

ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE  
JOINT RECORD OF PLENARY SESSION HELD IN DUBLIN ON 16 JULY 1991

Present:

British Side:

Ministers

Secretary of State  
Paymaster General

Officials

PUS  
Mr Fell  
Mr Pilling  
Mr Ledlie  
Sir N Fenn  
Mr Thomas  
Chief Constable\*  
Mr Alston  
Mr Dodds  
Mr Cooke  
Mr Maye

In Attendance:

Mr Archer  
Mr Pawson  
Mr McKervill

Irish Side:

Ministers

Minister Collins  
Minister Burke

Officials

Mr Dorr  
Mr Brosnan  
Mr Gallagher  
Mr O hUigin  
Mr O'Donovan  
Mr Crowley  
Mr Dalton  
Ms Anderson  
Mr Donoghue  
Mr Nason

\*Part of the Plenary Session  
only.

The Plenary Session began at 1650 following tete-a-tete over lunch between 1235 and 1430, an Adare type meeting between 1455 and 1530, and a Restricted Security Session between 1530 and 1635. The British side noted useful discussions on political talks at the Adare-type meeting.

ACCOMPANIMENT

2. The Irish side welcomed the second statistical report on rates of accompaniment from October 1990 to March 1991. While there was progress in the overall rate particularly in "green" and "mixed" areas, the British side were still well short of full implementation; hopefully the next 6-monthly report would be better. The Irish side said the UDR should not be deployed in



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sensitive nationalist areas and they agreed with comments made by Cardinal Daly about the deployment of the UDR in nationalist areas of East Tyrone. Apparently the British had difficulty about the investigation of specific sightings of unaccompanied patrols. It seemed that the RUC would not be asked to investigate instances of unaccompanied patrols unless there was an associated allegation of misconduct, a departure from earlier practice whereby each report had been investigated and a response given to the Irish side. In the past they had been able to give replies in the Dail which revealed that, if little specific information had been forthcoming, the matter complained of had at least been raised with the British side and investigated. It would be invidious if they had to admit to getting less than previously on a core commitment of the Agreement.

4. The British side said the process of monitoring begun by the RUC was in itself extremely demanding of time. They had considered the request to investigate unaccompanied patrol sightings but could see no reason to depart from the standard line, which meant that they would accept as a "complaint" worthy of investigation, a report of an incident in which the unaccompanied military patrol was alleged to have behaved in some way improperly, but not one simply about the fact of an unaccompanied patrol. They also questioned the utility of investigating such sightings in the context of the policy of accompaniment itself. They were not aware of any instances where the Irish had asked for sightings to be investigated and where the British side had subsequently provided a report. However, the Irish side referred to specific instances where a report had been given. The British side said that they were unaware of any change of policy but agreed that officials should pursue.

USE OF LETHAL FORCE (CULLYHANNA AND COAGH)

5. The Irish side requested an update on the investigations into the Cullyhanna and Coagh incidents since they had a specific duty under the Agreement to address themselves to concerns of this kind. They had put forward a number of measures which they believed could significantly improve matters, including the automatic suspension of



the personnel involved (though without prejudice to them); the introduction of an independent element in the investigation; and the speedy completion of the investigation. The Irish side had proposed a thorough examination of the use of lethal force and of the legal provisions which govern it. The Secretariat should be asked to consider this and to agree a joint report for the next Conference. The British side said that such incidents were of concern to the British Government who was keenly aware of the damage that could be done to confidence in the impartiality of the security forces, and to the Government's claim that the security forces were subject to the law after certain controversial shootings. They agreed about minimising the risk, but in ways which did not erect obstacles to security force operations or which led to the police and army placing themselves in jeopardy or which damaged confidence in the wider community about the Government's determination to eradicate terrorism. There would be discussions on the subject with SACHR and the Irish Government's proposals on lethal force could be taken up through the Secretariat. The Chief Constable said that all enquiries had been completed on Coagh and a report would go to the DPP. The Cullyhanna report had been passed to him on 31 May but he had asked for further information. Once the DPP had received the outstanding reports, it would be for him to consider whether prosecutions were merited.

