



# An Chartlann Náisiúnta National Archives

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SECRET

9th Meeting of the Anglo-Irish Intergovernmental Conference,  
Dublin, 6 October 1986

The 9th meeting of the Anglo-Irish Intergovernmental Conference was held in Iveagh House, Dublin on 6 October 1986. In attendance on the Irish side were the Irish Joint Chairman, Mr. Peter Barry T.D., Mr. Alan Dukes, T.D., Minister for Justice, Mr. Laurence Wren, Garda Commissioner, Mr. Sean Donlon, Mr. Andrew Ward, Mr. Eamonn O Tuathail, Mr. Joe Brosnan, Mr. R. O'Brien, Mr. D. O'Donovan, Mr. T. Hanney, Mr. Michael Lillis, Mr. Daithi O Ceallaigh and Mr. Noel Ryan. On the British side were the British Joint Chairman, Mr. Tom King M.P., Mr. Nicholas Scott M.P., Sir Robert Andrew, Mr. Ken Bloomfield, Mr. A.J. Stephens, Mr. D. Gilliland, Mr. D. Chesterton, Mr. D. Watkins, Deputy Chief Constable Mr. Michael McAtamney, Mr. Robert Stimpson, Mr. T. George, Mr. Mark Elliott, Mr. Steve Hewitt and Miss Valerie Steele.

Following a brief discussion on the British side, the meeting began in a session confined to the four Ministers at 10.45. The Ministerial session lasted until 12.30. The Items 1-4 on the attached agenda were discussed in a full session of the Conference between 12.30 and 14.00. Items 5 and 6 were discussed over lunch. Lunch concluded at approximately 16.45 and the British Ministers departed after a brief session with Irish Ministers which lasted until approximately 17.00. The Garda Commissioner, Mr. Laurence Wren, and the Deputy Chief Constable of the RUC, Mr. Michael McAtamney, were present for the discussion of agenda Item 1, cross-border security cooperation. The Deputy Chief Constable and Mr. Stephen Fanning of the Garda Siochana joined the other participants for lunch.

Mr. Barry: Ladies and Gentlemen can we start straight away into the Conference. We are sorry for keeping you here, but we had much to discuss among ourselves. Can we accept the agenda before us?

Item 1 - Cross-border security cooperation

Mr. Barry: Right, let's start straight away with cross-border security cooperation. We have before us a Progress Report done by the Secretariat (copy attached). Alan (Dukes) would you like to say something?

Mr. Dukes: I think, Chairman, we can go briefly through the points that we have here in front us in this Progress Report by the Secretariat. We can talk about some of these points in detail and I think it is best to take them one by one. We should look at them to see what further progress can be made. This is perhaps best pursued through the quadripartite group. Since our discussion in June when we looked at the report of the first working group the other working parties reported early in August. The three main areas which were submitted to the latter working parties for study were Operational Planning in Border Areas, Legislation, Procedure and Related Matters, and Computerisation.

You will see that the report on Operational Planning at paragraph 5(a) of the document before us indicates that you will have designated channels meeting at regular intervals. I noted that it also states that in some other areas the need may arise which requires further examination. The matter dealt with in 5(b) of the report in front of us concerning incursions made by the security forces, without prior approval, requires much more preparatory work before we can see how we should proceed with this. On 5(c) there are two different views, one held by the Garda and one held by the RUC with regard to the rank of the persons involved in operational planning. We will in any case have a designated person who will be the recognised channel through which this whole process can be started, even though the

person on our side may not necessarily be of an exactly equivalent rank to the person on your side. Further to the information conveyed in paragraph 5(d), an agreement has been arrived at to designate a specific channel through whom the necessary information can be exchanged. The recommendation made in 5(e) is really an RUC matter as it is concerned only with members of that force.

With regard to the report on Legislation, Procedure and Related Matters, I feel that some further work is required. Unless anybody wants to say anything specifically I suggest we should pass on from this. I have nothing else to add to what is in front of us in the report on Computerisation

That's all I want to say about that particular Article 9(a) report. There are specific matters which are dealt with in the annexes with which we need to deal. You gave us a paper last week and we intend to make some detailed responses to the matters raised in that paper in a paper which we intend to give to you within the next day or two. I think that those papers - the paper you gave us and our response, which is in preparation, should form the basis for an early meeting between us on cross-border security cooperation.

Mr. King: We welcome the progress which is shown in the Secretariat report which is front of us. With regard to the joint report on Operational Planning, we do appreciate the work which you have put into this as we appreciate what is being done on Computerisation. However, we do have concerns about the rate of progress and about the gaps we see in the programme. I put this into a paper which I gave to Michael Lillis. We would like the points which I made there to be considered by your side. There are two further points which I would like, if I could, just to mention.

