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INTERNAL PLENARY RECORD OF THE
INTERGOVERNMENTAL CONFERENCE HELD IN LONDON ON 26 APRIL 1991

Present:

British Side

Mr Brooke
Lord Belstead
Mr Fell
Mr Ledlie
Mr Thomas
Sir Nicholas Fenn
Chief Constable
Mr Alston
Mr Dodds
Mr Pope

Irish Side

Mr Collins
Mr Burke
Mr Gallagher
Mr Dorr
Mr Brosnan
Ambassador O'Rourke
Mr Dalton
Mr Crowley
Mr O'Donovan
Ms Anderson
Mr Murphy
Mr Nason

The Plenary session of the Intergovernmental Conference began at 11.35 am following a Ministerial tete-a-tete which took place between 0910 and 1030 and the Restricted Security session which took place between 10.55 and 11.30. There was a break for delegation discussion between 10.35 and 11.00.

2. Mr Brooke opened the meeting by noting that British and Irish Ministers had had useful discussions and had covered a lot of ground in the tete a tete and restricted Security Sessions and then asked Mr Collins whether the latter had any further matters to cover. Mr Collins said that the British side had previously confirmed that the work of the Stevens Inquiry had now been completed and that those remaining to face charges as a result would be dealt with soon by the Courts. The Irish side had been glad to hear that and Mr Collins asked for an overall assessment of the Stevens Inquiry, stressing that the Irish side felt that Mr Stevens and his team had carried out their tasks in a thorough and conscientious manner. Mr Collins continued by saying that the Irish side attached great importance to the full implementation of Mr Stevens' recommendations generally, especially that relating to the vetting of applicants for the UDR.

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

3. Mr Brooke asked the Chief Constable for an update of progress. The Chief Constable explained that charges had now been arranged for 16 May in respect of 16 defendants. As he had mentioned at the IGC on 31 January, at which he had given a progress report, the process of implementing the recommendations had continued very satisfactorily. There were, however, one or two issues which would take much longer to deal with than the bulk of the recommendations, such as the introduction of automatic finger print identification systems which awaited developments in both mainland and Scottish Police Forces. Other issues to do with finger prints required additional equipment, some of which the RUC already had but some of which was in the experimentation stage. Humidification chambers, which were of use in lifting information from documents, had already been on order by the RUC and had now been received. So far as the securing of documents was concerned, the initial steps taken had relied on the immediate installation of locks, but these had now been superceded by new, expensive, and allegedly burglar proof cabinets. Mr Collins said that he was grateful to the Chief Constable for his update.

ACCOMPANIMENT (PVCPs)

4. Mr Collins noted that at the last meeting of the IGC, Mr Brooke had given a detailed personal report on the RUC accompaniment of military patrols. Since then, the Irish side had given detailed consideration to the report and had been able to identify some considerable common ground between both sides. On cross-border roads, Mr Collins noted that he had received a number of representations from people in Co Fermanagh about the road closures which had been carried out there following the removal of permanent vehicle checkpoints at Derryard. The Irish Government had also been asked to receive a deputation on the issue. Additionally, there had been an unusual number of representations about delays at permanent vehicle check points, especially in regard to the PVCP at Aughnacloy and Mr Collins said that it would be appreciated if the British side could look at what might be done to speed up the flow of traffic at this location. Lord Belstead said that the question of the closure of border crossing points was kept under very close scrutiny but

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

that, especially in the light of the closure of the Derryard and Boa Island PVCPS, it had been felt necessary to close other crossings nearby from the point of view of protecting people's lives - some people who lived in the areas were undoubtedly afraid of the consequences of the removal of the PVCPS and it was necessary to take steps to maintain their confidence. Lord Belstead said that Mr Collins' points would be taken on board and the difficulties posed by the operation of PVCPS were kept constantly in mind. The question of traffic flow was an important one, especially in terms of its potential impact on tourism into Northern Ireland.

Mr Collins asked whether it would be possible to undertake some form of study to compare the operation of the Aughnacloy PVCPS against the operation of those around Londonderry where delays seemed to be much shorter. Mr Brooke said that this was an encouraging development - having lived for some months with complaints about delays arising from the destruction of the Buncrana Road PVCPS, he was pleased that PVCPS in the Londonderry area were now being held up as an example of how such installations might be run. Lord Belstead said that he was interested to hear Mr Collins' comments about the Aughnacloy PVCPS since this was one of the locations where the security forces had the facility to draw traffic aside which meant that vehicles waiting to be checked should not be subject to unduly long delays in a queue - the British side would, however, give thought to the problem. Mr Gallagher suggested that one reason for the shorter delays at PVCPS in the Londonderry area was that these were manned by the RUC who did not seem to be present at Aughnacloy. The fact that the latter PVCPS was run by the Army might contribute to the difficulties. The Irish Government had recently received a petition signed by members of the business community in Aughnacloy, most of whom could be said to be of the Unionist persuasion and this was indicative of the depth of feeling about the effect that delays were having on the town and its business. Mr Collins agreed noting that Aughnacloy was a largely Unionist community and the appearance of some of the names on the petition could be said to be unusual. He hoped that it might be possible to conduct some form of comparative survey. Lord Belstead said that he had noted the point but pointed out that, at those locations where the RUC did not form the majority

