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INTERGOVERNMENTAL CONFERENCE 24 FEBRUARY 1988

FAIR EMPLOYMENT

STEERING NOTE

Background

The British are committed to introducing new fair employment legislation for Northern Ireland. The intention is that a Bill should go through Parliament in the '88/'89 session - i.e., that it would be on the statute books no later than June '89. An announcement in the House of Commons will be made very shortly (probably 29 February) setting out the general contours of the proposed new legislation. This statement will be followed a few months later by a White Paper which will provide more detail on the legislative proposals.

It is clear that this timetable is being set with an eye to developments in the US. The British are unsettled by the MacBride campaign at State level in the US, concerned that that the campaign will gain momentum at federal level, and aware that the Presidential and Congressional elections later this year provide an opportunity for MacBride activists to advance their agenda. Their immediate focus is on St. Patrick's Day, and the need to avert or minimise criticism of the British fair employment record in the various statements which will be made on that occasion. Mr. Stanley is going to the US at the beginning of March and obviously wants to be the bearer of good news, at least on this issue.

The British are in no doubt as to the priority attached by the present Irish Government to progress on fair employment. There have been repeated statements of concern at political level; we have substantiated this at official level by submitting very detailed views and proposals as to what should be the content of new legislation. Since mid-January, we have had three meetings at official level with our Northern Ireland counterparts, involving some very frank talking. A number of difficulties have been ironed out, to at least our partial satisfaction; others remain.

Our evaluation of the Proposals

(a) General

There is little doubt that the new legislation will be a considerable improvement on the existing Fair Employment Act. Some of the proposals - compulsory monitoring, withholding of government grants from discriminatory firms, provision for sizeable fines, prohibition of indirect discrimination - have the potential for bringing about significant change. However, our attitude from the outset has been that given the pressures on the British Government in this area, we should press for the absolute maximum that is realistically obtainable. We have been anxious to get across to the British that we would not be unduly impressed with anything short of a radical attempt to root out present inequalities. In short, we have - and we feel justifiably so - set exacting criteria for the new legislation.

Realistically, we have to accept that there are certain steps the British will not take. They argue that reverse discrimination is philosophically repugnant and that the merit principle must remain central to employment legislation. They say that their purpose is not so much to redress past wrongs but to ensure that equal rights prevail in the future. We have taken issue with them on this and have argued that sixty years of discrimination cannot be ignored and that a positive and conscious effort is needed to overcome the effects of that legacy. It is clear however that we will not bridge the philosophical gap; we have therefore concentrated on trying to push as far as we can within the parameters of what might be broadly acceptable to the British.

In advance of our last meeting with officials we identified a number of issues where there were significant outstanding differences and submitted a paper which reiterated our views on these issues. It is fair to say that at our last meeting there was evidence of movement on their part on a number of those points, to the extent that we are now probably within striking distance of agreement on most of the core issues. The areas where differences persist are outlined below. However, even in areas

where we are apparently close to agreement, there are important caveats. Many of the reassurances we have received from the British are couched in rather general terms; in relation to some items we are told "It should prove possible to find formulae that will meet your concerns". In the course of our discussions there have been frequent references to possible difficulties with parliamentary draftsmen - it may be that some of what now appears to be common ground will be chipped away in the further drafting process. In the circumstances it would obviously be prudent to exercise a degree of caution until such time as we have seen the fine print of the proposed legislation.

(b) Specific Concerns

The question of institutional structures is probably the most significant issue on which we differ from the British. Since much of the detail of the legislation is fairly technical and hardly calculated to arouse public passion, media attention has tended to focus primarily on institutional/personality aspects of the new proposals. The reality is that even if we agree with the British on 90% of the detail, but publicly disagree on structures, the headline may well be "Row over future of Fair Employment Agency". Conversely, if we fail to signal disagreement, we risk accusations of acquiescing in a fatal weakening of the Agency.

Basically the British are proposing a two-tier or twin structure consisting of a Fair Employment Commission, with an educational and investigative role, and a Fair Employment Tribunal, with an adjudicatory role. We on the other hand had proposed that the existing Fair Employment Agency continue to handle all aspects of pattern investigations (i.e., general investigation into firms or sectors) with appeals allowable on limited grounds to the High Court, and that individual complaints of discrimination be handled by the existing Industrial Tribunals. We have expressed a serious concern that the two new bodies may ultimately undermine rather than reinforce each other and that the new provisions might be fatally weakened by a flawed implementing mechanism.