## CARLINGFORD LOUGH

6. The British side stressed that the security forces had a duty to deter and prevent terrorists from moving explosives, weapons or even people into Northern Ireland by water. It was recognised that searching caused inconvenience and the security forces tried to minimise this as much as possible. The Royal Marines and Royal Navy were well seized of the need to operate sensitively, particularly in the sailing season. It was unfortunate that the two incidents had received so much publicity.

allegations did not appear to be substantiated by the facts; he may have over-reacted because of his annoyance at the boarding of his yacht. He could also have been embarrassed at having told his wife, improperly, to use a maritime distress frequency for the "Mayday" call, since the

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use of the distress frequency for purposes other than danger to life was contrary to maritime law. Reports from other users of the Lough of both sailors and marines being professional, courteous and helpful far outweighed any to the contrary. The Irish side responded that while all sailors resented being boarded, the detailed account given in both cases showed an extreme lack of tact on the part of the Marines. The Irish side felt that operational instructions for patrols should emphasise the need for tact and common sense, particularly during the busy summer period. The British side suggested that there was little point in dwelling on the details of the incident involving \_\_\_\_\_ since the Marines had denied all his allegations though the Irish side took them to be true and urged greater tact in future.

MARCHING SEASON

7. The Irish side questioned the decision to allow a parade through the almost wholly nationalist town of Pomeroy on the Twelfth of July and could not understand why the RUC had appealed the decision of the High Court. The British side said it was a matter for the Chief Constable. The Chief Constable said that he had sought the appeal because the RUC's position had not been fully explained at the first hearing. While he and his colleagues were fully aware of the Irish side's belief that parades should not be permitted to pass through areas where they were not welcome, as far as reaching a view on any particular parade was concerned, the principle espoused by the Irish side and shared to an extent by the British side was entirely irrelevant. The RUC did not give permission as such for parades to take place and could only re-route or ask the Secretary of State to ban them on grounds of public order. No one had believed that the action taken in Pomeroy would cause undue disruption as set against the possible alternatives. The RUC had only 3 guiding principles when considering parades. These were the possibility that the parade might result in serious public disorder or serious damage to property; that the parade might lead to serious disruption to the life of the community; or that the purpose of the persons organising the parade was to intimidate others. The Twelfth July Orange Order parade was held in Pomeroy once every 7 years, the last



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one being in 1984 when there had been no disorder. In the last 5 years, 24 parades organised by loyalists, and 13 parades organised by nationalist had taken place in Pomeroy and all had passed off quietly. Alternative scenarios might have arisen out of a decision to either re-route or ban the parade, where there would have been a very high risk of public disorder. The decision had been properly and reasonably taken. While thanking the Chief Constable for his explanation and recognising the substantial efforts made by the RUC in recent years to police parades, the Irish side hoped there would be no complacency with regard to parades in general and repeated that the principle that parades should not occur where they were not wanted should be applied in future consideration by the RUC of where parades taken place and how they are routed.

POLICING OF FUNERALS

8. The British side expressed concern at the paramilitary display and the firing of shots at the McNally funeral in Monaghan. The Irish side said that the views of local Gardai had been taken into account in deciding how to deal with the preparations for the McNally funeral and that appropriate manpower had been provided. There had been no public display of shots being fired over the coffin; instead shots were heard at approximately 0100 hours the night before the funeral outside the McNally home. They also stressed the successful interception of a number of men who had been believed to have been preparing to fire shots over the coffin. On media coverage, they felt that public disorder would have developed had the Garda been able to intervene, thus playing into the PIRA's hands. The Garda had taken the correct course of action in the circumstances. On the other hand the Irish side said that considerable local resentment had been caused by the heavy policing of funerals in Coalisland and Ardboe which played into the hands of PIRA. It had been alleged that local police had favoured a low-key approach but had been over-ruled at senior level in Belfast.



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DUMPING OF RUC DOCUMENTS

9. The Chief Constable explained the background to the dumping of RUC documents at a rubbish dump in Dungiven, which he described as an unfortunate mistake. All practicable steps were being taken to ensure that there was no recurrence of the incident. On the loss of photo montages in South Armagh, the British side explained that during a patrol on the evening of the 11/12 July a set of photo montages of all the leading PIRA "players" in South Armagh had been accidentally dropped in difficult country in South Armagh. The Chief Constable thought it ironic that the document's loss had been noted because of the post-Stevens' document accounting systems. The montages were unlikely to fall into loyalist hands but the RUC were currently assessing the threat to those individuals identified. The Irish side commented that there had been a delay in passing the information through the Secretariat. The British side said that the information had been passed as soon as the RUC and army had been sure that the documents had been lost in the field rather than being mislaid.

UNAUTHORISED DISCLOSURES FROM A GARDA DOCUMENT

10. The Irish side reported on the alleged leak of Garda documents. Both the investigation of the incident and the internal Garda review of the procedure on circulating and distributing documents had been completed and the Garda were now satisfied that the extracts from Fogra Tora which had been made available to the journalist concerned originated with persons associated with PIRA. The investigation had not produced sufficient evidence to bring charges against those involved or identified how PIRA had obtained the document. However, the review of document handling had prompted a series of detailed recommendations which were being studied and would be implemented in appropriate cases as quickly as possible.



