

COVERING CONFIDENTIAL

FROM: DAVID KYLE
24 December 1991

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24 DEC 1991

DK/15187/91/HC

UNDER/ 715/12
SEC
30 DEC 1991
CENT SEC

cc PS/S of S (B&L)
PS/M of S (B&L)
PS/Mr Fell
Mr Ledlie
Mr Thomas
Mr Alston
Mr Bell
Mr Dodds
Mr Cooke
Mr D J R Hill
Mr Archer, RID
HMA, Dublin
Chief Supt Lewis

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30/12
a Mr Napier

PS/PUS (B&L) - B

DRAFT INTERNAL PLENARY RECORD, LONDON, 18 DECEMBER 1991 - IC(91)8

I attach a draft of the Internal Plenary Record of the IGC held in London on 18 December 1991.

2. I would be very grateful for any comments/amendments by 8 January, if at all possible.

[Signed]

DAVID KYLE

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DRAFT

IC(91)8

INTERNAL PLENARY RECORD OF THE INTERGOVERNMENTAL CONFERENCE
HELD IN LONDON ON 18 DECEMBER 1991

Present:

British Side

Secretary of State
Minister of State

Irish Side

Minister Collins
Minister Burke

Officials

PUS
Mr Fell
Ambassador Blatherwick*
D/Chief Constable*
Mr Thomas
Mr Ledlie
Mr Alston
Mr Bell
Mr Cooke
Mr Dodds
Mr D J R Hill*
Mr Kyle

Officials

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

In Attendance

Mr Archer
Mr Pawson
Chief Supt Lewis*

*Part of the Plenary Session only

The Plenary Session began at 1155 and followed the Ministerial tete-a-tete which had taken place between 1000 and 1110 and a Restricted Security Session which had taken place between 1115 and 1150.

POLITICAL TALKS

2. There was a lengthy discussion of Political Development at the beginning of the Plenary Session: Mr D J R Hill's note of 20 December records that element of the Plenary Session.

NOTE: Conference broke for lunch between 1315 and 1435 hours.

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SECURITY SITUATION

3. The Conference noted that discussion had taken place in the Restricted Security Session and Mr Collins referred to the need to keep in mind the political ramifications of the security situation. It was agreed that the subject could be explored further at the next Conference.

ACCOMPANIMENT

4. Mr Collins said that the situation with regard to Accompaniment continued to cause problems for him in the Dail. He referred to the difficulties arising from any perception that HMG was attempting to re-define its obligations with regard to Accompaniment in a manner at variance with the solemn commitment enshrined in the 1985 Hillsborough Communique. Against this background, the statements attributed to Ken Hind MP at the meeting of the British-Irish Inter-Parliamentary Body on 3 December had given rise to further parliamentary questions and Mr Collins said he had done his best to defuse these. Mr Brooke confirmed that he had already expressed his appreciation for Mr Collins' efforts in this regard. Mr Collins asked for confirmation that the views expressed by Mr Hind, which appeared to discount the British commitment on the grounds that it was not a treaty obligation, were his own and did not represent those of HMG. Mr Collins commented that other members of the BIIPB, British as well as Irish, had contested those remarks and he said it would be helpful if Mr Brooke could find a way to correct any misunderstandings which might remain.

5. Mr Collins went on to say that for his part he would like to take the opportunity to record once again the continuing importance of this issue and to urge that it be given the priority it warranted as an important measure, under Article 7(c) of the Agreement, to improve relations between the security forces and the community. He also asked that the British handling of the issue should take account of its increased sensitivity in the Republic of Ireland. Mr Brooke referred to his letter of 31 October to Mr Collins on the

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issue of Accompaniment and reaffirmed his position that "we remain firmly committed to ensuring that, to the maximum possible extent, military patrols which are likely to come into direct contact with members of the public should be accompanied by one or more members of the RUC, particularly in sensitive nationalist areas".

Mr Collins replied that he could only have regard to the language in the communique and Mr Brooke responded by saying that it was a communique as opposed to, say, Article One which was contained in a solemn treaty. Mr Collins said it was a communique between two Governments and he pressed the view that the language of the Secretary of State's letter was being seen as a clear retreat from the 1985 position, a situation which he could not accept.

