan Mr Nason Mr Crowley Mr Molloy* Mr O'Muiri Mr Reeves

UNDER/
SEC

19 NOV 1990

CENT SEC

* for part of the session

The Conference convened in plenary session to discuss political development immediately after the tete-a-tete. A restricted security session then took place, followed by the full plenary session which began at 8.00 pm. At the start of the full plenary session it was agreed by the Joint Chairmen that political development had been adequately covered in their previous discussion (which had been attended by officials) and that there was no need to raise it under the full plenary agenda.

STEVENS INQUIRY

2. Mr Brooke said that Mr Stevens' inquiry had been conducted at the request of the Chief Constable and had been independent,

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thorough and wide ranging. The results of the Inquiry had been passed to the Director of Public Prosecutions who was, of course, an independent officer in Northern Ireland just as his counterpart was in the Irish Republic. Any decisions that he took were entirely for him. It was important to maintain the separate identity of the prosecuting authorities which was a vital part of an independent legal system, crucial to the protection of human rights. Mr Stevens' main aim had been to investigate the many allegations of collusion which had been made, to identify shortcomings in procedures and to recommend improvements. As a result of the inquiry, some charges had arisen which were not, in themselves, particularly serious, such as the holding of excess amounts of ammunition above that allowed by a firearms certificate. The Chief Constable gave a brief account of the present position of the Stevens Inquiry. Mr Stevens had made 83 recommendations of which 63 (representing 76% of the total) had been completed compared with the 60% completion level which he had been able to report last time. The Director of Public Prosecutions had reached some decisions on charges, supporting 10 against members of the Security Forces but dropping charges against 5 others. The Chief Constable reiterated that there was no change in his stance vis a vis the Stevens Inquiry, which would continue to be facilitated and assisted by all agencies in Northern Ireland.

3. Mr Collins said that he was amazed at the decision taken by the Director of Public Prosecutions to drop charges against 5 individuals. While he had full regard for the independence of the Director of Public Prosecutions the fact remained that this was a major confidence issue and public perceptions would not be favourable. It was regrettable that some linkage had been made between the decision of the Director of Public Prosecution and the case of Mr Nelson and this raised doubts about the effectiveness of the Inquiry generally. Mr Collins continued by saying that he understood that further cases were pending and asked whether they were likely to pose difficulties on the same lines as those thrown up by the Nelson case. The Chief Constable said that the Director of Public Prosecutions was dealing with some 50 cases, some of which had been disposed of with prison sentences having been awarded. It

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was not right to attempt to draw conclusions about the alleged background of Mr Nelson and the dropping of charges. The main concern of the Director of Public Prosecutions was whether the evidence of one individual with a criminal record would be sufficient to sustain a case against another individual.

4. Mr Collins again said that he recognised the independence of the office of the Director of Public Prosecutions and had, indeed, had to defend this independence himself. It remained a fact, however, that there was a public perception of some linkage between the Director's decisions and Nelson's background. There was growing cynicism among members of the Nationalist community about the effectiveness and the course of the Inquiry and widespread concern that Nelson would eventually plead guilty to only minor charges and would then be allowed to serve his sentence in a mainland UK prison.

5. Mr Collins then said that he had referred, at the last Conference, to agreement reached at the Conference held on 7 July that officials from both sides would meet and that any confidence issues raised would be investigated and reported upon. He and his colleagues had detected a reluctance on the British side to follow this agreement and he asked that the decision taken at that Conference should stand and that a meeting should be arranged as quickly as possible.

6. Mr Brooke responded by saying that a decision was still outstanding as to the format of the reporting process. The Chief Constable agreed and said that once this had been resolved he would not resist a detailed Question and Answer session on confidence issues at the next Conference meeting. Mr Collins reiterated by saying that it was an established fact as far as the Irish side were concerned, that there was an agreement that officials should meet. This had not happened and he asked that the records be checked to establish the facts of the decision, since the lack of a proper discussion was inhibiting discussion between Ministers in the forum of the Conference. The issues would not go away. Time had not been allotted at this Conference given other pressures but time would need to be set aside at a future Conference for a full and detailed

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discussion. The current arrangements had led to the Irish side feeling sidelined, while their freedom to discuss matters openly was being inhibited.