Firstly, I want to raise the arrangements which exist for the questioning of witnesses or of people held in detention in the Republic and the opportunities which might exist for the RUC in

co-operation with the Guards to engage in the questioning. It is very important if we are to help defeat terrorism that we have arrangements like those in force in the U.K. in that respect. I fully understand how important it is to have proper safeguards when suspects are being questioned. I think it important that I put my view on record in this matter. The issue (of questioning of suspects by the RUC) could also have important consequences in terms of perception in Northern Ireland. The belief amongst unionists is that there are known terrorists at large in the South. We know, however, that there is not sufficient evidence available to bring charges. (The clear implication being that if the RUC were permitted to question them then it would be possible to produce a warrant). This is something which has importance for unionist perceptions. It is very important that there is no suggestion that co-operation is inadequate. I have no evidence, nor indeed am I making any suggestion that there is any lack of proper questioning (by the Guards). I understand the difficulties in this matter, but I would like this issue pursued at a later stage.

Secondly, I would like us to look at the arrangements which might be made to facilitate those dealing with explosive devices, where a line exists across the border, or where a proper search of the area would entail looking at both sides of the border. We would like to look at these arrangements and to make the task of those who have to engage in such work easier. We understand the situation and would wish to avoid any problems which might arise with this. We gave you a paper last Friday through the Secretariat, we are happy to leave this with you for a while, but we would like to have your views on it in due course.

Mr. Barry: Has anybody anything else to say? OK then, how do we progress this issue. Perhaps we should firstly take note of the Progress Report in front of us and secondly ask the Secretariat for a further Progress Report in the light of our discussions here.

Lillis: I think there are two items which would be particularly useful if we could agree on them now. Firstly to fix a date for the special meeting of the Conference dealing with cross-border security cooperation and secondly to confirm that the two papers on the agenda for that meeting are the paper which the Secretary of State gave me last week and our response to that paper which is expected very shortly.

Mr. Dukes: In addition, the two points which the Secretary of State has just now made should figure in the agenda for our Special Conference meeting. The following regular meeting of the Conference can then discuss the outcome of the Special Conference.

Mr. Barry: I think we should let you Tom and you Alan have a look at your diaries and pursue this meeting through the Secretariat. Let's move on to agenda Item 2.

At this stage the Garda Commissioner and the Deputy Chief Constable left the meeting.

Agenda Item 2 (1) Bill of Rights

Mr. Barry: You know the history of discussions within the Conference about a Bill of Rights. There is a reference in the Agreement which says that one of the matters we would consider would be the advantages and disadvantages of a Bill of Rights in some form or other in Northern Ireland. You put forward your views in March and we responded in July. I understand that you may have some further proposals for us today.

Mr. King: (Searching among his papers). Yes, shall I say a word on this. As you rightly said, we set out what we saw as the advantages and disadvantages of a Bill of Rights for Northern Ireland. We have looked at the case you have put forward for such a Bill. We certainly are keen to do something. We see some pretty substantial difficulties with it

however. We have to consider not only the situation in Northern Ireland. It is very difficult to avoid the wider implications. We have some concerns. We don't have a written constitution and under the European Convention (of Human Rights) we see judges in the UK giving rather more political judgements than heretofore. It is hard to see how we can separate Northern Ireland from the rest of the UK in this matter. If a law is declared to be unconstitutional by a court in Northern Ireland it would be very difficult to see how that could not have implications for the rest of the UK in so far as the same law applies there. What we wondered here is that under the European Convention we (UK and Ireland) both subscribe to certain common standards in human rights. Our commitment to the European Convention is not written into our laws. We wonder if there is scope to build on this. A Bill of Rights would have very real problems in a UK sense. I really don't see any prospect of a Bill of Rights on a UK basis and I see very little prospect indeed for one on a Northern Ireland basis. Can we in fact try to respond to your concerns on this if we might perhaps make a joint declaration to repeat our commitments to the provisions of the Human Rights Convention and in addition to add some other concerns? To do this would show common determination on both our parts in facing the unionists. It would enable us to make some progress in this area without being stopped at the road block (which would be caused by a Bill of Rights).

Mr. Barry: We think that a Bill of Rights is very important for Northern Ireland. We would like to see a Bill of Rights for Northern Ireland. When you're talking about a declaration, have you in mind that this declaration should cover the island of Ireland?

Mr. King: Yes.

Mr. Barry: And that in addition to the existing measures to which we both subscribe under the European Convention you would

be prepared to list a number of new measures and to apply new safeguards?

Mr. King: Yes. We do have a real problem in this area. If Northern Ireland could be separated from the rest of the UK in terms of judgements we could do it, but we can't because such judgements would affect the whole of the UK.

Mr. Barry: But don't you have legislation which applies even now only in Northern Ireland?

Mr. King: These are only minor matters. We couldn't sustain differences between Northern Ireland and the rest of the UK on an issue as fundamental as a Bill of Human Rights.

Mr. Scott: Let's take an example, the Prevention of Terrorism Act is a UK-wide Act. We couldn't have a situation in which that Act would be interpreted by the courts in Northern Ireland in a different manner to the courts in the rest of the United Kingdom.