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SECOND SACHR REPORT ON RELIGIOUS AND POLITICAL DISCRIMINATION AND  
EQUALITY OF OPPORTUNITY

11. The British side hoped shortly to write to the Chairman of SACHR to start the process of giving the Government's substantive response to the Second Report. A substantive discussion in the Conference would be appropriate at the September Conference.

SACHR REPORT ON FINANCING OF SCHOOLS IN NORTHERN IRELAND

12. The British side welcomed and supported the SACHR Report on School Finance which was part of a wider education project commissioned by SACHR; indeed, many of the statistics used had been provided by DENI. The recommendations were being taken very seriously and the Secretary of State would respond to the Chairman of SACHR shortly. The British side accepted the recommendations made in the consultants' report, endorsed by SACHR, that educational policy and practice in the parallel religious school systems and in the integrated sectors should be monitored by DENI, who should also facilitate a full scale review of the 15% voluntary contribution to capital building works involving all interested parties. Indeed the latter had already begun. It was accepted that differentials between schools should not be allowed to become too great: that was why DENI had introduced formula funding for a higher proportion of all schools' budgets, thereby reducing differentials. While the Irish side welcomed the British side's openness, they felt that the 15% voluntary contribution to capital works on educational provision in schools was bound to have a negative impact on the relative capacity of the Catholic and Protestant school sectors to provide expensive school facilities such as science laboratories, a point relevant to fair employment. The new funding system in England and Wales allowed church run schools to become eligible for 100% funding while retaining church management. The British side replied that the 100% funding point was extremely important but resistance actually came from Catholic Bishops and the CCMS. Moreover, in England the Catholic school authorities were cautious about making use of the opting out arrangements. However the British side agreed to further investigate the funding situation in England and Wales.



## CONFIDENTIAL

### FAIR EMPLOYMENT

13. The Conference noted that the draft Order to deal with problems over section 30 of the 1989 Act was laid on 4 July and would, if Parliament approved it, go before the Privy Council on 24 July. The Irish side hoped the new Order would satisfactorily address the problem and that the 1989 Act would begin to fulfil its full waste potential.

### ECONOMIC REGENERATION OF DISADVANTAGED AREAS

14. The Conference noted the positive developments which had occurred over the last few years in the economic regeneration of rural and urban disadvantaged areas in Northern Ireland, including the "Making Belfast Work" and the "Londonderry Initiative". The financial resources committed to the 2 initiatives had brought tangible economic and social benefits to the people of the most disadvantaged areas of Belfast and Londonderry. The Irish side wished to pay tribute to all of the community and voluntary groups on the ground who were the human motors behind the regeneration of disadvantaged areas. Both sides praised the work done by the IFI, which had given priority to the areas of greatest need like West Belfast and Londonderry as well as the smaller towns and villages. They also noted the value of regular discussions and briefings at official level and hoped that these exchanges would continue to be an ongoing feature.

### COMMERCIAL TRAFFIC DELAYS AT BORDER

15. The British side said that they were continuing to hear of delays incurred by hauliers at Irish Customs posts and, in particular, Killeen. The Irish side explained that the root cause of recent difficulties was the initial refusal of the Border Clearance Agents to acquire the equipment necessary to operate the new system effectively. However the difficulty had now been overcome; delays were no worse than before the introduction of the new system and the situation should further improve by mid-August. However the Irish side added a cautionary note saying that



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discussions by TREVI Ministers might have implications for Customs after 1992.

ECONOMIC AND SOCIAL DEVELOPMENTS - TAKE NOTE ITEMS

16. The Conference took note of developments in the areas of energy, transport, tourism, Inter-Reg, health matters, and hazardous waste. On hazardous waste, the Irish side repeated their request for a copy of the Du Pont Feasibility Study Report. It was agreed that the Rural Development aspects of agriculture should be discussed at the next IGC.

ANY OTHER BUSINESS

GAA

17. Mr Collins said that he had a particular interest in resolving the long-standing dispute between Crossmaglen GAA and the security forces and was very grateful for the response and help from British officials which seemed to point to an agreed solution. However, this might be put in danger by the Army's proposal to build a fence between the perimeter wall of the base and the new GAA clubhouse. The British side said that the Army had identified the fence as a security requirement following a review in 1988 in light of the GAA proposals to provide a new sports and social complex adjacent to the base and that the GAA had been fully advised of the development at the time. The Conference considered a map of the area in question after which the British side agreed to take a further look at the matter.

MAGUIRE CASE

18. The Irish side welcomed the overturning of the Maguire convictions but expressed concern at the narrow grounds on which the appeal was allowed and hoped that a fuller exoneration would be forthcoming. The British side felt that this matter was not appropriate to the Conference and that criticism of one another's Courts was in neither side's interests.