7. Mr Brooke said that while he did not wish to introduce any degree of friction into the discussion he was genuinely unable to recall such an agreement and, rather than discuss the issue in the present forum, he would be happy for officials to check the facts and consider how best to give an appropriate presentation.

Mr Brooke said that he fully understood Mr Collins' desire to be kept apprised of developments and that, since a spirit of cooperation was present, he had no doubt that a way forward could be found.

ACCOMPANIMENT

8. Mr Brooke confirmed that the British side had agreed that they would give detailed figures on accompaniment at the next Conference.

9. Mr Collins said that the Irish side attached great importance to an RUC presence with UDR patrols on all occasions of direct contact with the Nationalist community, except in the most exceptional circumstances. The question of accompaniment was seen by Nationalists in the same light as that of harassment and frequent representations were made to Irish Ministers. Mr Eddie McGrady MP had made strong representations alleging a complete absence of accompaniment of UDR patrols in the South Down area and it was felt this reflected badly on the Irish Government, on the SDLP and on the Anglo-Irish Agreement itself. Mr Collins continued by saying that he would like to be in a position to reassure the Nationalist community in Northern Ireland on this issue and looked forward to Mr Brooke's response.

10. Mr Brooke said that he wished to put it on record that he had received no complaints of failure to accompany UDR patrols in the South Down area and that Mr McGrady had not approached Mr Cope on this subject either. The Chief Constable said that despite Mr Collins' suggestion that Mr McGrady's allegations would put him

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(Mr Collins) in a position in which he could not reassure the Nationalist community on this issue he himself was able to offer such reassurance and would provide Mr McGrady with figures if the latter made an approach. A failure to make this approach could only lead to the allegations being considered as groundless.

11. Mr Collins said that Mr McGrady had complained over a period of some months up to early September about RUC failure to accompany UDR patrols both to himself and through the Secretariat.

12. Mr Brooke said that he had no record of such approaches. Mr McGrady had consistently approached British Ministers on local issues such as roads and hospitals and Ministers had been happy to deal with his inquiries. Any inquiries on accompaniment would have been dealt with in the same way. Mr Cope agreed, Mr McGrady had frequently corresponded with him, and had met him to discuss, a wide range of issues and always received a response - checks would need to be made on his allegations.

13. Mr Collins reiterated that he had checked and had been assured that complaints had been made by Mr McGrady. The matter should be looked into. He would welcome statistics and a specific breakdown of the levels of accompaniment. These were all the more important since the deployment of the UDR in Nationalist areas, especially in and around Coalisland, had caused a significant level of complaints from a number of responsible people in these areas, and reassurance needed to be offered here as well.

14. Mr Brooke confirmed that the British side would look specifically at the record of complaints received by the Secretariat to establish whether any had, in fact, been received from Mr McGrady.

THE COLVILLE REPORT AND THE EPA

15. Mr Collins said that Lord Colville's report had been discussed during the tete-a-tete and it was agreed that officials should meet urgently to discuss the Emergency Provisions Bill. The Irish side

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had already conveyed their views on the Colville report and remained of the firm view that the Emergency Provisions Act should only contain measures which were indispensable. The Emergency Provisions Bill as drafted appeared to contain much more than had been contained in Lord Colville's report while areas recommended by Lord Colville had been omitted. It was the view of the Irish side that some provisions could cause harm to relationships with the Nationalist community and would alienate that community from what both Governments were trying to achieve. It was only today that the Irish side had heard of the British side's intentions, which included 7 or 8 new provisions. Mr Collins continued by saying that the Irish side had not been given the opportunity, under Article 2b of the Agreement to put forward views on this issue. If they were denied this opportunity they would have little option but to discuss the matter publicly.