Mr. Barry: But aren't there differences between Scotland, Northern Ireland and the rest of the UK where the courts in those three jurisdictions have to deal with different sets of laws.

Mr. Scott : The difficulty arises in those matters where there is common legislation across the whole of the UK. An example is the PTA. It would be very difficult to have a citizen in Northern Ireland treated differently from a citizen in the rest of the UK in this respect. Inevitably a discussion about a Bill for Northern Ireland brings in discussion for a Bill for the whole of the UK. Such a discussion would be very long drawn out. What we are suggesting is something which could help meet the problem and do so without being long drawn out.

Mr. Barry: This declaration, would it be of a voluntary or of a binding kind?

Mr. Scott: It would be essentially voluntary in its character.

Andrew: It wouldn't be legally binding as is a statutory instrument. But those who commit themselves to a declaration would be morally bound.

Mr. King: Yes, it would have considerable force behind it.

O Tuathail: I think your suggestion is a useful one. I think we might have a look at in the Secretariat. And I would like to thank the Secretary of State for this useful suggestion.

Mr. King: I'm grateful for those words. We didn't give you advance notice on this. This is an attempt to show that we see the importance of this area and to deal with it in an effective way and get over the legal difficulties which we have. And we see benefit in it being done on an all Ireland basis.

Mr. Barry: Thanks for the suggestion. We do think that we're making some progress on this. I think it should be referred to the Secretariat and let them do some work on it. But I do feel that we should try to get work done on this as quickly as possible.

Agenda Item 2 . (2) Equality of Employment

Mr. Barry: As you know we welcomed your recent proposals on Equality of Employment. We are happy to see the emphasis in those proposals. I'm glad to see that they recognise that there has been an imbalance. We welcome the strengthening of the declaration of principle and intent to one of practice. That is very important as is the institutional change aimed at strengthening the Fair Employment Agency. Your proposals are good. We hope that whatever needs to be done to make them effective will be done as soon as possible. Your proposals

will, in addition, help attract additional money and investment from the United States.

Mr. King: Can I say that we are grateful for the reception which you gave our proposals? You recognised the valid points which I made in our document. We look forward to any other views which you might have in this area. We are very thankful for the support you gave us in the US. As you know the McBride principles are causing us difficulties there. The most important companies in Northern Ireland are dependent on the United States and on Government contracts there. We're grateful for your support. Our paper has had a good response. It is a determined effort to put some teeth in the declaration of intent and to have it in terms of practice rather than of principle. I think that we are doing this despite the very difficult times which exist in all sectors of employment in Northern Ireland. We intend to press on with this as fast as we can. The revised Guide to Manpower Policy and Practice was issued last week. Ken, would you like to say something on that?

Bloomfield: Well some of the items which we have proposed in our discussion paper will require legislation and some not. The Guide comes into the latter category. The heart of the new Guide is to bring a proper monitoring out into the open by forcing companies to keep a proper register of the religious composition of their workforces.

Mr. Barry: Would legislation be required to extend to the local authorities the principles which you have adopted in the Civil Service?

Bloomfield: In practice we are able to ensure that the conditions concerning employment in the Civil Service are ok. But to bring all the local authorities with us would require legislation. We hope by giving the lead to encourage others to follow us.

Mr. King: Our recent report on practice in the civil service shows that our recruitment is without discrimination. Though there are increased numbers of Catholics in the civil service, it doesn't yet show <sup>Mr. King</sup> true at the very top of the Service. That takes time to work out, but recent figures do show progress in the right direction. What our paper proposes to do is to widen the experience in the Civil Service to all public bodies and to extend it to the private sector as well.

Bloomfield: If we bring in new Statutory Orders the duties of bodies in relation to fair employment would be binding on the local authorities.

Mr. King: There are various things proposed in our paper which would require legislation, for example there is a suggestion that the Fair Employment Agency and the Equal Opportunities Commission be amalgamated. If that were to happen that would require legislation.

Mr. Barry: Is it possible to do anything in a public sense without legislation?

Bloomfield: The fact of the matter is that some local authorities have been obdurate. It will take legislation to force them to follow the same practices (as in the Civil Service).

Mr. King: The timetable is that the end of March is the end of the consultative period. We must take it from there.

Mr. Barry: All the thrust in this document is in the right direction. My concern is that the proposals here be implemented as speedily as possible.

Mr. King: We will try to encourage companies and so on to do so even without the legislation. The new Guide to manpower practice is itself putting pressure on companies.

Mr. Barry: What about industries which depend on State funding?

Mr. King: We are proposing that those companies which fail to conform with the declaration of fair employment practice will be denied grants. We already have arrangements which forbid public purchasing from companies which do not adhere to the existing declaration. We have a sanction here because Government contracts are a very important element in the Northern Ireland economy - more important than they are in Britain. This will put pressure on the private sector. To do something on the grants area would require legislation. The first step has to be this consultative period. We will decide at the end what we can do when we have seen the response. There are no differences between us on this area. We want to get on with it as fast as we can because otherwise there would be an easy run for those who are trying to stop inward investment and to encourage disinvestment.