CONFIDENTIAL

presence, manning was undertaken (with 2 exceptions) by members of the Royal Military Police.

CULLYHANNA

5. Mr Collins then asked whether the Chief Constable could update the meeting on the progress of the RUC investigation into the shooting of the Caraher brothers at Cullyhanna. The Chief Constable recalled that he had addressed the IGC on 31 January on this issue and had set out the difficulties that the RUC were experiencing. The RUC now had various lists of questions that the solicitor representing the witnesses had been asked to present to them. However, the problem that remained was that this approach did not allow the investigating officer the opportunity to cross question the witnesses and to test their veracity or what their knowledge of the incident really was. A major difficulty would arise when the case, as it would be soon, was sent to the DPP. Unless the solicitor changed his approach, the investigating officer, when asked by the DPP to give an opinion as to the value of specific witnesses, would have to volunteer the information that he had not been able to question them and could not, therefore, form a valid opinion. The DPP would normally prosecute if he felt that he had sufficient evidence based on witness statements and since the witnesses were crucial to the investigation might have little option but to rule "no prosecution".. It was extremely frustrating for all concerned that set piece statements were being advanced and that some of the people involved had decided not to be helpful. Although some questions had now been answered it was likely that the case would have to go to the DPP in its present unsatisfactory condition. The Secretary of State said that the heart of the problem was that the investigating officer was having to deal through the witnesses' solicitor on a written question and answer basis. Mr Collins thanked the Chief Constable for his update and said that he appreciated the difficulties that the RUC were facing.

ALLEGED LEAK OF GARDA DOCUMENTS

6. Lord Belstead said that he noted the recent action which had been taken by the Garda Commissioner into allegations of the leakage

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

of Garda documents. The issue was one of acute concern to the British side as much as it was to the Irish side since the fact that various accusations were being advanced was not good for relationships and the accusations themselves were not easy to counter. The British side were pleased that an inquiry had been immediately established and were particularly pleased that the Garda Officer concerned had been asked to produce recommendations about procedures relating to the circulation and custody of documents. The British side were interested both in the investigation and in its outcome and looked forward to being kept informed. The British Government were equally grateful for the robust and direct approach which had been taken by Irish Ministers in answering questions in the Dail and Lord Belstead said that British Ministers would continue to try to be as helpful as possible by refusing to be driven by pressures from vocal elements into behaving in a manner which gave comfort to terrorists and which could disrupt relations between the two Governments. There remained some residual disappointment that the British side had not been notified of the affair through the Anglo-Irish Secretariat. Details of the allegations had only become known to British Ministers through contact with Northern Ireland politicians at a time when the former had had no information to go on. Mr Burke said that Irish Ministers shared the concern expressed by the British side. The Garda Commissioner had ordered an investigation immediately and this was being conducted by a Chief Superintendent who would be investigating any possible criminal aspects of the IRA's use of the documents and who would offer recommendations on the circulation and distribution of such documents. In the meantime, the circulation of the Garda bulletin concerned had been suspended and Deputy Commissioner O'Reilly would also review aspects relating to the procedures for the circulation and distribution of Pogra Tora. PIRA's aim was to cause mischief both internally for the Irish authorities, for the British authorities in Northern Ireland and to relationships between the Irish and British authorities and both sides should avoid being diverted from their campaign against terrorism by these attempts. The Irish Government were doing and would do all that they could to investigate the issue and were grateful to the Chief Constable for his assistance in the investigation so far. The delays in notifying

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

the British side through the Anglo-Irish Secretariat were regretted and Mr Burke said that the Irish side would be happy to look at improvements in communications which might be put in place to avoid a repetition.

SOCIAL AND ECONOMIC ISSUES

7. Mr Brooke said that since the Joint Review which had been carried out in 1989 into the workings of the Conference, both sides had discussed a range of cross-border economic and social issues. He hoped that the Irish side would agree that this had proved to be a constructive and positive development and that more time should be spent on it in the future. The British side had found it particularly helpful for Ministerial colleagues to meet to discuss and to report on these subjects and he hoped that this was an arrangement which could continue at future meetings of the IGC.

