

**INTERNAL PLENARY RECORD OF THE INTERGOVERNMENTAL CONFERENCE
HELD IN LONDON ON 17 OCTOBER 1991**

Present:British SideMinisters

Secretary of State
Paymaster General

Officials

PUS
Mr Fell
Mr Thomas
Mr Wilson
Mr Bell
Ambassador Blatherwick
Chief Constable*
Mr P Holmes*
Mr Alston
Mr Dodds
Mr Cooke
Mr D J R Hill*
Mr Maye

In Attendance

Mr Archer
Mr Pawson
Chief Supt Lewis*

Irish SideMinisters

Minister Collins
Minister Burke
Minister O'Rourke*

Officials

Mr Dorr
Mr Brosnan
Mr O hUiginn
Mr O'Donovan
Ambassador Small
Mr Crowley*
Mr Dalton
Garda Commissioner*
Mr Donoghue
Mr Harkin*
Mr Nason

In Attendance

Ms Delaney

* Part of the Plenary Session only

The Plenary session began shortly after 1530 and followed the Ministerial tete-a-tete which had taken place between 1230 and 1300 and a Restricted Security Session which had taken place between 1430 and 1515.

2. There was a brief discussion of Political Development at the beginning of the Plenary session, a separate note of which is attached at Annex A.

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ACCOMPANIMENT

3. Mr Collins and Mr Brooke agreed that more time was needed on both sides to consider how best to deal with reports of unaccompanied military patrols raised by the Irish side. It was agreed that after further consideration Conference would return to this subject for a fuller discussion of the issues.

LETHAL FORCE (INCLUDING THE McGOVERN CASE)

4. Mr Collins said that he wished to raise, first of all, some of the general issues involved in the use of lethal force by the security forces in Northern Ireland, and that he would then like to say a word about the McGovern case and one or two other matters which arose from it. On the general question of the use of lethal force, Mr Collins said that he was grateful for the observations which the Irish side had received from British officials on the paper which the Irish side had submitted in August. He suggested that it would be sensible to have officials meet at an early date in order to take the matter further and to produce a joint paper on the subject which the Irish side envisaged as a basis for further discussion in the Conference.

5. Mr Collins referred to the last meeting of the Conference saying that he had raised a number of the issues in this area to which the Irish Government attached particular importance. He said that he had highlighted the need to find a better legal definition of the circumstances in which the use of lethal force was justified. He also said that he had noted the problem caused by the absence of charges appropriate to the circumstances in which such killings took place. He said that Lord Belstead had indicated that some thought was being given on the British side to possible new charges and wondered whether the British side's thinking had advanced further since the last Conference.

6. Mr Collins referred to two other issues which he had raised at the last Conference - namely, the need for an independent element in the investigation of lethal force incidents and the desirability of removing officers concerned to other duties both of which he said

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had received a public airing as part of the controversy which had followed the killing of Kevin McGovern. He said that he wished to speak separately about this. As regards the general question of the use of lethal force, and of the safeguards required, Mr Collins said that these issues had received very close attention in the Helsinki Watch Report which had recently been published. The report had concluded that there was a need for legislation to exercise strict control over the use of lethal force by the security forces in Northern Ireland. As regards the legal definition of the circumstances in which such force was permitted, he added that the report complained that the present standard of "reasonableness" was too vague and led inevitably to abuses. He said that the report recommended that lethal force should be permitted only when absolutely necessary and only in proportion to the actual danger encountered by the security forces. He added that the Helsinki Watch Report had also highlighted the problems in relation to charges which may be brought and recommended that the lesser charges of manslaughter and unreasonable or excessive use of force be made available to the courts. Mr Collins said that this was an area which was very much in the public domain and which had been highlighted again by the killing of Kevin McGovern. He wondered if the British side had any further information on the review for him.

7. As regards the McGovern case Mr Collins said that he had already discussed the case with Mr Brooke and that there was no need to go into detail. He added that it was a very tragic killing, caused by an error which, he said was glad to say that the RUC had acknowledged promptly and very helpfully. He said that he hoped the investigation was being completed with all possible speed.

8. Mr Collins added that there were obvious lessons to be learned from the case about the risks which attached to the use of lethal force and that public confidence in the police was inevitably shaken by such an incident which suggested a "trigger happy" approach on the part of some members of the RUC. He said that ways had to be found to deal with such a breakdown of confidence and of providing reassurance to the public about the attitude of the authorities towards such incidents.