Mr. Barry: Discrimination in employment is something about which we get a lot of complaints from nationalists in Northern Ireland. They expect us to tackle this through the Conference. It's important that this issue be dealt with and be seen to be dealt with.

Mr. King: I agree it's important to focus on this question of employment. It goes to the heart of the matter. There is not much between us on this.

Lillis: Both the Co-Chairmen have mentioned the situation in the United States in the discussion of this item. I think that if we could make some progress on a Declaration of Human Rights for all of Ireland that would have a positive effect on the U.S. These two areas, human rights and discrimination in employment, could mesh well together and provide a very effective weapon in the United States.

*Barry*  
Mr. Murray: Right. Let's move on to item 3.

Agenda Item 3 - Relations between the security forces and the community

RUC Accompaniment of the Army/UDR

Mr. Barry: I want to thank you for the new accompaniment data which we have just received. It seems to us that it's going in the right direction. I understand that you are thinking of announcing global figures. We accept that if you are to produce figures for public consumption it would be on that basis. How is the work coming along for the statistical evaluation of the material? I think you promised us a paper.

Mr. King: I thought you had got that paper.

Lillis: We were waiting for information on the numbers concerning accompaniment. We have now got that. However, it is clear that it is gathered on a basis different to that provided for us in the earlier documents you gave us. We need more information so as to enable us to bring together the various documents we have and which would enable us to collate it in the future. Let me give you an example. The figures you gave us in the past indicate that in March in Belfast all military patrols were accompanied. In this paper, the figures you provide are related only to nationalist areas and you tell us that the accompaniment of UDR patrols in Belfast amounted to 75%. These new figures must have been put together on a different basis to the earlier ones because we understand that there are no UDR patrols in nationalist areas in Belfast. There is a little bit of confusion here.

Mr. King: We are concerned that we get sensible figures. We're not talking about pure military patrols. We're talking about UDR patrols that would be in contact with the community. These figures are affected by operational demands. The figures now produced refer to a time of considerable strain on the RUC who were facing threats from loyalist violence in places like

Portadown as well as from the IRA. All of this put a great stress on the RUC. I think the answer to your question lies in the category of areas, many of which are neither absolutely nationalist nor absolutely loyalist. In a police division which has a strong nationalist element there might be a loyalist area tucked in there. This may help explain the differences.

Mr. Barry: We would aim at 100% accompaniment of all military patrols. Obviously we must first look to the UDR.

Mr. King: The UDR don't patrol in West Belfast or in nationalist areas of Belfast. In relation to the point Michael Lillis is making - that there is a statistical quirk - I think that the answer is that the areas don't quite match. (He seemed to be saying that in certain police districts which for the purposes of statistics are nationalist there might be loyalist pockets and that the references to UDR patrols in those police districts relate solely to patrols in the loyalist parts of the police districts.)

Andrew: These figures only came to us quite recently from the RUC. We tabled them quickly. We'd like the experts on the two sides to establish a consistent basis on which these figures can be presented and shown in the future so that we can in future confirm that the trends are going in the right direction.

Stephens: One difficulty here is that you really have three different problems underlying the collection and collation of these statistics. Firstly some of the patrols are UDR. Secondly some are Army. Thirdly, it is very difficult to define areas. For example, in the Newtownabbey area, which is overwhelmingly loyalist, there is the nationalist Bawnmore estate. The Old Park area in North Belfast is both nationalist and loyalist. There have been some interesting developments. For example, in Shantallow (in Derry) a pattern has now been established that the police patrol the neighbourhood. They have an Army backup but it plays no front-line part other than

acting as a screen. This has been the position for the last 15 months and it's going well. The police go about seeking summonses, etc.

Mr. Barry: This work is for the Secretariat. They should be doing this. Would it be possible to draw up maps indicating the nationalist and loyalist areas and superimposing the accompaniment figures on that map?

Mr. King: We have another problem. The pattern of patrolling is, for obvious security reasons, random. There might be security aspects to providing great detail. The trouble is to try to meet your concern and to get meaningful information. We also have to be concerned with the extent to which the information is secure. It may be that the more information we get and the more meaningful it becomes the more questions it raises. We'll try and find some way.

Andrew: There are maps available for Belfast. Brett's recent book on housing gives some maps and indicates the very complex pattern in Belfast. There is cross-hatching (that is that some areas are mixed) and the situation in an area can change from time to time. This is for experts to sit down and discuss.

Mr. Barry: I am concerned to see the goal of 100% accompaniment reached. This is the goal of the Chief Constable as well. We have to see how we can measure this matter. But we accept your difficulties on it.

Mr. King: It's important that people should understand the sensitivity about this. It would be dangerous to claim credit for this in any way. People are afraid that the figures would be misunderstood or that figures might be misinterpreted. It is very important that these figures be handled very carefully.