Opposition to the two-tier or twin structure is widespread. The existing FEA is predictably hostile, and Bob Cooper has placed some question mark over his willingness to remain as Chairman of an emasulated Fair Employment body (although it is not clear how seriously this threat should be taken). The proposals conflict with the institutional model proposed by the Standing Advisory Commission on Human Rights (SACHR). The SDLP is also critical. However, the Unionist Councillor who recently spoke of "dancing on the grave of the FEA" is undoubtedly reflecting more widespread Unionist opinion and the employer body, the CBI, is certainly pleased by the prospective removal of the adjudicative function from the FEA.

Among the other areas of difficulty or uncertainty are:-

- amount of detail to be included in the legislation; we are concerned that much of the crucial spelling out of the positive duties on employers might be left over to a Code to be drawn up in the future;

- operation of the contract compliance principle. (This is the system whereby discriminatory employers will be debarred from receipt of Government grants or from tendering for Government contracts). We want to be absolutely sure that the same principle will be applied by all public bodies as well as by central government. The British say they agree to the principle but are having difficulties on mechanisms for implementation;

- Outreach training: we want religion-specific training to be permissible in certain circumstances; they say this would be too divisive;

- Goals and timetables: they appear to have moved closer to our concept of binding goals and timetables but we are anxious to continue our emphasis on this as an issue of vital importance. We have also urged them to adopt a global goal for reduction of imbalances over a defined period; their answer to this was to offer a review of the operation of the legislation after five years.

Forthcoming Conference

(a) British position

The British undoubtedly want the Irish Government's seal of approval on the proposed legislation. They know that what we say on this issue will carry weight in the US (indeed, given that many MacBride activists are not amenable to Irish Government advice, the British may well over-estimate our ability to rein in the campaign, even if we wished to do so. However, it is hardly in our interest to disillusion them on this point). The Secretary of State will have seen reports from his civil servants of what they consider an ungracious or even unreasonable reaction by Irish civil servants to certain aspects of the proposals. Mr. King will no doubt argue that while we may have quibbles on points of detail, there must surely be an acknowledement that the proposals overall represent a considerable step forward and should be welcomed accordingly. He may go further and pick up a theme which emerged in our earlier discussion with his officials: that the Irish and British Governments should get together on a "joint marketing" of the proposals in the US. On institutional arrangements, he will probably argue that the totality of the new structures will be more effective than the existing FEA.

(b) Recommended Irish approach

Our approach all along has been to deal with the fair employment issue on its merits. The issue has too much intrinsic inportance to make it a victim of setbacks in other areas of Anglo-Irish relations; at the same time of course we are not seeking an artificial success on fair employment which might not be justified by the scope or content of the proposed legislation.

The proposed legislation, as it stands at present, has many worthwhile features. Even if we had no doubts about it, however, we would want to await both the fine print of the legislation, and a clearer sense of the reactions of other interested parties, before committing ourselves fully

in our reaction. It is also worth bearing in mind that our reaction, if lukewarm now, can be warmed up at a later stage while the reverse cannot as easily happen without loss of face on our part. The logic would therefore seem to point towards a guarded approach on our part in the communique, acknowledging the positive features but stating that certain aspects would be subject to further consideration by both sides.

The central issue of concern and likely controversy is, as indicated, the two-tier institutional approach. NIO officials seemed to be immovably committed to this. It will be interesting to see if Mr. King has the same commitment to it, particularly given the threat that the Government, the SDLP, the present FEA Agency and, consequently, American opinion might be opposed. Would it be worth losing the impact of the legislation for this ?

At the end of the day, if the British do not budge, our decision on whether to accept the proposed institutions might well depend on the choice of President of the Tribunal. The SDLP (whom we have met three times in as many weeks) would tend to take the same pragmatic approach. Our thinking on this, however, can only be further developed in the light of the Conference discussion.

Anglo-Irish Division,
Department of Foreign Affairs.

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FAIR EMPLOYMENT

SPEAKING NOTES

(The Tánaiste might wish to begin by inviting the SOS to give a general presentation of the new proposals).

General

- Thank King for his presentation. Have of course heard much of the detail through reports of officials but very helpful to hear from the SOS himself.