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9. Mr Collins said that there were a number of important matters arising from the McGovern case which merited attention. Firstly, the nature of the investigation into the incident. He said that if the results of the investigation were to command the degree of public confidence which both Governments would like to see, the investigation process itself had to be clearly seen to be independent. In the McGovern case, with the emotions which it had aroused, supervision by the Independent Commission for Police Complaints of an investigation which the RUC itself carried out was, in Mr Collins' view, unlikely to meet that particular need. He said that the Irish Government were aware of the perception in some quarters that an investigation carried out by the RUC into an alleged wrong-doing on the part of one of its own members lacked credibility. He said that such perceptions had been confirmed again by senior and responsible nationalist sources. Mr Collins went on to say that the SDLP had called for a member of another police force to be entrusted with the McGovern investigation and Cardinal Daly had also commented on the same subject, pointing out that it would be to the RUC's own advantage to better establish their impartiality and credibility, and to overcome "the grievous setback" of the incident, if they demonstrated the independence of the inquiry by appointing a member of an outside police force to lead it. Mr Collins added that he fully accepted the fact that the Chief Constable had said "there will be no coverup" in the investigation over the killing, which he described as a welcome announcement. However he felt that it would have made a far greater impact in terms of public confidence if the Chief Constable had invited a member of another police force - as he has done in other cases - to lead the investigation, thus demonstrating clearly that the RUC had nothing to hide and going some distance towards repairing the damage caused by the incident.

10. Mr Collins said that a second issue was that of what happened to the police officer who shot Mr McGovern. While he accepted that it was helpful to have the officer transferred to another station, he would have preferred to see the officer dealt with in a manner which would make clear that he was no longer on active duty, pending the outcome of the investigation. As Cardinal Daly had again highlighted, an unease existed because the officer had not been

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suspended and was still on duty. While Mr Collins understood the difficulties involved in taking action which might appear to prejudice the outcome of the investigation, he said that it was important to quell public concern by making it clear that, pending the outcome, the officer in question would not be resuming the kind of duties which culminated in the McGovern killing. Mr Collins said that he was not suggesting that the officer be suspended as such but, rather, that it be indicated that for the time being, the officer was not required for normal duties. Finally Mr Collins said that he would welcome the British side's comments.

11. Lord Belstead responded by saying that, as Mr Collins was aware from the discussion at tete-a-tete, the British side was currently considering the possibility of changing the law relating to "lethal force" and referred to a response to the Irish side's paper on "lethal force" issues which had been passed to Irish officials the day before Conference. He said that both he and Mr Brooke were determined that this very difficult subject should receive the closest scrutiny. However, he said that it would not be possible to make rapid progress, since the full consequences of any change would have to be carefully assessed. Finally, referring to the response to the Irish paper, he said that he had picked up the items raised by the Irish but that he could go no further at the moment but would wish to come back to the issue at Conference at a later stage.

12. As regards the McGovern case, Lord Belstead said that he wished to say a very brief word before the Chief Constable responded to the issues raised by the Irish side. He said that he was deeply saddened by all deaths resulting from the security situation in Northern Ireland and that Kevin McGovern's was no exception. He added that he knew that all present would share his sympathy for the McGovern family, and his regret at the tragedy.

13. As regards the investigation into the incident, Lord Belstead said that adherence to the established procedures was something to which the British side attached considerable importance, and that in this particular case, the appointment of the most senior grade of investigating officer, a Detective Chief Superintendent, and supervision of the investigation by the Independent Commission for

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Police Complaints had implicitly proved that it was the right way to conduct an inquiry. He added that it would be open to the ICPC to object to the method of investigation but that, to date, it had not done so. Lord Belstead invited the Chief Constable to comment.

14. In responding to the Irish side's questions, the Chief Constable said that the issue of how, and by whom, an investigation into an incident involving a member of the police was carried out had raged for years. He added that the MP who had commented that an outside investigating officer was necessary in this instance had said, in relation to a previous major investigation, that using an outside investigative officer was a whitewash. In response to a question from Mr Collins, the Chief Constable said that the MP concerned was Mr Mallon. The Chief Constable firmly believed that the ICPC was a suitable body to supervise such investigations. He said that an investigative officer appointed from another force would have to work with a team of RUC detectives in any case and that such an officer could not investigate the incident on his own.