Mr. Barry: Claiming something for the Conference can work in two different ways. Unionists can say that the Conference

isn't working when it's not producing something. Equally, Sinn Fein can say that the Conference is doing nothing. We have a problem. We have to show the nationalists that they can have more confidence in the Conference meeting their concerns than in Sinn Fein. We can't give the opportunity to the OUP to say that the Agreement is not working.

Mr. King: The protest outside this building at present will help to publicise this meeting.

#### Code of Conduct

Mr. Barry: OK. Can we come now to the Code of Conduct? We attach very great importance to this. Where is it at the moment?

Mr. King: I think it comes back to the Chief Constable from the Police Federation. He has a sub-committee of the Police Authority looking at it. You may have seen in the report of the Guardian this morning what the Police Federation thinks of the Code of Conduct. Wright (Secretary of the Police Federation) rightly said that the Code of Conduct has been around for some time. There is a concern about the Conference being seen to be part of it.

I am concerned. It is taking too long. The importance of moving it forward now is well understood. We want to let it stand on its merits.

Mr. Barry: Let's be clear about this.

Mr. Scott: The draft was passed to the Chief Police Officers Association and to the Superintendents' Association as well as to the Police Federation. Its taken a long time to get the latter to move. We don't know if the Police Federation in their response to the Chief Constable will have any points other than

is made in the article in today's Guardian. The sub-group of the Police Authority is arranged for the 8th October. The purpose is to pressurise the Federation to give its response. If the Federation has nothing to say other than what was in today's newspaper then it seems to me the matter can be settled quite soon.

Mr. Barry: We've been told that the Code of Conduct is likely to be in place by the end of November and at the very latest before Christmas. We have a difficulty with this delay. The communique last December said that the Code of Conduct was promised for early 1986. The exact words were "as soon as possible". (The Minister then quoted from the communique.)

Mr. King: The reality is that the mention of the Code in the communique has raised the question of politics. This issue of the Code of Conduct was one of the wobbles at the start. We now have a better understanding of the matter. I regret the story in today's paper. Of course, there will be in-house police arguments. But I think I can say that the Chief Constable is now determined to get cracking.

O Tuathail: What about the two other police bodies?

Mr. Scott: The two others have already replied.

O Tuathail: Does it go to the full Police Authority after the sub-committee has had a look at it?

Mr. Scott: Yes. We would want to encourage the full Police Authority to look at this.

Mr. O Tuathail: Can the Conference see a draft at some stage?

Mr. Scott: We hope that you can see the real thing. We don't want this to destroy the prospects for getting through a Code. It will be made public.

Mr. Barry: To repeat, we would like to see this issue dealt with because of the public perception. The longer the delay in issuing this document the more faults that will eventually be found with it.

Mr. King: You also understand the need to keep the RUC out of the political arena. Wright claims in the paper that it would be a fraud if the Conference tried to claim the Code of Conduct. That is what he's saying.

### Police Complaints

Mr. Barry: Right. Let's move to police complaints procedures. We've seen the draft announced in July. We have looked at it carefully and we are encouraged by the improvements over the Consultative Document. We are, however, very disappointed, as I said to Mr. Scott on the telephone, that you've not included a provision for an independent investigative element and that the Section 13 tribunals will be abolished. I hope you will understand that when I refer to this in public I won't be able to give more than a diluted welcome. That doesn't mean that we haven't been trying to work hard in Northern Ireland to get it accepted. The whole issue hasn't been helped by the Stalker affair which keeps coming in and then you have the recent revelations by Bertelstein. As long as this affair remains unresolved there will be a demand for an independent element.

Mr. Scott: I do believe that our proposals are a positive step in the right direction. It is as far as we can go. I do think that it will be seen by people as being in essence an independent complaints board. A totally independent investigative team has not been found to be practical. We're now very close to the end of the road on this.

Mr. Barry: I want you to understand that our welcome on this will be a guarded one because of the absence of an independent

element in investigation, which our Police Complaints Procedures will allow, and because of the absence of Section 13 tribunals. Do I take what you said to mean that you are at this stage unlikely to make any further changes to your proposals?

Mr. Scott: Yes. My feeling at present is that we can't make any further changes to it.

Mr. Barry: Are the shutters down?

Mr. Scott: The consultation period has now ended. If you want to make any further arguments in this regard you will have to make them in the very near future.

Mr. King: The Stalker affair is a very difficult problem for us. The present situation is intolerable. The report by Colin Sampson is being finalised. Meanwhile, it is now open season for anyone to write whatever they wish about John Stalker. Vendettas are being satisfied. All you have to do is find someone who is dead, like Bertelstein, add a touch of political controversy, add the further twist of a Police Authority controlled by the Labour Party (in Manchester) and a Conservative Home Secretary and away you go! The (Sampson) report will come out in a matter of weeks. The question of charges etc. will affect people's perceptions of the report. We're in an absolutely appalling period at present and the difficulties raised for the RUC and for the Government are very great.

