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COVERING CONFIDENTIAL

FROM: C D KYLE
15 JUNE 1994

CDK/15308/94

cc PS/Sir John Wheeler (B&L) B
PS/Michael Ancram (B&L) B
PS/PUS (B&L) B
PS/Mr Fell B
Mr Thomas B
Mr Legge B
Mr Williams B
Mr Steele B
Mr Bell B
Mr Lyon B
Mr Watkins B
Mr Holmes DENI B
Mr Wood (B&L) B
Mr Daniell B
Mr Perry B
Mrs Collins B
Mr Brooker B
Mr Dodds B
Mr Marsh B
Mr Maxwell B
Mr Bramley B
Mrs Brown B
Mr Maccabe B
Mr Rodell B
Mr Maitland B
Mr Archer, RID B
HMA, Dublin B
Miss Neville-Jones, Cab Office
Mr David Gould, Cab Office
Mr Jonathan Powell, Washington
Chief Constable, RUHQ

ASST
SEC 16 JUN 1994
CENT SEC

PS/SECRETARY OF STATE (B&L) - B

JOINT PLENARY RECORD OF THE INTERGOVERNMENTAL CONFERENCE HELD IN
BELFAST ON 25 APRIL 1994 - IC(94)3

I attach the final version of the Joint Plenary record of the
Intergovernmental Conference held in Belfast on 25 April 1994.

[Signed]

C D KYLE

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IC(94)3

JOINT PLENARY RECORD OF THE INTERGOVERNMENTAL CONFERENCE
HELD IN BELFAST ON 25 APRIL 1994

PRESENT:

British Side

Sir Patrick Mayhew
Sir John Wheeler
Michael Ancram

Irish Side

Mr Spring
Mrs Geoghegan-Quinn
Mrs Bhreathnach

Officials

PUS
Mr Fell
Mr Thomas
Mr Legge
Ambassador Blatherwick
Chief Constable
Mr Archer
Mr Bell

Mr Dorr
Mr Dalton
Mr S O hUiginn
Mr C O hUiginn
Garda Commissioner
Mr Donoghue
Mr Hennessy
Mr Waters

Anglo-Irish Secretariat

Mr Williams
Mr Smyth
Mr Kyle

Mr O'Donovan
Mr Mellett
Mr Farrell

In attendance

Mr Stephens
Ms Sung
Mr Holmes
Chief Superintendent Sillery

Mr Cussen

POLITICAL SITUATION

1. The British side referred to the recent 3 day PIRA ceasefire and noted that the two Governments were agreed on the need for evidence of a permanent cessation of violence before Sinn Fein could be admitted to the democratic process. The British side reported on the recent visit by the Secretary of State to the United States and the attitudes he encountered there. It expressed the view that current policy should continue together with firm adherence to the principles of the Downing Street Declaration. The British side also

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ed that, while it would not renegotiate the Declaration, it would look carefully at any questions put to it by Sinn Fein concerning the Declaration and would consider what was sensible by way of response. The Irish side considered this last suggestion to be helpful. It noted that the Joint Declaration was going to be at the centre of both Government's policies for years to come and stressed the importance of displaying patience and persistence despite the tests which might occur. The British side emphasised that the Secretary of State had stretched his credibility to the limits with Unionists.

2. Both sides agreed that the public statements by Mr Molyneux after his visit to the United States had been encouraging.

3. Both sides noted that the Liaison Group was continuing with its work of examining an Irish draft document. The British side expressed the view that the agreed paper, which it hoped would emerge, should not be prescriptive but should, rather, be about a shared understanding of the parameters which might prove to be a basis for agreement. The Irish side noted that, though good progress had been made in the Liaison Group, there was still some distance to go and many difficult issues remained.

4. The Irish side stressed the need to assuage the fears of the Northern Nationalists. They would be wary of anything that could leave them trapped in a minority situation and it would be necessary to meet their fears. This had implications for North/South institutions; there was a need to make clear the significance and define executive powers of such institutions. The Irish side also stressed the need for a fully balanced accommodation in the constitutional area.