6. Mr Brooke said he expected that this was an issue that they would return to. Mr Collins said he felt sure that the matter would come up at a more important meeting in June next year (reference to a Summit meeting). Mr Brooke referred to the Accompaniment figures for the 6-month period up to the end of September which were due to be given to the Irish, and Dr Mawhinney confirmed that the figures for RUC accompaniment would be with the Irish before Christmas. Mr Brooke suggested that having received the figures the Irish might wish to discuss Accompaniment at the next Conference.

EXTRADITION

7. Mr Burke advised that extradition proceedings had been initiated against Angelo Fusco (member of group of PIRA men who escaped from HMP Belfast in 1981) who had been convicted in the ROI under the Criminal Law (Jurisdiction) Act for escape offences. The extradition proceedings related to convictions recorded against him in Belfast in 1981 for murder, attempted murder and possession of firearms with intent.

8. Mr Burke explained that since the Conference held on 20 November the Irish Government, in response to proposals put by himself as Minister for Justice, had decided on the action to be taken in response to the judgements in the Magee, McKee and Sloan

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cases. It had been decided that legislation should be prepared to amend the 1987 legislation giving effect to the Convention on the Suppression of Terrorism with a view to widening the scope of that Act. Mr Burke said that the details were being worked out and he hoped it would be possible to achieve in that legislation:

greater certainty as to the offences which are excluded from the political offence exception including making it clear that possession of firearms and explosives with intent are excluded;

the removal of artificial distinctions which derive from the terms of the Convention itself, such as the distinction between automatic and non-automatic firearms; and

a limited number of technical amendments to improve the existing procedures in regard to such matters as the need to nominate the point of departure.

9. Mr Burke then turned to the issue of speciality in the context of the legislation and said that the Irish had enacted legislation four years previously which made provision for the rule of speciality to be applied to the UK/ROI reciprocal arrangements by way of subordinate legislation. This course had been decided upon at that time in order to allow the UK the time and opportunity to enact reciprocal legislation. Mr Burke emphasized that the Irish Government had been careful to follow this line because had they applied the rule of speciality unilaterally, extradition would have come to a stop until such times as the UK had legislation in place. There had been a number of cases in the period since the legislation had been enacted - Russell, Dinneen and Ellis - which clearly demonstrated the need to put the existing administrative arrangement on a statutory footing. Mr Burke pointed out that it could not be argued that there had been no legislative opportunity on the British side to make the appropriate amendment - since 1987 there had been the Criminal Justice Acts of 1988 and 1991 as well as an Extradition Act in 1989. Mr Burke said that in introducing new amending legislation on extradition he had no wish to proceed with the matter in a way which would create insuperable difficulties for the British

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side and he hoped that the Irish timeframe would allow sufficient time for the necessary legislation to be put in place by the UK.

10. Mr Brooke replied that he stood by the commitment to consider a statutory speciality rule when, and if, a UK legislative vehicle was available. After having consulted the Home Secretary, who has the responsibility for this area of legislation, their agreed view was that they should initiate now, and without commitment to legislate, a discussion of the issues which would arise in devising a UK statutory speciality rule; this discussion should take place, in private, in Working Group II. Mr Burke expressed his agreement that Working Group II was the right place to discuss the matter but he emphasized that the Supreme Court Judges had made it clear that the Irish authorities would be pushing their luck in bringing further cases - the Judges took the view that either it was law or it was not; they did not recognise administrative arrangements. Mr Burke pressed the line that in agreeing that Working Group II should look at the technical points the Irish were clear there was no scope for negotiation on the need for legislation to give effect to the speciality arrangements.

11. Mr Brooke said that at an intellectual level this was an argument for the Attorneys-General and he said that he was quite happy for the Irish Attorney-General to put his case to the UK Attorney-General. Mr Collins repeated the point that it was not the first time that the Irish Courts had made their unhappiness known and he emphasized that the issue could be the source of a major problem. Mr Burke reaffirmed the view that as the point was a sensitive one, then the discussions in Working Group II should not be publicised.