Mr. Barry: Will the report be published?

Mr. King: It is likely to be submitted in a few weeks' time.

Mr. Barry: Will it be up to the DPP then?

Mr. King: Yes. I can't go any further. I haven't yet seen the report.

Mr. Barry: Will the report go to you first?

Mr. King: It's likely to go to the Chief Constable first. Then the DPP and the Attorney-General would be involved. That's all I can say.

Mr. Barry: There are just a few things I want to clear up in my own mind. Last year the report went to the Chief Constable and then to the DPP who was dissatisfied. He's asked Sampson to complete the report. Does the Sampson report go back to the Chief Constable? And are we likely to have delays there as we had last time?

Andrew: We are anxious that there be no delay.

Mr. Barry: The quicker this thing comes out the better.

Mr. King: The only way (to deal with the question) is to have the earliest possible decisions taken on those matters which require decision. I don't have any detailed knowledge. Mr. Sampson will produce a report. Everybody has their rights in this. Our concern, subject to the need to protect the rights of the individual, is to get this out and to have any necessary action taken. The present open season is very damaging.

Mr. Barry: We would like to make a further submission arguing for an independent investigative function in police complaints. We shall do this this week.

#### Agenda Item 4 - The International Fund

Mr. King: Are we doing the Fund? Ken, where are we?

Bloomfield: Not much new to be said at this stage. Since the last meeting of the Conference we've had a bilateral agreement between us and we've had our trilateral agreement with the United States. The members of the Board have now been announced. All this has been moderately well received in

Northern Ireland but I would stress that we shouldn't underestimate the difficulties on the unionist side. The initial reaction to the appointment of the Board was very tough.

Mr. Barry: I thought Brett was very good in his television interviews.

Bloomfield: He's very robust, a very good choice. Even though the Fund has not yet been formally established, we have begun to get a stream of requests for assistance which is rapidly likely to become a flood.

Mr. Barry: Much the same as ourselves. I saw the Australian Foreign Minister Hayden in New York recently. He said that it wouldn't be possible for Australia to help this year but I asked him to leave open the issue in principle so that they might be able to provide us with help next year. It's very important to get a European contribution. I am waiting for a paper from Geoffrey Howe. We think that it is much more desirable to get a contribution from the European Community rather than from the individual national governments of the member states.

Mr. King: We're willing to look at that point. Anything you want to say to us on that matter we're willing to look at.

Mr. Barry: Would you please ask Geoffrey Howe to get me the paper he promised me.

Mr. King (in an aside to an official): Make a note of that. I'll see Geoffrey during the week.

O Tuathail: We have a protest by Unionists at the gate of Iveagh House. They have a letter which they want to hand over but they won't hand it over to one of our staff. They want to meet one of Mr. King's staff.

Andrew and Scott simultaneously: Let them hand it over to one of the resident staff.

Donlon: Meanwhile, the situation is generally calm.

What would you like to do Robert (Andrew)?

Stimpson: I'm the representative of the Queen, of Her Majesty's Government in this jurisdiction. If a Northern Ireland citizen wants to hand in a letter of protest and if people here are agreeable I would be happy to receive it.

Mr. Barry: Yes, that's OK. (It was agreed that Stimpson should go downstairs to receive the letter.)

Mr. King: Can we carry on? On the Fund we have to have legislation - subordinate legislation.

Mr. Barry: We're ready.

Mr. King: What's our timetable?

Bloomfield: It's within the FCO jurisdiction.

George: It's in preparation but I'm not too sure when it will be through.

O Tuathail: My understanding is that early December is the target date for the completion of your legislation.

Mr. King: Nothing else? I think on the Fund we're getting the usual stuff from unionists about it being a slush fund. I think we should take a very robust view on this. The only problem we have is how to make the package attractive. The Chairman has insisted on having his independence.

Mr. Barry: Yes. I accept that.

Agenda Item 4(2) - Newry Dundalk Road

Mr. King: Newry-Dundalk. Not a new road but a question of carrying out improvements. You're considering improving the old road from Dundalk to the border.

Mr. Barry: We would prefer a new road but we are prepared to go along with improving the old road.

Mr. King: As I understand it, an application might be made by the two Governments to the Fund for improving the Belfast to Dublin road.

Mr. Barry: If an application is to be made to the Fund we would have to point out that benefits would accrue to the private sector if it were to receive financial assistance.

Mr. Lillis: I think when officials discussed this they were talking about the Newry/Dundalk road, not about the Belfast/Dublin road. When officials met they talked about recommending to Ministers that the section of road linking the Newry By-Pass and the Dundalk inner link would be something which might be recommended to the Fund. They also recommended that engineers and so on meet and that a proposal would then be put to the Conference.

Mr. Barry: We've taken a decision on the inner link.