16. Mr Brooke said that there appeared to be a degree of misunderstanding as to what had been proposed in terms of briefing. It remained the case that the British side were always prepared to offer briefing on a confidential basis through the Secretariat if required and were still interested to hear the views of the Irish side. He understood Mr Collins' concern about the timetable for introduction of the Bill but reiterated that he had made the timetable very clear at the Conference in September. He saw no difficulty with an early meeting of officials from both sides in order that the Irish side could be adequately and further briefed.

17. Ministers then turned to economic and social matters.

TOURISM

18. Mr Brooke noted that the Tourist Boards in Northern Ireland and in the Republic of Ireland had recently submitted proposals to their relevant Departments for the expansion of cooperation. This topic would be kept under review.

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TRANSPORT

19. Mr Brooke noted that draft terms of reference on the question of a study had been produced, albeit belatedly. It had been over 3 months since this issue had last been discussed and the British side remained concerned at the apparent lack of urgency from the Irish side. He wished to register his disappointment at the lack of speed displayed by the Irish side.

20. Mr Collins noted that there was an obligation on both sides to move ahead as quickly as possible.

INTER-REG

21. Mr Brooke noted with approval that officials were working closely together to develop proposals for a draft programme to be lodged with the Commission later this year, that consultations were proceeding and that a joint Conference of parties in the eligible areas would take place on 9 November. Mr Brooke stressed that he remained concerned about the extent to which expectations were being raised both by the Commission and by others about what was likely to be only a relatively modest programme. Both Governments would need to agree on what might be said about the sum of 70 mecu to be allocated. He was particularly concerned about the possibility that expectation in border areas should not be allowed to become too high. Sir Kenneth Bloomfield noted that such expectations were likely to be higher on the Northern Irish side of the border and would cause difficulties. There would need to be close discussion on the Public Relations aspect.

22. Mr Collins said that expectations were being raised both on the amount of money likely to be made available and on the possibility of an extension of disadvantaged areas. The Irish side would do nothing which could conceivably raise expectations further.

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NEXT CONFERENCE

23. Mr Brooke then raised the question of possible subjects for the next Conference. So far as agriculture was concerned, there remained a need for considerable discussion and debate through the Secretariat before a useful and constructive Conference discussion could be held. He felt that agriculture should not be further considered as a subject for the next meeting.

24. Mr Collins agreed that agriculture was presently a difficult subject to handle easily and discussion at the next Conference might not prove useful. His Ministerial colleague with responsibility for environmental matters had, however, asked that consideration be given to including the subject of hazardous waste disposal for discussion at the Conference, after next.

25. Mr Brooke said that this could be acceptable and asked whether it was likely that work could be completed in time for the next Conference on, for example, the various health projects which had been discussed between Mr Hanlon and Lord Skelmersdale. He believed that one or more of these might be ready in time but inclusion was contingent on progress. Mr Collins thought that these subjects might not be ready for discussion at the next Conference. It would be helpful to leave agriculture for the time being not least because the Irish Government were currently under some pressure in dealing with the GATT negotiations, which were likely to last until December.

26. Mr Brooke suggested that both sides should operate on the basis that the Conference after next could consider hazardous waste disposal and, possibly, health, contingent on progress and that work should be set in hand on preparing for a discussion on agriculture at a subsequent meeting.

48-HOUR SHOPPING RULE

27. Mr Brooke expressed the disquiet of the British side at the continued maintenance of restrictions on cross border shopping. His disquiet was compounded by the fact that the European Court judgment

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had been given some 6 months ago. The present situation was unfair to both traders and consumers. Mr Brooke referred to the speech recently delivered by the Taoiseach at Bodinstown (7 October) which touched on the opportunities for citizens of both Northern Ireland and the Republic of Ireland as "common citizens of Europe" and said that the maintenance of artificial barriers such as the 48-hour rule could only delay the implementation of greatly increased incentives and the achievement of prosperity.

28. Mr Collins replied that the matter was in the hands of Ecofin but that his colleagues with responsibility for financial matters in the Irish Government were in close touch with the UK Chancellor of the Exchequer to seek an official level bilateral on a derogation. He would welcome reassurance from the British side that they would not oppose such a derogation but had every confidence that his financial colleagues and the Chancellor of the Exchequer would reach agreement on a temporary derogation through Ecofin.