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LOCAL GOVERNMENT

19. It was agreed that the Irish Government's paper on Local Government would be considered substantively at the next Conference. In preparation for a full discussion, officials would meet beforehand.

VALEDICTORY AND NEXT CONFERENCE

20. Both sides paid warm tribute to Sir Nicholas Fenn, Dermot Gallagher, and Joe Pilling who were attending their last IGC. It was agreed that the next meeting of the Intergovernmental Conference should take place on Friday, 13 September 1991, in Belfast. The Plenary Session ended at 1915 hours and both sides discussed and agreed a joint statement which is attached.

ID30

2. The Conference reviewed the developments in political talks since its last meeting. Both sides welcomed the progress that had been made and reaffirmed their commitment to seek to advance political dialogue on the basis of relationships within Northern Ireland, within the island of Ireland and between the people of these islands. They expressed the hope that it would in time prove possible to explore with the Parties whether a basis for fresh talks could be agreed.

3. The Conference reviewed the present high level of security co-operation. They reaffirmed the commitment of both sides to enhance this further as an important means of preventing terrorist atrocities and bringing those responsible to justice.

4. The Conference reviewed a number of issues relating to the interaction between the security forces in Northern Ireland and the community. Ministers considered a further report on police accompaniment of the armed forces (including the UDR) and agreed that this matter would be further addressed at future meetings in the light of regular reports.



## JOINT STATEMENT

### ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE

DUBLIN, 16 JULY 1991

1. A meeting of the Intergovernmental Conference was held in Dublin on 16 July 1991. 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 Lord Belstead, Paymaster General and Deputy Secretary of State. 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 Chief Constable of the RUC and the Deputy Commissioner of the Garda Síochána were present for discussion on security matters.

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5. The Conference heard reports on the inquiries into recent deaths involving operations by the Northern Ireland security forces. The Conference considered recent parades in Northern Ireland in the light of the right to demonstrate and also of the duty of the police to prevent serious disorder, damage, disruption or intimidation. Ministers reaffirmed their belief that the right to demonstrate should be exercised with respect for the rights and sensitivities of others. The Conference also discussed recent boarding of yachts by the security forces on Carlingford Lough.

6. Ministers discussed the recent policing of funerals. They recognised the need for such policing to be conducted with sensitivity and with the aim of avoiding public disorder and minimising the possibilities for exploitation by paramilitaries for propaganda purposes.

7. The Conference discussed recent incidents in which security documents had been mislaid or fallen into unauthorised hands. The Chief Constable said that all possible steps were being taken to prevent this happening in the future.

8. In response to a request from the British side, the Irish side provided information on the investigation into recent alleged disclosures from a Garda document and on steps taken to prevent a recurrence.

9. The Conference reviewed previous discussion with the

9. In response to questions from the Irish side, the British side explained the steps being taken to respond to the second report of the Standing Advisory Commission on Human Rights (SACHR) on discrimination in key areas of the economic and social life of Northern Ireland. It was agreed to give further consideration to the report at a future Conference. The Conference also discussed the recent SACHR report on the financing of schools in Northern Ireland. The British side responded to concerns expressed in this regard.

10. The Conference considered the British Government's proposals to legislate before the summer recess to remove obstacles to full



application of the Fair Employment legislation in cases of alleged individual discrimination.

11. The Conference reviewed the positive developments that have occurred in recent years in the economic regeneration of urban and rural disadvantaged areas in Northern Ireland. The Conference noted in particular that the additional financial resources committed to the Belfast and Londonderry initiatives have brought further real economic and social benefits to the most disadvantaged areas of these cities and have contributed to a new sense of hope in these communities. The Conference expressed satisfaction that the International Fund for Ireland had also made a major contribution to the revitalisation of disadvantaged areas in respect of which the Fund now gives 70% of its total expenditure. The Conference also paid tribute to the community and voluntary groups whose commitment has been so important to the effort of economic regeneration.

12. The British side raised delays experienced by commercial traffic in recent months at Irish customs, principally at Killeen. The Irish side explained the difficulties that had occurred following the introduction of a computerised system designed to facilitate clearance. They said that with the co-operation of the Clearing Agents Association the position had already improved and should improve significantly further in the near future.

13. The Conference reviewed previous discussion with the participation of the responsible Ministers on co-operation in the areas of energy, transport, tourism, the EC Inter-Reg programme, health and hazardous waste. Topics for future Conferences were considered. It was agreed that the topic for the next Conference would be rural development and that Ministers would be joined by the Ministers for Agriculture for discussion.

14. It was agreed that the next Conference will be held in September 1991.