15. As regards the incident itself, the Chief Constable said that the facts of the case were not complicated. He said that the incident had started when a member of the public telephoned the police to say that he had seen men loading a suspicious object (a pipe with wires protruding) into a car, in a laneway at the Greenvale Hotel. The police had mounted a sealing operation with VCPs at strategic junctions to try to catch this vehicle. At one of those VCPs, where a taxi answering a description of the car seen by the member of the public was being dealt with, the 3 youths came down an entry from the Greenvale estate, and started to run away from the police. Two challenges were shouted, before warning shots were fired. At that stage, two of the youth stopped, and were arrested; the third ran on, despite a further shouted challenge, and further warning shots were fired. Believing that the youth had thrown something towards them, one officer opened fire and hit the youth, fatally wounding him. The Chief Constable said that he had considered suspension of the officer concerned but felt there were no grounds to do so. He added that there was a difference between a mistake and a tragedy. The Chief Constable went on to say that he had moved the officer concerned to a different area and taken him

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off outside duties, primarily to be away from the area and to receive post-traumatic counselling. However he said that the difficulties facing the officer paled into insignificance when compared to the trauma faced by the McGovern family. He said that the officer had gone on duty that evening to do a job, that he and his colleagues thought they were dealing with subversives, and that at the end of the day it would be up to the DPP to form a judgement based on the facts of the case. He added that it was difficult to see what else could be achieved by using an outside investigating officer who, he reiterated, would have to work with RUC officers.

16. The Chief Constable went on to say that 2 senior officers, a Detective Superintendent and a uniformed Inspector had visited the McGovern family on the day of the incident and were graciously received by the family. He commented however that the family's attitude to the RUC changed after they had consulted a solicitor. Responding to a question from Mr Collins, the Chief Constable said that all the officers involved in the incident had been interviewed in front of the supervisor appointed by the ICPC. While the forensic reports on the incident were still outstanding, he said that it was hoped to put a report to the DPP within a few weeks.

17. Mr Collins thanked the Chief Constable and Lord Belstead for their full and helpful response. He reiterated his reasons for bringing the issues before Conference and urged that the investigation into the McGovern incident be completed as soon as possible, saying that, in the past, investigations into controversial incidents had taken longer than was thought to be necessary. The Secretary of State said that he was conscious of calls in public and private for him to play a part in the investigation. He said that his powers in relation to such investigations had been examined and had been found to be strictly limited. He suspected that those who had called for him to intervene were less aware of the extent of his powers.

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DISPATCHES PROGRAMME (ALLEGATIONS OF COLLUSION)

18. Mr Collins said that he had emphasised at a number of previous meetings how allegations of collusion between the security forces and paramilitary organisations was an issue which raised profound fears in the nationalist community. He said that the Stevens Inquiry had performed valuable work and that he had recognised this at the time and since. However he said that the recent Channel 4 "Dispatches" programme had fuelled fears that collusions still existed between individual members of the RUC and Loyalist paramilitary organisations. To his knowledge, the programme had presented a range of material, nothing startlingly new, but which again focussed on long standing claims about the existence of a "inner force" or "inner circle" in the RUC with allegations of police involvement in a number of recent murders. He said that he had noted carefully the statement issued by the Chief Constable about the programme and he welcomed the pledge that the Chief Constable had given that the RUC would not flinch from tackling wrong-doing within the community or, using the Chief Constable's words, "within the security forces". He said that he commended the Chief Constable's request to the programme makers to hand over their material to the RUC and the undertaking the Chief Constable had given that, if the material disclosed any evidence of crime, that it would be rigorously investigated forthwith.

19. Mr Collins said that however irritating such accusations were, and however true or false they might prove to be, that it must be accepted that there was a real problem of confidence. The claims in relation to the individual murders had been around since the murders had taken place. He recalled at a Conference meeting in April a reference to allegations of collusion which had surfaced following the Cappagh shooting some weeks earlier. The claims about an "inner force" or "inner circle" had been around for even longer. Rightly or wrongly, he said that the Irish side had to accept that suspicions existed which adversely affected the relationship between the security forces and the nationalist community. He said that suspicion of collusion had been growing in recent months because of the current Loyalist campaign of violence and the accuracy with

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which the Loyalist paramilitaries had been able to pinpoint some of their targets. He added that the Loyalists had on occasion struck at individuals who, to all appearances, were the victims of random selection but who had, in fact, a covert Republican involvement. He said that such incidents had again, rightly or wrongly, fuelled suspicions that the assassins may have had assistance from the security forces. Mr Collins added that the Brian Nelson trial would significantly renew fears about collusion. Finally Mr Collins said that in view of the wide scope for concern about the collusion issue, that it was clearly of the highest importance to ensure full implementation of the various recommendations made by the Stevens Inquiry.