29. Mr Brooke said that were he an Irish Minister he would be more than a little embarrassed to receive repeated reminders of the time that had elapsed since the European Court ruling and expressed the view that, given this lapse, any further delay in implementation would lead to Irish credibility wearing thin.

FAIR EMPLOYMENT

30. Mr Collins expressed Irish concern at the recent ruling by the Fair Employment Tribunal. It was likely that this would delay up to 100 outstanding cases of alleged discrimination. This was unfortunate since Nationalist perceptions of the scale of discrimination in which employment had led directly to large scale alienation. Much of the credibility of the UK Government in Europe and the United States was wholly dependent on the success of the Fair Employment legislation and it was essential that action be taken to remedy the problem by amending legislation. Mr Collins said that he understood that the Order in Council procedure could be followed to bring about an amendment or that the offending section of the Fair Employment Act could be repealed.

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31. Mr Brooke said that he was aware of the difficult history of this case. Richard Needham had met the Fair Employment Commission and officials had discussed the issue with members of the Secretariat. The issues were difficult since there was a basic commitment to preserve the confidentiality of private information obtained for monitoring purposes. That said, it was planned to issue, shortly, a letter to the main interest groups which would examine the problem and seek comments within a month. Following that consultation process, the approval of Parliament would be sought as soon as possible in order that the necessary changes could be made.

DATE OF NEXT MEETING

32. Mr Brooke asked whether discussions had taken place within the Secretariat on the date of the next Conference. Mr Collins said that he believed that none had taken place as it had been assumed that this was an issue in which Ministers themselves would want to take a hand. He looked forward to a Conference in November and possibly another before Christmas. Mr Brooke suggested that since the next Conference was likely to be a long one, it might be possible to fit a shorter one in before Christmas - the key was be to find dates which could be protected.

33. It was then agreed that the next Conference should be held on Friday, 30 November in Belfast starting at 10.30 am, breaking for lunch, and with an afternoon session which should finish by mid to late afternoon. No decision would be taken on a Conference in December at this stage, but Ministers confirmed that they would be content not to have a Conference before Christmas on the assumption that one would be held in January.

ANY OTHER BUSINESS

34. Glor na nGael Mr Collins said that a discussion on Glor na nGael had already been held as part of the tete-a-tete.
Mr Brooke confirmed this. It was now for the British side to

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come back to the Irish side about the provision of more details about the background to the decision.

Irish Street Names Mr Collins recalled that he had written on 7 August about this subject. It might be best to return to it at a later stage. Mr Brooke said that this issue had last been looked at in depth in 1988 but that a review and study were underway. It might be more productive to report that at the next Conference. Mr Collins agreed.

Crossmaglen Mr Brooke asked whether the Irish side wished to say anything on this subject. Mr Collins accepted that the onus was on the Irish side to bring the subject forward once they had conducted detailed soundings locally.

Extradition Mr Brooke said that he would be grateful for a short discussion on extradition having raised expectations of such a discussion in the House of Commons on the previous day in response to questions following his statements about the bomb attacks at Newry and Londonderry. It was his impression that the Working Group believed that it had got as far as it could with its discussions.

Mr Burke said that there was one particular case of concern, that of Ellis on whom the High Court had ruled and on whom a Supreme Court decision was awaited. Ellis was now 2 weeks into a hunger strike and the Irish Government were facing heavy lobbying as a result. Mr Collins said that Ellis was said to be prepared to lay down his life rather than face a British Court and had, he claimed, taken this stand against the background of the cases of the Birmingham 6, the Winchester 3 and the Guildford 4. Mr Collins urged Mr Brooke to impress upon his Government colleagues the need for an early decision on the Birmingham Six. Mr Brooke commented that the matter was now with the Court of Appeal and was not one for his Parliamentary or Ministerial colleagues. On extradition, he remained firmly of the view that if difficulties were faced with the remaining cases then it would lead to significant difficulties between the two Governments.