8. Mr Brooke noted that both sides had had the opportunity to review progress and to initiate action on areas such as the Belfast/Dublin rail link, Energy, Tourism, the Inter-Reg initiative, Environmental Issues, including hazardous waste disposal and Health. Specific subjects such as Cross-border Shopping, the International Fund, Fair Employment, Ballinamore/Ballyconnell Canal and the North-West Study had also been discussed. Mr Brooke noted that the Foreign Secretary was about to write to Monsieur Delors about EC contributions to the IFI.

9. Mr Brooke continued by saying that he thought that the discussions in these areas had been helpful and that he saw these as a continuing worthwhile feature of Conference meetings. He said that he was sure that it would be helpful if, at future meetings, progress in each of these specific areas could be monitored at appropriate points to establish how far discussions had gone and what progress had been achieved. Mr Brooke noted that officials had recently discussed some major subject areas for potential discussion at future IGC meetings and said that, if the Irish side were happy, officials could be asked to draw up a regime for progress reports and to draw up a timetable for discussion of future subjects.

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

10. Mr Brooke concluded by suggesting that the main topic for discussion on 16 July might be rural development which had had to be postponed from the present meeting. Since Mr Hanley and Mr O'Kennedy would be present at the 16 July meeting, it might be helpful to review the latest position as well on both animal health and disease in which both sides had a strong mutual interest.

11. Mr Collins said that he agreed wholeheartedly and would be happy for officials to take the matter forward. He looked forward to a wider debate at the IGC due to be held on 16 July.

12. Following the Plenary Session which ended at 1155 both sides discussed and agreed a joint statement which is attached at Annex A.

HC/23

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

ANNEX A

JOINT STATEMENT

ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE

LONDON, 26 APRIL 1991

1. A meeting of the Intergovernmental Conference was held in London on 26 April 1991. The Irish Government was represented by the Joint Chairman, Mr Gerard Collins TD, Minister for Foreign Affairs, and by Mr Raphael Burke TD, Minister for Justice. The British Government was represented by the Joint Chairman, Mr Peter Brooke MP, Secretary of State for Northern Ireland, accompanied by Lord Belstead, Paymaster General and Deputy Secretary of State. The Commissioner of the Garda Siochana and the Chief Constable of the RUC were present for discussion on security matters.

2. Recalling its Joint Statement of 9 April, the Conference welcomed the arrangements made for the commencement of political talks on 30 April on the basis of the statement of the Secretary of State for Northern Ireland in Parliament on 26 March. In order to allow an opportunity for these talks to take place, it was agreed that the next meeting of the Conference would be held on 16 July. Both sides stressed the importance they attached to this historic opportunity to reach a new agreement on the totality of relationships, within Northern Ireland, within the island of Ireland and between the peoples of these islands.

3. The Conference condemned continuing acts of violence. Ministers re-affirmed their view that, in the absence of a renunciation of violence as a means of pursuing political objectives, there can be no place in the political process for those who espouse or support it. They also re-affirmed their commitment to continue to work together to counter para-military violence of any kind and to bring the perpetrators to justice.

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

4. The Conference reviewed issues relating to the confidence of the community in security policy and the conduct of the security forces. It continued its discussion on the implementation of the policy of police accompaniment of the armed forces (including the UDR) and agreed that the Conference should continue to monitor progress in this area. The Conference heard a report by the Chief Constable on the implementation of the recommendations of the Stevens Inquiry and re-affirmed that the issues arising would remain under close scrutiny and that specific allegations would continue to be immediately and thoroughly investigated. There was also discussion of the operation of permanent vehicle checkpoints and the closure of border roads. The Conference heard an up-dated report by the Chief Constable on the inquiry into the shooting incident at Cullyhanna and renewed its hope that the inquiry would be promptly completed.

5. The Conference discussed information provided by the Irish side on the recent alleged disclosures from a Garda document. They deplored the use of such material by terrorists to attempt to justify the murder of members of the community. The British side expressed appreciation for the prompt establishment of the Garda investigation into the matter and emphasised the seriousness they attached to it. It was agreed that both sides would remain in close contact on this matter.

6. The Conference held a full review of its discussions on Economic and Social questions, noting that five different subjects, Transport, Tourism, Energy, Hazardous Waste and Health had been discussed with the responsible Ministers concerned in the period since July 1990. Ministers concluded that this process had strengthened co-operation between North and South to mutual benefit and they looked forward to further co-operation in the future.