20. Before handing over to the Chief Constable, the Secretary of State commented that both the programme makers and the authorities responsible for the channel should be concerned about the impact of such a programme and should be aware of the responsibility they have. He said that he felt that there were internal inconsistencies in the programme which should have been evident to the channel authorities. In the run-up to the programme, he said that he and his colleagues had been unsure if the "evidence" presented in the programme would be furnished to the RUC but that, in the event, he was delighted that it had been.

21. The Chief Constable said that no-one would disagree that there were sometimes dishonest policemen. However he said that in the wake of the Stevens Inquiry, allegations of collusion had been traded on by many different organisations. Referring to the programme itself, the Chief Constable said that the Belfast journalist interviewed as part of the programme had subsequently complained of being misrepresented and that the programme makers had used only those pieces of information which suited their book. Referring to the particular incidents raised by the programme he said that in the Marshall case 2 people had been charged with murder; that it was publicly known that he had been remanded on police bail; that there was only one police station in Lurgan and that it did not, therefore, require an Einstein to monitor Marshall's movements. As regards the murder of Pat Finucane, the

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Chief Constable said that Mr Finucane had been a well-known and obvious target for Loyalist paramilitaries. As regards the Cappagh incident the Chief Constable said that the incident itself had been misportrayed, the attack had been on the car first of all and then the pub, rather than the other way round. He added that all the "names" referred to in the programme had been interviewed by the RUC subsequent to the incident and said that for the incident to have taken place as portrayed by the programme and for the terrorists to have made their escape without having to worry about security force patrols would have required the involvement of RUC officers from the rank of Constable to Superintendent and Army Officers up to the rank of Major. Thus collusion on a massive scale, so large as to be beyond belief, would have been required. As regards the "evidence" promised by the programme makers, the Chief Constable said that he had received some material and that his initial findings were that the material did not indicate the existence of an "inner circle". Finally the Chief Constable said that it was impossible to legally challenge such a broad brush approach of the type presented by the programme, that the damage had been done by the programme and that it was difficult for the authorities to repair the breach. He gave the Conference his personal assurance that if anyone was suspected of collusion they would be arrested forthwith.

22. Mr Collins thanked Mr Brooke and the Chief Constable for their comments and said that he appreciated the problems faced by the British side. He said that he agreed about the responsibility of programme makers and referred to one or two similar types of programmes in the Republic which had caused immense problems. However he said that while no new material had been presented in the programme that it did engender suspicion amongst nationalists and he again pressed for full implementation of the Stevens recommendations. Finally he said that he accepted everything which the Chief Constable had said in the knowledge that the Chief Constable meant every word.

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SECOND SACHR REPORT ON RELIGIOUS AND POLITICAL DISCRIMINATION AND
EQUALITY OF OPPORTUNITY IN NORTHERN IRELAND

23. Mr Collins said that he wished to take the opportunity to review the position of the Second SACHR Report on Religious and Political Discrimination, which he described as far reaching in scope and which touched on fundamental issues crucial to the realisation of full equality between the two communities in Northern Ireland. He said that the achievement of the objectives of the Second Report were intimately tied to the work of the Conference under Article 5 of the Agreement.

24. Mr Collins said that it was important to emphasise that the Second Report was part of the continuing work of SACHR to map out the sources of inequality in Northern Ireland. While the 1987 SACHR Report on Fair Employment had focussed attention on the persisting inequalities which existed in that area, it was relevant to recall that the pattern of inequalities revealed in that first report necessitated the enactment of the 1989 Fair Employment Act. Mr Collins added that the Second Report had been partly complemented by SACHR's work on the educational system in Northern Ireland, which had revealed quite clearly a disturbing linkage between underfunding of the Catholic school system and subsequent disadvantage to young Catholics seeking employment. He said that he believed that SACHR intended to continue its investigation of the sources of inequality in Northern Ireland with studies of how the current training system operates and whether the historical pattern of industrial development in Northern Ireland had contributed to enhancing equality.

25. Mr Collins added that the Second Report was part of a structured and comprehensive effort by SACHR to identify, in precise and incontrovertible form, the major obstacles to achieving full equality in Northern Ireland. While Mr Collins said that action had been taken to put in place the legislative framework to redress inequality in the area of employment opportunity he said that action was now required to focus attention on what needs to be done to overcome the other remaining structural impediments to achieving full equality in Northern Ireland.