Mr. King: I'm looking at this Newry/Dundalk road in a wider context. I have asked some questions about this. It concerns our links with the mainland and with Europe right through. It seems to me to be an area worth studying a bit further. It's an area where North and South have common interests. We talk about an all-Ireland dimension. But there is also the question of Northern Ireland lorries taking goods to Europe and Irish goods being exported to Europe through Larne/Stranraer. We might look at this issue in some depth.

Mr. Barry: The access to cross-channel shipping is very important. It seems that many Irish carriers are using the Larne/Stranraer route to travel to Britain. This comes under both Anglo-Irish relations and North-South relations. We could make it cheaper for both sides by improving the road.

Mr. King: Our figures show that the extent of your freight travelling through Larne has doubled in the last 5 years. The Larne/Stranraer route seems to be a very good service. There are 12 sailings a day.

Mr. Barry: You can understand the attraction that has from the carrier's point of view. If he misses a sailing he doesn't have to wait too long before he can get the next one.

Mr. King: It looks as if there could be some growth in this. This really arose out of the Newry/Dundalk thing. You might also want to make representations about the A74 Stranraer to Carlisle road. There is a hundred miles of relatively poor road before they reach the motorway. This is an area worth looking at especially if it reduces the costs of your exports. Should we look at Newry/Dundalk in a bigger perspective? Something which has an all-Ireland dimension and which also concerns communications to Europe and GB. We ought to carry on with what we have agreed on this. I'll speak to Needham.

O Tuathail: We could put down this issue for the next meeting of the Anglo-Irish Intergovernmental Council.

Mr. King: Well, let's not forget that there is a North/South as well as an East/West element to this. That's the point. Let's look at it again.

Mr. Stimpson: I'd just like to interrupt you for a second. It wasn't necessary for me to go down. By the time I got down Robinson had run away. They had got fed up with waiting and they are now understood to be on their way back to Northern Ireland.

Mr. Barry: Right. Shall we take Items 5 and 6 over lunch and let's just look at the Joint Statement before we break up.

There was a brief discussion of the Joint Statement (annexed) which was agreed. The meeting broke up at this stage at 14.00 and the participants went in to lunch. The report which follows is based on the conversation at lunch at the table of the Minister, at which the Secretary of State was principal guest. Also at the Minister's table were Mr. K. Bloomfield, Mr. E. O Tuathail, Mr. R. Stimpson, Mr. D. O'Donovan, Mr. M. Lillis and Mr. M. Elliott.

The report which follows is very much a summary note done by Mr. Lillis, who was not in a position to take notes and who had to absent himself from the table on a number of occasions.

The conversation dealt with the Irish language and current issues. It was decided that there was no need to discuss the question of 'I' Voters as the issue was straightforward and the British had taken their position on the matter.

#### Irish language

The Minister said that, in relation to British thinking on the use of Irish in bilingual streetnames, it would be unhelpful if it transpired that the percentage of householders on a street required to add an Irish version to the existing English street name were higher than the percentage required to change a streetname. Both the Secretary of State and Bloomfield said that they understood that there was no provision in Northern Ireland for specific majority to change streetnames by poll. The Minister made it clear that his concern was not about the precise percentage envisaged (we had read in the News Letter leak a figure for 85%), but rather any possible disparity between a voting mechanism for changing street names on the one hand and adding Irish versions on the other, to the disadvantage of the latter. It was agreed that the Secretariat would examine this particular question.

On other placenames, the Minister provided to the Secretary of State (specifically to Mr. Bloomfield) a list in Irish and English of the placenames of the postal districts of the six counties of Northern Ireland as listed by the Placenames Commission. It was pointed out that the list came to a smallish (approximately 600) and perfectly manageable total. It was pointed out further that addresses, in so far as they had to be used for administrative purposes by the authorities, would, in addition to legal bilingual streetnames, come from within that list. The British side undertook to consider this.

There was also a discussion on other problems which the British side felt the authorities might have to face, if the use of Irish names and addresses were accepted for official purposes. The Secretary of State, in particular, was concerned that persons might refuse to acknowledge legal requirements, stating as an excuse that the form of name and address used in an official communication was not in the language which suited that person at that time. The Minister said that the Irish State had considerable experience of this issue and that it had not caused particular problems. This particular discussion was somewhat inconclusive and clearly requires further elucidation in the Secretariat.

#### Current Issues

The discussion here was mainly between the two Co-Chairmen.

The Minister, at the request of the Secretary of State, set out his ideas on the likelihood that Sinn Fein would end its Dail abstentionist policy, and what the possible implications for the political situation in our jurisdiction might be in the event that they did.

King, in response to the Minister's queries, said that nobody in authority knew precisely what unionists would do to mark the anniversary of the signing of the Agreement on or about the 15th of November. Even the people involved did not fully know.

Certainly a number of disruptive tactics would be undertaken. The Ulster Clubs, in particular, would seek to create problems but there was a strict limit to the distance that even the average supporter of this organisation might go by way of illegality.

The Minister and the Secretary of State agreed, quite clearly on both sides, that the two Governments would refrain from taking any action to mark the anniversary of Hillsborough and would, in the Minister's words, treat it as an "ordinary day".