- You know the depth of our concern in this area. The analysis contained in your own Consultative Paper makes clear how disproportionately the burden of unemployment has fallen on Catholics. In terms of quantity and quality of jobs available to them, Catholics have had a raw deal for over sixty years. It has to stop.

- Last October I said publicly that it would be "intolerable" for the present situation to continue. Everything I have seen and heard in the meantime confirms that judgement. In particular the Policy Studies Institute analysis explodes some of the myths about unemployment and establishes conclusively that religion <u>is</u> a major determinant of unemployment in Northern Ireland.

- We know that if there is a sufficient commitment to change, <u>it will happen</u>. The opponents of change will always invoke excuses. The point is sometimes made to us that fair employment cannot be tackled realistically or effectively until such time as the overall employment situation in Northern Ireland has significantly improved. We are told that what we are seeking is 'equality of misery'. I reject that argument totally. By your own calculations, there is a job turnover rate of about 20% per annum in Northern Ireland. This turnover rate obviously provides an opportunity for change to happen, <u>even</u> in current economic circumstances.

- The under-representation of Catholics at senior levels is a fact of life throughout the civil service, the public sector, and in large areas of the private sector in Northern Ireland. We know the civil service is changing, and we welcome Ken Bloomfield's honesty in admitting publicly this week that there are too few Catholics at senior level in the civil service. But the record in some parts of the public sector - including the Electricity Service, and the Fire Authority - is very disturbing. What kind of example does it set when only 9 out of the 27 District Councils have signed the FEA's Declaration of Intent?

- We know that not all of the problems are amenable to treatment in this legislation. For example, we are told time and time again - and we can see it for ourselves - that one of the primary determinants of employment imbalances is the location of industry. We see today the legacy of years of favouring Protestant areas for location of industry. The Fair Employment Agency can only look at a firm's catchment area. But catchment areas result from location decisions. We know that governments can't determine location decisions for the private sector, but it can certainly influence them. I want to make a plea here today for the new legislation to be complemented by a conscious attempt to see location issues as part of the larger fair employment problem.

- There is a risk for all of us in discussing complex legislation of this kind that we will fail to see the wood for the trees. As we perceive it, the overall aim of this legislation must be to bring about change. If in 2, or 5, or 10 years time, the imbalances are still the same and Catholics are as disadvantaged as ever, then the legislation has entirely failed in its objective.

- We have in our submissions refrained from some of the more radical suggestions that would be familiar in the U.S. for example. But we are not saying that techniques such as

reverse discrimination are, in our minds, inappropriate for all time and in all circumstances. If the proposed legislation does not bring about results in an acceptable timeframe, then I think all reasonable people will agree that it is time to go back to the drawing board to come up with something tougher.

- We note that you are contemplating provision for a full review of the legislation after five years. This will be useful and indeed necessary. I would prefer to see that review take place in a context where you had already committed yourself publicly to certain targets to be achieved over the five year period.

Legislative Proposals

Positive Elements

- First let me say that we do believe that there are some definite steps forward in this legislation. The principle of compulsory monitoring, the creation of an across-the-board statutory duty to practice fair employment, the specific prohibition of indirect discrimination, the provision for sizeable fines - all these are welcome steps and we certainly do not wish to disregard or dismiss them. However, it is perhaps in the nature of a negotiation like this that we concentrate on our areas of disagreement in the hope of bridging the gaps there, rather than on areas of agreement.

- Our officials have gone over the ground very carefully at their various meetings and indeed you have had a number of detailed submissions from us. It is hardly productive for me to reiterate everything that has been said by my officials. I would propose to focus on the outstanding areas of major concern to us, rather than attempting a totally comprehensive treatment of the issues.

Institutional Structures

- This is perhaps the most important issue that separates us. We know your position and you know ours. We remain deeply concerned that the two-tier or twin structure you propose carries very serious risks. The Commission will constantly have to look over its shoulder at the Tribunal; a kind of institutional rivalry is likely to develop, and the overall result may well be a reduction in the prestige, authority and effectiveness of the Commission.

- We know that you feel we are being unduly pessimistic in our prognosis. We feel we are being realistic. If there are weaknesses in the structures, they will be exploited by those employers who resent any role for a fair employment body. The whole history of the Fair Employment Agency to date proves that.