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26. Mr Collins said that he would welcome hearing what action the British side proposed taking to implement the many proposals contained in the Second Report. He said that he had seen a copy of Mr Brooke's letter of late July to the Chairman of SACHR and that he understood the position the British side adopted then because of the talks process, and that it was certainly the case that many of the SACHR proposals would require amendments to the 1973 Constitution Act. However Mr Collins said that it was self evident that lasting political progress in large part depended on the achievement of full equality of treatment and opportunity for both communities. In this context, the British side's legislative based action to promote equality had a crucial role to play and such action served to promote realistic political dialogue by driving home the realisation that lasting progress was only possible on the basis of full recognition of the legitimate rights and aspirations of both traditions. Action based on administrative authority, while often necessary and very welcome in itself, failed to convey the same clear cut and decisive commitment both within and outside Northern Ireland. He added that the legislative approach alone allowed the aggrieved individual or group to write and guaranteed opportunity to seek redress for a perceived or real grievances. Mr Collins referred Mr Brooke to the paper put by the Irish side to the British side in February. He understood that British officials would soon enter into consultation with SACHR about individual recommendations in the Second Report and he suggested that officials on both sides meet to review the progress of these discussions before the next Conference.

27. Lord Belstead said that there would indeed be opportunity for officials to meet. He said that the British side had devised a mechanism for discussion of the report's recommendations with SACHR. He said that the British side would be happy to discuss the report further with the Irish, in the light of discussions with SACHR, both at official level and subsequently in the Conference. As regards the SACHR Report on the Financing of Schools he added that both he and the Secretary of State would be meeting the Cardinal and the Catholic Bishops in the week following the Conference to discuss the report.

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EDUCATION CO-OPERATION

28. Mr Brooke and Lord Belstead welcomed Mrs O'Rourke to the Conference. Lord Belstead said that he had met Mrs O'Rourke for the first time in Dublin, to launch a collaborative project, and he felt this had characterised their subsequent encounters.

CROSS-BORDER SCHOOL EXCHANGE PROJECTS

29. Lord Belstead first of all referred to cross-border school exchange projects which he said included many ongoing co-operative initiatives such as the European Studies Project. The Project, which he said was a 6 year project devised and funded jointly by the Departments of Education in Northern Ireland, Dublin and London was due to come to an end in 1992. The project focussed on students between the ages of 11 and 18 and some 55 schools across Europe, with around 9500 pupils and 300 teachers had participated in the project. Lord Belstead went on to say that a new programme, aimed at students in the 16-19 age range, and focussing on enterprise, economic awareness and language in a European dimension being launched and for the first time would involve schools in Scotland. Finally Lord Belstead said that the Departments of Education in Northern Ireland and the Republic were at one on their intent to fund the new project.

30. Mrs O'Rourke said that she had met Lord Belstead on 3 occasions during each of which the theme of co-operation had been discussed. She said that the European Studies Project had proved to be a very fruitful exercise, and that the dissemination process would begin in 1992. She commented that a small problem had arisen over finance of the project but she felt that it could be resolved satisfactorily. The successor project, which Lord Belstead had already mentioned, was clearly needed and the format was already emerging. Summing up on school exchange projects Mrs O'Rourke said that the new project looked very promising and had a bright future. Lord Belstead added that there might be room for co-operation on summer schools and teaching materials as part of the project.

YOUTH EXCHANGES

31. On youth exchanges, Mrs O'Rourke said that extensive structures for the organisation of youth exchanges were already in place, particularly in disadvantaged areas, and that there had been many innovative projects. She said that she was very pleased that the island of Ireland as a whole had such enthusiasm for youth exchange and hoped that the current projects would continue to grow within the context of European Community initiatives. Lord Belstead said that there were some very good examples of youth exchange projects. He added that the Northern Ireland Youth Forum had met with its counterparts in Great Britain and the Republic of Ireland and that the meeting had been very productive. He said that the Department of Education's Youth Service which continued to seek to promote understanding at local, national and international level. Both Mrs O'Rourke and Lord Belstead commended the many activities in this area to the Conference.

NORTH/SOUTH TEACHER EXCHANGE SCHEME

32. On the North/South Teacher Exchange Scheme, Mrs O'Rourke reported that she had attended the initial launch of this scheme which had been enthusiastically received and had proved to be a very worthwhile initiative. She said that a possible question over the payment of substitution costs had arisen on the Irish side but that her officials were exploring ways of overcoming this difficulty and were also looking at the possibility of exchanging Principals of schools. Lord Belstead said that the essence of the scheme was for teachers to teach together; he recognised that substitution costs were a problem, but he hoped the Republic could solve this difficulty. He was keen to develop and expand the important initiative, which had been pioneered by Mrs O'Rourke and his predecessor, Dr Mawhinney. He added that the project was successful partly because of the agreement by the Irish Government, through Mrs O'Rourke, to waive the Irish language requirement for participants in short-term teacher exchanges.