5. The two sides discussed the next step after an agreed position was reached including when, and how, any agreed position should be made public. The British side stressed the need for caution in going public, in particular before the European elections. Both sides agreed that the Liaison Group should continue with its work

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should aim to be in a position to report to Ministers by the next Conference.

6. The British side reported on contacts which had been taking place with the parties. Three of the four parties continued to have discussions with Michael Ancram; the DUP would not. The British side reported that there was some evidence that the UUP wished to get involved again in talks but they were not currently in a position to say publicly that they were prepared to go back to the three-stranded process.

CONFIDENCE ISSUES

Crossmaglen

7. The Irish side expressed strong concern over the lack of prior notice Government to Government of the major work at the RUC base in Crossmaglen. It also expressed concern about the impact the whole proceeding had had on the local community and the enormous propaganda boost it had given to PIRA. The Irish side stated that in its view the impact on the peace process in terms of timing could scarcely have been worse. The Irish side also drew attention to the major security operation which it had been required to mount on the Southern side of the border.

8. The British side recalled the number of members of the security forces killed in the South Armagh area during the last eighteen months. It emphasised that security force personnel could not be asked to continue to face the risks in this area and, accordingly, a decision had been made to strengthen the defences of the security force base in Crossmaglen. The British side took note of the comments of the Irish side regarding prior notice of future works of that kind, and expressed the hope that as much notice as was practicable could be given, but stressed that security remained the prime consideration.

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Policing

9. The British side advised that it had recently launched a major consultation paper entitled "Policing in the Community". The aim of the paper was to review existing structures (which had been set up almost 25 years ago) with a view to examining how the current arrangements could be improved and built upon. The British side looked forward to receiving the considered views of the Irish side in the matter. The Irish side responded that, given the nature of society within Northern Ireland, any changes in police structures were highly sensitive and expressed the hope that great care would be exercised in this work, emphasising also the necessity for the police to be acceptable to the community as a whole.

10. Both sides also discussed the Triennial Review published by the Independent Commission for Police Complaints, as well as the report of HM's Inspector of Constabulary. The British side indicated that the recommendations made by the ICPC were under consideration.

Lethal Force

11. The British side commented that, since it had handed over to the Irish side the report of the Interdepartmental Group set up to study the issue, Lord Chief Justice Hutton had given his recent judgement in the Clegg case. The British side noted that any change to the law to allow for a manslaughter offence, peculiar to the security forces, would give rise to a perception that there was one law for the security forces and one for the rest of the population. The Irish side expressed some disappointment with the conclusions of the Working Group. The Irish side emphasised that Lord Chief Justice Hutton was just the latest recruit to a growing body of opinion which had suggested that some sort of intermediate offence or range of offences was required between murder and acquittal. The Irish side indicated that it would come back with its views on the conclusions of the Group.

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12. The two sides had an early exchange of views with regard to the marching season. Both noted that there had been improvements in this area in recent years and the British side emphasised that the RUC adopted an even-handed and incremental approach through negotiation with organisers and other interested parties. The Irish side repeated its view that parades should not go through areas where they were not welcome. The Irish side also looked forward to having a meeting at official level with the British side closer to the marching season's height and to receiving the British side's analysis of parade routes and potential problems.

Broadcasting

13. The British side advised that the Secretary of State for National Heritage had just written to Minister Michael D Higgins in response to the latter's letter regarding extending the reception of RTE TV. The British side explained that it was willing to agree to further study of the issue but this was not to be interpreted as a commitment.

14. The two sides exchanged views with regard to the Irish announcement of plans for Telefis na Gaelige. The British side suggested that the Irish side should bring forward detailed proposals for examination at official level in the first instance.

Education

15. The two Education Ministers briefed the meeting on the separate discussions they had held earlier. Both sides welcomed and adopted the joint paper on co-operation in education and saw this as a framework on which future co-operation could be based.

16. The Irish side raised the matter of Meanscoil Feirste and its financing, on which representations had been received. The British side were aware of the concern and were currently reviewing

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