- This is the issue which, rightly or wrongly, is going to attract most public attention. Whose support do you have? The FEA is obviously opposed. SACHR has proposed a different model, more in line with our own. The SDLP is critical. Only the CBI is likely to back you. The perception - probably a very unfair one but nevertheless there - is that this is being offered as a quid pro quo for employers.

- If you don't get the structures right, then you won't get credit where its due in other areas. And a structural flaw could genuinely undermine everything else you are trying to do. If you put the watchdog on a leash, everything else becomes vulnerable. We would urge you to reconsider.

Other Issues

- Let us briefly look at the other areas of concern:

- Monitoring: As you know we want the monitoring threshold reduced from 25 to 10. I understand that you are willing

to make a public commitment to reduce the threshold in two years. I assume this can be written into the legislation.

- Statutory duty to practice fair employment: We want as much detail as possible in the legislation. We are uneasy about too much being left over to a Code of uncertain content with uncertain legal status.

- Contract compliance: We assume you will be able to find appropriate implementing mechanisms which will enable you to apply contract compliance throughout the public sector.

- Outreach measures: We fail to see why the same provisions that apply in the cases of racial and sexual discrimination should not apply also in cases of religious discrimination.

- Goals and Timetables: The ability of the fair employment body to impose goals and timetables - relating to applications, recruitment and promotion - is of crucial importance. The legislation should be as specific as possible on this point.

- Individual cases of discrimination: We want individuals to be extensively helped by the fair employment body in taking discrimination cases, and to have a full range of remedies available to them.

FAIR EMPLOYMENT

Irish Government Submission, 15 February 1988

We have reflected on the information that has been conveyed to us in our two meetings in the Secretariat. We look forward to a further discussion later this week. This paper is being prepared as an aid to that discussion.

The points made in this paper address themselves to the presentation made to us by the Department of Economic Development. While we do not specifically return to a number of points made in our earlier papers, those submissions stand as a general statement of our views and proposals in the fair employment area.

This submission sets out major concerns we continue to have in relation to (a) the substantive provisions in the new legislation and (b) the proposed new institutional structures.

A. Substantive Provisions

(i) Monitoring

We welcome the new monitoring obligations to be imposed on employers. However, we continue to believe that the threshold for compulsory submission of monitoring returns should be lower than 25. This is particularly relevant since it is envisaged that the development of small business will provide the main vehicle for employment growth in Northern Ireland in the foreseeable future. Also to exclude firms under 25 from compulsory submission of monitoring returns would mean that geographically sizeable areas - particularly rural areas and small towns - might not have a single firm, or very few firms, submitting returns. We have been assured that the intention is to lower the threshold to 10 in a

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few years time. In our view it would be far preferable to introduce the threshold of 10 at the time the new legislation comes into effect.

An area which we have not so far discussed, but where we would also have some concerns, is the precise monitoring requirement to be imposed. In our view (and this may well be contemplated in the proposals) monitoring should apply not only to the overall workforce of a firm but, particularly in large firms, to different locations and to various categories of employees. It will also be important to ensure that monitoring does not simply represent a "snap shot" of the religious affiliation of an employer's workforce every 12 months but actually enables an assessment to be made of the extent to which equality of opportunity is being furthered in a particular workplace or enterprise. This could be achieved by, for instance, requiring that the annual return include a statement of any action taken in the previous 12 months and details of any affirmative action plans in operation.

(ii) Statutory duty to practice fair employment

We welcome the imposition of an across the board statutory duty to practice fair employment. However, the legislation must in our view spell out in detail the nature of this duty and what it is employers are required to do to comply with the statutory obligation. As we understand it, the present intention is that much of this detail should be left to the Code of Practice to be drawn up by the new fair employment body. On reflection, we would feel that it is far preferable that as much as possible of the detail should be enshrined in the legislation. We do not know the composition of the new fair employment body, how long it would take to produce the new Code, what difficulties

the new text might encounter in securing the approval of the Secretary of State and of Parliament. In our view it is the Government, now, which should take the lead in this area.

The spelling out of the statutory duty becomes even more critical if employers are not required to sign a Declaration of Practice. Up to now, the Declaration of Principle and Intent served as a commitment by employers to ensure that their workpractices conformed to the general principles of fair employment. If not required to make such a commitment voluntarily, it is essential that the legislation should indicate clearly the content of the statutory duty being imposed.