RECOGNITION OF TEACHER QUALIFICATIONS

33. As regards recognition of teacher qualifications in the Republic, Lord Belstead wondered if the Irish language requirement, which he fully accepted complied with the EC directive, could be relaxed somewhat to make it more possible for teachers in the North, on both sides of the community, to apply for long-term posts in the Republic. He wondered if the Irish Government would be willing to consider a compromise in administrative arrangements which might allow the employment of teachers in post-primary schools without language competence on condition that they obtained a specified qualification in Irish within, say, a 3 year period. However he added that he would not expect a response to this suggestion at the Conference. Mrs O'Rourke referred to the "Groenier" judgement and explained the reasons for the language requirement. She said that Lord Belstead's idea was interesting and she promised to consider it.

EC PROPOSALS FOR THE EDUCATION OF TRAVELLERS' CHILDREN

34. On EC proposals for the education of travellers' children, Mrs O'Rourke said that both Departments had made great strides against the backdrop of the 1989 European Community Directive. Adding that the EC had decided to create a budget for intercultural education, including traveller education, she said that there would be room for a possible examination of a joint project which might include teacher exchange, curricular materials and so on to address the needs of the travellers children while preserving their particular culture. She said that one area ripe for examination was text book design where it should be possible to integrate examples of nomadic life into text books used by travellers' children. Lord Belstead welcomed the EC Directive and said that he would be more than happy to consider a joint project. Mrs O'Rourke and Lord Belstead agreed that the idea should be considered at official level.

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NEXT CONFERENCE - ECONOMIC AND SOCIAL ITEM

35. Mr Brooke said that he knew that both Governments had been giving detailed consideration to the implications of the Single European Market, and that he was sure it would be productive if the Ministers with responsibility for industry attended the next Conference to discuss the implications of 1992 for business and industry, North and South, with particular emphasis on the opportunities which would arise for greater co-operation. He added that a related, but equally important subject, was the development of North/South trade and so, if the Irish side agreed, he suggested that the Ministers should be asked to consider not only the implications of the Single European Market but the wider issues of North/South trade. Mr Collins responded by saying that there was a possible difficulty in that such a discussion would require more than one Minister on their side, but in principle he was content with the proposal, and said that the Dublin venue should ease diary difficulties.

DATE OF NEXT CONFERENCE

36. It was provisionally agreed that the next meeting of the Conference should take place on 12 November in Dublin.

JOINT STATEMENT

37. Following the Plenary session, both sides discussed and agreed a joint statement (attached at Annex B).

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IGC, 17 OCTOBER: NOTE OF POLITICAL DEVELOPMENT DISCUSSION

Those Present:

British Side:

Secretary of State
Paymaster General
PUS
Mr Fell
Mr Thomas
Mr Bell
Mr D J R Hill
Mr Cooke
HMA Dublin

Irish Side:

Mr Collins
Mr Burke
Mr Dorr
Mr OhUiginn
Mr O'Donaghue
Ambassador Small

Secretariat:

Mr Alston
Mr Dodds
Mr Maye

Secretariat:

Mr O'Donovan
Mr Nason

Also Present:

Mr Wilson
Mr Archer, RID
Mr Pawson

Also Present:

Mr Brosnan
Mr Dalton

1. There was a brief discussion of political development at the beginning of the plenary session, commencing at around 3.30pm.

Summary

2. Mr Collins reiterated his concerns about the proposition that any fresh gap between Conference meetings should be capable of being extended and made clear that "H&W" style talks at Westminster could only be allowed to discuss procedural points. It was agreed that there should be a further Ministerial-level discussion, in the form of a further IGC, shortly after the proposed meeting with the Unionist leaders on 7 November.

Detail

3. The Secretary of State opened the discussion by recalling his meeting with Mr Collins on 1 October and the agreement that there should be a meeting of officials to examine the groundrules for fresh talks.

4. He mentioned that he had since met an SDLP delegation, led by Mr Mallon, with whom he had had a useful conversation on similar lines. Mr Mallon had expressed understanding of the Unionist desire to re-endorse and possibly change the groundrules but had commented that it was difficult to respond when there was no firm proposition on the table. The SDLP had also agreed to meet the Unionist leaders at Westminster while making clear that this would only be for the purpose of discussing a limited agenda which would not go beyond procedural matters.