ECONOMIC AND SOCIAL CO-OPERATION

12. Mr Collins said that the Summit meeting between the Taoiseach and the Prime Minister endorsed at the highest level the role played by the Conference in the development of co-operation between the two parts of Ireland across a wide range of social and economic

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policies. Mr Collins advised that the Irish would provide a paper setting out their ideas on three specific areas which might be dealt with following the discussion of the 1992/North-South trade item in January. Once these ideas had been reflected upon, the opportunity of the January Conference might be taken to decide on a timetable; the Irish suggested that Forestry be taken at the February Conference, and that Inland Fisheries and Inland Waterways be taken shortly thereafter.

13. Mr Brooke referred to a decision on up-grading the North-South rail link. Mr Collins advised that Mr Brennan (Minister for Tourism, Transport and Communications) intended to submit detailed proposals to the Irish Government in the near future in relation to this project and its funding and suggested that discussion be deferred until the January Conference. Mr Brooke queried whether the reference to the January Conference would be for 'discussion' or an 'announcement'. Mr Collins replied that Government approval was required given the substantial Exchequer implications involved.

14. Mr Brooke added that as Mr Needham would be attending the January Conference he would wish to include an update on Energy and Tourism at the next Conference.

TRAVELLERS' ALLOWANCES

15. Mr Brooke said that he had noted the agreement reached by the ECOFIN Council on the Irish derogation and expressed his disappointment on the part of Northern Ireland. He also regretted that there had been no opportunity to discuss the issue at Conference especially because of its relevance to relations across the border. Mr Collins gave details of the arrangements under the further derogation agreed at the ECOFIN Council on 16 December. For under 24-hour travellers, the "normal" EC-wide quantitative regime should apply in relation to tobacco, spirits, fortified wine and still wine; the restrictions on beer were to be increased from 12 to 20 litres and the overall value limit on "other goods" was to be raised from £85 to £262; the single item limit continues to apply

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to both short term and normal travellers and there was no change in the £72 limit. For travellers out over 24 hours, the only change was that the import restrictions on beer were to be increased from 25 to 30 litres.

16. Mr Brooke enquired about the allowances coming into line in time for the new Single European Market regime. Mr Collins advised that he was not briefed on this point but he would be happy to come back to the issue at a future Conference.

DATE OF NEXT CONFERENCE

17. It was agreed that the next meeting of the Conference would take place on Wednesday, 22 January, in Belfast.

JOINT STATEMENT

18. Following the Plenary Session, both sides discussed and agreed a joint statement; a copy is attached at Annex A.

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3. There was also a discussion of the security situation. The Conference deplored recent acts of wanton and pointless terrorism which have caused death and injury, destruction of property and disruption of everyday life. Both sides restated their firm determination to co-operate fully in combating terrorism from whatever quarter and in bringing it to an end. They discussed a number of measures to achieve that purpose.

4. The Conference reaffirmed the objective that, save in the most exceptional circumstances, there should be a police presence in all

JOINT STATEMENT
ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE
LONDON, 18 DECEMBER 1991

A meeting of the Intergovernmental Conference was held in London on 18 December 1991. The British Government was represented by the Joint Chairman, the Rt Hon Peter Brooke MP, Secretary of State for Northern Ireland, accompanied by Dr Brian Mawhinney 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 Raphael Burke TD, Minister for Justice. The Deputy Chief Constable of the RUC and the Commissioner of the Garda Siochana were present for discussion of security matters.

2. The Conference discussed the prospects for a further round of political talks in the New Year on relationships within Northern Ireland, within the island of Ireland and between the peoples of these islands. Both sides expressed themselves encouraged by the progress made to date and stressed the importance of commencing a political dialogue which would lead to a comprehensive political accommodation acceptable to all. They agreed to remain in close contact on the issue.

3. There was also a discussion of the security situation. The Conference deplored recent acts of wanton and pointless terrorism which have caused death and injury, destruction of property and disruption of everyday life. Both sides restated their firm determination to co-operate fully in combating terrorism from whatever quarter and in bringing it to an end. They discussed a number of measures to achieve that purpose.

4. The Conference reaffirmed the objective that, save in the most exceptional circumstances, there should be a police presence in all

operations of the armed forces (including the UDR) which involve direct contact with the community.

5. The Conference held a further discussion of extradition arrangements.

6. The Conference agreed to consider at its first meeting of the New Year the implications of the Single European Market for the whole of Ireland and the desirability of increasing North/South trade. The Conference also looked forward to continuing its programme of developing areas of economic and social co-operation between North and South.