(iii) Contract Compliance

We welcome the principle that only those adopting fair employment principles should be eligible for government grants or eligible to tender for government contracts and that this will be covered by legislation and not by Parliamentary Statement as heretofore.

However, we have a number of concerns in this area. Firstly, we would welcome confirmation that the same principle will be applied by all public bodies as well as by central government. The same philosophy - that public money should not be used to subsidise discrimination - should obviously govern all cases. Secondly, any exceptions to the contract compliance principle should be narrowly defined and the Secretary of State's discretion in this area should be exercised with maximum transparency. The reasons for any exemption that may be granted should be clearly and publicly stated. Thirdly, the mechanism for removal of employers from the award of grants and contracts and their reinstatement should be clearly spelt out in the legislation. The burden to justify reinclusion on the lists for grants and tenders should be on employers.

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(iv) Outreach measures/Affirmative Action

At a very minimum, we consider that the new legislation should expressly permit employers wishing to redress a serious imbalance to pursue outreach measures similar to the provision at Section 38 of the Race Relations Act, 1976 covering -

(a) the encouragement of applications for work from under-represented sections of the community, and
(b) the provision of special training courses reserved for persons from the under-represented community if necessary.

It is important to make the distinction between (a) encouragement of applications and (b) training opportunities. In many instances encouragement of its own will be insufficient to redress the imbalance in the workplace. Members of the under-represented community will in many cases have the potential and the motivation for particular work but may, for instance, lack particular subject combinations in schooling qualifications or the necessary work experience. In such circumstances a policy of encouragement and training to bring them up to an adequate standard is required.

The new legislation should also in our view explicitly permit an employer to redress a serious imbalance in the workforce by planned action including "indirectly inclusionary" measures which in effect favour the under-represented group by drawing on the pool of those unemployed or living in a particular geographical area for the selection of persons for employment or training opportunities.

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We have noted with interest the terms in which the British Government justified the inclusion of such limited positive action measures in its 1975 White Paper "Racial Discrimination" when it stated:

> "that it would be wrong to adhere so blindly to the principle of legal equality as to ignore the handicaps preventing many black and brown workers from obtaining equal employment opportunities".

There would seem to be no valid reason why this approach should not also be applied to remedying the effects of religious discrimination.

(v) Goals and timetables

We view this issue as of central importance in ensuring that the new legislation has the capacity to secure real change. Indeed, it is difficult to envisage how any discriminatory situation could begin to be rectified or subsequently evaluated without the use of goals and timetables. The new legislation should make clear that the fair employment body, at the conclusion of an investigation and following a finding of discrimination, is empowered to impose goals and timetables on employers. The goals should relate to applications, recruitment and promotion. If an employer failed to meet those goals, the onus of proof would be on him/her to demonstrate that every reasonable effort had been made to meet the goals in the given time-frame. If that burden of proof was discharged, then no penalty would ensue. If it was not discharged, a sizeable penalty would be imposed.

We also see merit in the adoption of goals and timetables by the Government in its efforts to address the fair employment problem in Northern Ireland. We note the recommendation by SACHR that "An interim target

to aim for would be the reduction in differential between the male Catholic unemployment rate and the male Protestant unemployment rate from two and a half times to one and a half times within five years... The Commission recommends this as a reasonable target which, on public policy grounds, the Government should set itself to achieve." We would endorse the SACHR recommendation in this regard.

(vi) Fines

We welcome the fact that substantial fines would be levied for non-submission of monitoring returns and for non-compliance with Directions issued by the fair employment body. We await clarification as to the precise nature of the fines and the stages at which they would be imposed.

While we understand the importance of having individuals face the consequences of their actions, we would not wish to see any departure from the principle of responsibility of institutions for the acts of their agents. Accordingly, we feel that great care will have to be exercised in legislating for the imposition of fines on public bodies.

Where responsibility clearly rests on an individual or individuals for a discriminatory decision, those individuals should be fined. However, decisions by individuals generally take place in an institutional atmosphere which sanctions those decisions. In such situations it is unacceptable that penalties should be imposed solely on one individual in a chain of command. District Councillors, for example, can challenge any personnel decision taken by officials of the Council. In some cases, to fail to challenge such decisions amounts to discrimination on the part of the Councillors. We would therefore want to see an approach

to fines where both Council officials and the Council itself can be fined, with a provision in the latter case for the fine to be paid by surcharge on individual Councillors.