5. Having welcomed Mr Small to the Conference, the Secretary of State then asked whether Mr Collins had any comments on the aide memoire tabled by British officials on 7 October.

6. Mr Collins said the 7 October meeting had established areas of agreement and confirmed continuing joint commitment to most of the issues previously agreed. As he saw it, the only area of difficulty was the arrangements for a fresh gap in Conference meetings. There was agreement that any fresh gap should not be open ended but the British side wanted some flexibility to provide a face saver for the Unionists. The Irish Government would not quibble over the length of the gap, within a few days, but were concerned that the Agreement should not become hostage to Unionist tactics. The previous concept of a straightforward gap in Conference meetings had been acceptable but attempts to provide for the gap to be extended in certain circumstances would complicate the situation. It would raise the risk of the Agreement being sidelined to facilitate talks, thus achieving a Unionist objective. He had to have regard to nationalist opinion which would see any such development as pre-empting the progress of the talks.

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7. He referred to the suggestion that any gap should be brought to an end in the event of a General Election and suggested that it would be unwise to build in such a mechanism: if there were an election in prospect "the whole thing would need to go on ice".

8. Concluding, Mr Collins said he found it difficult to envisage any changes in the arrangements for a fresh gap. He was always being told not to take utterances by the Unionist leaders at face value but their present position was being expressed constantly and consistently and he could not ignore it. He would be happy to consider any proposed arrangements for a fresh gap which would not pose difficulties of the kind to which he had alluded. But the two Governments would be reckless and unwise to gamble.

9. The Secretary of State mentioned that one important point, not covered in the aide memoire because that was about the groundrules for substantive talks, was that - as before - everyone had a veto over the holding of fresh talks. There could be no progress unless everyone were content.

10. Picking up Mr Collins' comment about the possibility of holding an IGC if a UK General Election were called, the Secretary of State said that regardless of political or personal difficulties this was a card he readily offered across the table. The object would be to demonstrate that the Agreement was alive and well going into an election.

11. Mr Collins asked about the "Harland and Wolff" style meetings at Westminster proposed by the Unionist leaders. If they were meetings of parliamentarians with a limited agenda there could be no objection, but his understanding was that if the Unionists intended to treat them as a substitute for fresh Talks the SDLP would have nothing to do with them. The Secretary of State confirmed that if during any such meeting Mr Hume were to say that such and such a point went beyond the agenda of the meeting he would support him.

12. He went on to explain that Dr Paisley was in North America for the rest of the month but that he would be seeing the Unionist

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leaders on 7 November, so any inter-party meeting at Westminster would take place sometime after that. Mr Collins interjected to say he was encouraged to think the two sides would be meeting and the two Governments should support it, but the nature of the agenda was important. The Secretary of State said he had already noted the irony that any talks at Westminster would be taking place "under the Agreement" and with no "suspension" of the operation of the Agreement. However, if the meeting were short, because the agenda was narrow, we would be back in open country quite soon.

13. Mr Collins then raised the question of timing, speaking in terms of a three-month gap and suggesting that it might not start until after Christmas. The Secretary of State replied that it would be necessary to show that we were "in business" before Christmas. Mr Collins asked if that meant a 1 January start to any fresh talks but the Secretary of State said he believed it would be necessary to start before Christmas and continue into the New Year. The odds were clearly against this but the process had throughout been subject to external events and if the current level of violence were to continue through October and into November the Northern Ireland politicians might feel a need to return to the Talks.

14. Returning to the proposition that any fresh gap might be capable of being extended, the Secretary of State recalled that Mr Mallon had said that if fresh talks had been going with every sign of commitment for three months and were approaching a conclusion there would be no difficulty over extending the gap. Mr Collins commented that Mr Mallon had subsequently "been reminded" that this was not a matter on which he could give any commitment. The Secretary of State made the point that in any event the possibility of flexibility arising towards the end of a gap would not solve the "Unionist problem".

15. He suggested that unless Mr Collins was set against all idea of flexibility it would be worth exploring whether there was anything the two Governments could offer:

- a. in the event of fresh talks starting before Christmas; or

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- b. in preparation for fresh talks which might take place after the UK General Election. As the two Governments were at one in wanting to get people back to the table he felt ongoing contingency work was worthwhile.