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JOINT STATEMENT

35. A draft joint statement had been prepared by officials. Mr Burke suggested a revised text for the paragraph on security which, after discussion, was in large part accepted. Mr Needham suggested the adoption of a revised paragraph on the question of the Fair Employment Act which was agreed. The finalised text was agreed as the Conference Communique, a copy of which is appended.

STEPHEN POPE
NOVEMBER 1990

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JOINT STATEMENT

ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE

LONDON 25 OCTOBER 1990

1. A meeting of the Intergovernmental Conference was held in London on 25 October 1990. The British Government was represented by the Joint Chairman, the Right Honourable Peter Brooke MP, Secretary of State for Northern Ireland, accompanied by the Right Honourable John Cope MP, Minister of State, Northern Ireland Office. The Irish Government was represented by the Joint Chairman, Mr Gerard Collins TD, Minister for Foreign Affairs, and by Mr Ray Burke TD, Minister for Justice and for Communications. The Northern Ireland Minister for the Economy, Mr Richard Needham MP, and the Minister for Energy, Mr Robert Molloy TD, joined the Conference for a discussion of energy issues. The Chief Constable of the RUC and the Commissioner of the Garda Síochána were present for discussion on security matters.

2. Against the background of the recently increased level of violence in Northern Ireland, the Conference condemned in the strongest terms the latest depths to which the IRA has sunk in its attacks on the security forces at vehicle checkpoints in Londonderry and Newry, which have caused such major loss of life and serious injury. They particularly expressed their absolute abhorrence of the appalling inhumanity involved in the coercion of human victims to deliver bombs to the point of attack in these incidents and in the attempted attack in Omagh. They strongly underlined the futility of terrorist attacks as a way of pursuing political ends. They reaffirmed their commitment to work together to maintain the very high level of co-operation already in existence between both jurisdictions and to consider all means by which this may be enhanced, in order to ensure that those who resort to terrorist activities shall not succeed and shall be brought to justice.

3. Ministers had a substantive discussion of ways of bringing about ~~talk~~ on political development. They reaffirmed their commitment to this effort. Ministers exchanged ideas and agreed to give further urgent consideration to finding a basis for talks acceptable to all parties.

4. The Conference discussed recent developments relating to the Stevens Report and agreed to keep the matter under review. There was also discussion of a number of issues arising from the recent report by Lord Colville on the Emergency Provisions Acts in Northern Ireland.

5. The Conference discussed arrangements for dealing with fugitive offenders and it was agreed to return to the subject at a future meeting.

6. The Conference discussed gas and electricity interconnections and energy efficiency. The Irish side stated the priority they attached to the construction of a linkage with the British gas system, which should be in operation by end 1993. It was agreed that there were potentially significant benefits in bringing a supply to Northern Ireland within this project. The Ministers agreed that consumers North and South would gain from the cheaper electricity which could come from the linking of their two electricity systems. They will work in every way possible to achieve these economies. They also agreed to exchange information on energy efficiency programmes.

7. In response to views expressed by the Irish side about the recent decision of the Fair Employment Tribunal affecting the implementation of the Fair Employment Act, the British side stated that the implications of the decision, together with measures to remedy the situation, were under urgent review and that the principle involved, that applicants should be able to bring their evidence before the Tribunal, would be upheld.

8. There was a further exchange of views on restrictions on cross-border shopping. The British side urged early compliance with the recent judgement of the European Court. The Irish side referred to the further discussions that had taken place in the European Community on the question of travellers' allowances and expressed the hope that this matter would be resolved as soon as possible.

9. The Conference briefly reviewed work on tourism, transport and the European Community Interreg Programme and called for joint reports for the next Conference.

10. The Irish side raised the question of the withdrawal of funding from the West Belfast Committee of Glór na nGael. The British side reaffirmed that the decision to withdraw public funding was taken in terms of established British Government policy, designed to ensure that such funding would not have the effect of improving the standing and furthering the aims of a paramilitary organisation, either directly or indirectly. The British side emphasised their recognition and respect for the importance of the Irish language and culture, and that British Government support for efforts to enhance awareness and appreciation of the language is undiminished. The Irish side reiterated their strong concern about this decision and indicated that they would wish to pursue the matter.