In the case of bodies such as NIES and the Fire Authority, we would - as already discussed - wish to see a very clear responsibility laid on the Chief Executive.

We would naturally assume that payment of a fine would not in any way exempt an employer from the obligation to carry out measures to rectify a situation of imbalance in his/her workforce.

(vii) Definition of Indirect Discrimination

We have argued that, in cases involving indirect discrimination, the employer should have to prove that the qualifications required for the job are "essential" or "necessary" (as opposed to "justifiable"). We would also make the point that nothing in the definition of indirect discrimination should call into question the range of outreach/affirmative action measures which an employer with an unbalanced workforce can voluntarily adopt, or which can be imposed on an employer following a finding of discrimination by the new fair employment body.

(viii) Matters not so far discussed

We have not had an opportunity at our meetings so far to discuss a number of issues addressed in our earlier submissions.

- One such matter is the range of remedies available to individuals in cases where discrimination has been proven. We continue to consider it critical that the full range of remedies, such as compensation for injury to feelings, reinstatement, interim relief etc. is available.

- Another area of importance is the setting up of an appeal procedure for decisions taken under Section 42 of the Fair Employment Act.
- A third concern is that the display in the workplace of flags and emblems likely to give offence or cause apprehension should be specifically prohibited. (A duty to ensure that the workplace is free of such displays could be part o the definition of the statutory duty to practice fair employment). An offence in this area should be actionable by a third party, and not exclusively by employees.

B. Institutional Structures

As will be recalled, our proposal was that pattern investigations be dealt with by the single fair employment body with appeals permitted to the High Court, and that individual complaints be handled by the Industrial Tribunals. We continue to believe strongly that such a structure would be preferable to the proposed new Commission and Tribunal. We are very concerned that the twin structure proposed could create a situation where the two bodies would undermine rather than reinforce each other.

With the Tribunal in effect the appellate body from Commission decisions, the status of the Commission will inevitably be lowered - our purpose, on the other hand, was to raise the status and profile of the fair employment body beyond that which the FEA enjoys at present. Moreover, the imposition of a Tribunal between the Commission and the High Court would complicate the legal process leading to enforcement of Directions. We realise that the intention is that the Commission would have a budget and staff allocation considerably larger than the FEA now has. However, the effect of the new arrangement in our view will be to enhance the status of the fair employment body with one set of measures, while diminishing it with another.

An inherent tension between the two bodies will be, in practice, almost unavoidable. The Tribunal, in order to establish its identity, will understandably seek to avoid being seen as a rubber stamp of Commission decisions. A real risk must therefore exist of deliberations in the Tribunal - at least in the initial hearings - being weighted against the Commission. The initial decisions of the Tribunal would have enormous psychological importance and the authority of the Commission would be irreparably damaged if its early findings/Directions were set aside by the Tribunal.

We are also concerned at any powers the Tribunal may have to interfere during the carrying out of an investigation by the Commission. It is not clear if the employer would be able to appeal to the Tribunal during the course of the investigation (e.g. to challenge the powers of the Commission in carrying out the investigation). If indeed the possibility exists for challenge at intermediate stages, the potential is there for - at best - inordinate delays in completing investigations and - at worst - complete frustration of Commission investigations.

Department of Foreign Affairs,
Dublin.

AUGHNACLOY SHOOTING - SPEAKING POINTS

- The McAnespie shooting has aroused very strong feelings on both sides of the Monaghan/Tyrone border. It is thought locally even by responsible people with no Sinn Fein connections that the killing was or may have been deliberate. In the aftermath especially of the Stalker/Sampson business, there is no confidence in the area that there will be a prompt and honest investigation. Reports yesterday of the release of Private Thain after serving only four years in custody for the offence of murder have certainly added to the problem.

- The RUC is unlikely to get much local cooperation because of lack of confidence and indeed fear that cooperation will lead to retaliation by individual members of the security forces. There are of course important cross-border elements in the case - many of those in a position to provide statements may be residents of the South, the football field to which McAnespie and others were going is virtually on the border, and McAnespie himself worked in Monaghan town. We believe that the Garda investigation on our side of the border has calmed feelings and will be helpful to a prompt and thorough handling of the matter.

- The results will be reported to the Government and we will be pursuing our discussions with you on the basis of the report and of course on the basis of the results on your side.

- (If pressed by Mr King) We would need to have the consent of persons giving statements before we could pass statements to you.

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