Mr Collins agreed that if there was a possibility of something emerging which would not affect the Irish Government's central concerns it would be worth exploring. The Secretary of State suggested that he and Mr Collins should have a further meeting fairly soon after the planned meeting with the Unionist leaders, possibly even in advanced of any inter-party meeting at Westminster. Mr Collins was keen to demonstrate his readiness to be available but also argued that the meeting should be a full IGC, not an "Adare-style" informal meeting. A provisional arrangement was made to meet on the afternoon of 12 November in Dublin.

16. The Secretary of State suggested that there might be a further meeting of officials after that and noted there were other loose ends to tidy up besides the details of any fresh gap.

17. Looking ahead to the forthcoming Summit he confirmed that the Prime Minister found his meetings with the Taoiseach valuable. He noted that there would be a heavy pre-Maastricht agenda but said that as regards matters for which he was responsible he would support a discussion of how North/South and East/West relations could be "thickened up", including in respect of security co-operation. Any "thickening up" would be more persuasive if it were accompanied by developments in security co-operation. He was sure the two Heads of Government would wish to discuss political development on the basis of the three-stranded approach which was at the heart of how HMG saw the way ahead. Mr Collins said only that Prime Ministers would talk about what they wanted to talk about.

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JOINT STATEMENT
ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE
LONDON, 17 OCTOBER 1991

1. A meeting of the Anglo-Irish Intergovernmental Conference was held in London on 17 October 1991. The British Government was represented by the Joint Chairman, the Rt Hon Peter Brooke MP, Secretary of State for Northern Ireland, accompanied by Lord Belstead, Paymaster General. 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, accompanied by Mrs Mary O'Rourke TD, Minister for Education. The Chief Constable of the RUC and the Commissioner of the Garda Siochana were present for discussion of security matters.
2. The Conference resumed their consideration of the prospects for agreeing a basis for fresh political talks. Both sides stressed the importance of making further progress on this issue and reaffirmed their commitment to work in close co-operation to advance political dialogue on the basis of relationships within Northern Ireland, within the island of Ireland and between the peoples of these islands.
3. The Conference reviewed the present security situation, and utterly condemned all killings. They expressed particular concern about recent sectarian murders. They reiterated their belief and determination that violence from whatever source would not succeed. They heard a report from the Chief Constable of the RUC on the measures being taken to deal with violence, including a new police unit to co-ordinate investigation into attacks by loyalist paramilitaries. The Conference reaffirmed their determination to work together to enhance security co-operation in every way possible.
4. The Conference discussed a number of issues relating to the confidence of the community in the security forces, notably police

accompaniment of the armed forces (including the UDR), and the use of lethal force by the security forces with specific reference to recent incidents. They held a general discussion of the legal and other issues involved in the use of lethal force and agreed to discuss the issues further. The Conference expressed their deep regret at the recent death of Mr Kevin McGovern. In this context they noted that the circumstances of his death were currently being investigated under the supervision of the Independent Commission for Police Complaints. The Irish side raised a number of aspects of this case which particularly concerned them. The British side said that the results of the investigation would be carefully studied.

5. The Conference discussed the recent Channel 4 Dispatches programme. They noted that the programme's makers had, in response to requests from the Secretary of State and the Chief Constable, made certain information available to the authorities in Northern Ireland. This was currently being assessed to see what if any significance it had. The British side reaffirmed that in no circumstances would any departure from the rule of law be tolerated.

6. There was a further exchange of views on the Second Report of the Standing Advisory Commission on Human Rights (SACHR) on discrimination in key areas of economic and social life in Northern Ireland. The British side gave a progress report on continuing discussions with SACHR. The Irish side reiterated the importance they attach to this report and, in particular, to its recommendations which they generally supported. It was agreed to resume discussion at a future Conference.

7. In a wide-ranging discussion on education co-operation, the Conference welcomed innovative school and teacher exchanges on which considerable progress has been made. The Conference also welcomed recent links between schools on both sides of the border with schools in Great Britain and the Continent. Discussions on school curricula were considered particularly useful in the context of the Single European Market. The Conference expressed satisfaction with Cross-border Youth Exchanges out-of-school and regarded them as an important element in promoting mutual understanding. The education

of travellers' children was identified as an issue of common concern and both sides agreed to hold further discussions on the subject and to consider an approach to the EC Commission for the funding of a joint programme. The Conference also considered the prospects for greater mobility of teachers and other professions consequent on the recent implementation in both jurisdictions of the EC General Directive on the mutual recognition of higher professional qualifications.

8. It was agreed to consider the implications of the Single Market in 1992 for the whole island of Ireland at the next Conference when the question of increasing North/South trade will also be considered with the participation of the responsible Ministers.