King said he was now more confident about the working of the Agreement than before. He thought it was important that unionists should get the message that the Agreement was being implemented. At the same time there was a difficult balance, which he had to try to observe, between what was done for the nationalists arising from the Agreement (and which also served to remind unionists that the two Governments were determined to implement it) on the one hand, and the threshold of the intolerable in terms of reactions of moderate unionists on the other. In particular he had to be careful about reactions within the RUC, and here he instanced the question of the Code of Conduct.

The Minister said it was not only the unionists who were seeking to undermine the Agreement by suggesting that it was delivering nothing, but also, even more dangerously, the Provisional IRA and Sinn Fein. It was essential that these people be defeated politically by the process of delivery.

There was an exchange between the Minister and King on the problem of the Minister "taking credit" for developments in matters covered by the Agreement. King said that there would have to be a degree of difference of emphasis from time to time.

King said that the position for the short term future, at least, would be that the Minister would press him to take action beyond what he, King, could contemplate at the limit and that he, King,

would have to take action, in terms of delivery, beyond what would seem comfortable to him in terms of unionist reaction.

The Minister and the Secretary of State discussed in detail what he is to say to the Press in relation to the matters covered in the agenda and specifically matters arising under Article 8 .

They also agreed the position that the Minister would take in relation to the Flags and Emblems issue.

*D. O. Ceallaigh*

D. O Ceallaigh

7 October 1986

PROGRESS MADE IN IMPLEMENTING THE JOINT RUC/GARDA  
REPORT ON INTELLIGENCE MATTERS

A CO-ORDINATION OF SYSTEMS AND RESOURCES

1. That the manpower of the Garda Siochana special detective units in each border division be substantially increased.

These units have now been strengthened as recommended and the men in question allocated to special branch duties. Instead of the appointment of a detective chief superintendent to coordinate the activities of these personnel, four detective inspectors and three detective superintendents (formerly the border superintendents, who are being relieved of some existing duties) are being appointed. These officers will report to the divisional commanders. The RUC is unhappy that the specific recommendation relating to the appointment of a detective chief superintendent is not being implemented and that special branch detectives have not been assigned exclusively to surveillance and intelligence work (e.g. they will make court appearances).

2. That the minimum strength of the Special Detective Unit in Dublin dealing exclusively with the activities of unlawful organisations be 1d/supt, 5 d/inspectors, 17 d/sergeants, 120 d/garda.

This recommendation has been implemented.

3. That consideration be given to the appointment of detective inspectors in certain divisions outside Dublin to co-ordinate the activities of special detective unit members in divisions.

The manpower increases made in the border divisions included these additional inspectors; accordingly, this recommendation has been implemented.

4. That the manpower of the Garda HQ Intelligence Section should be substantially increased under the direct charge of a detective superintendent.

The Commissioner does not accept that the implementation of this recommendation is necessary. The staff of this section will be strengthened as and when required.

5. That an additional Assistant Commissioner should be appointed to the Garda to deal exclusively with the intelligence function.

This was an RUC recommendation which was not accepted by the Garda Siochana.

B SECURE COMMUNICATIONS

1. That increased use be made of the secure encrypted telex link "Aroflex" between the Royal Ulster Constabulary and the Garda Siochana.

Implemented.

2. That efforts are made to obtain compatible telephone equipment of an even more secure nature than that currently used.

Suitable equipment has been obtained on both sides and is being installed.

3. That the Garda Siochana obtain radio equipment with a secure speech facility capable of ensuring communications cannot be intercepted and interpreted, and that where joint operations are contemplated RUC/Garda equipment should be compatible.

This recommendation is being studied by technical experts with a view to identifying precisely what is required.

4. That secure 'facsimile' equipment be installed in each Headquarters to allow the instant transmission of all documentation not suitable for normal telex.

This recommendation is being studied with a view to identifying the most suitable type of equipment.

C EXCHANGE OF INTELLIGENCE

1. That a formal structure for the holding of regular meetings involving the two heads of intelligence should be set up; the purpose of the meetings would be to discuss, assess and exchange all intelligence on security matters; an agreed paper on operational thrust would be produced (if practicable).

This structure has been established and the first meeting of the two heads of intelligence has taken place.

2. A structure for the cross-border transmission of urgent operational intelligence relevant to the security situation should be set up in designated border areas. It should be equipped with secure means of communication and could also be used for assistance and clarification in routine Garda/RUC security.

The RUC envisage the establishment of a secure means of communication to deal with the transmission of information in, for example, a post-incident situation. This recommendation is still being studied.

3. A formal monthly meeting should take place, specifically on the subject of weapons and explosives and that, as a result of this, an agreed composite report is produced in time to incorporate all relevant parts in the General Intelligence Assessment.

● The Garda have advanced the view that instead of a rigid commitment to the holding of formal monthly meetings irrespective of work load, meetings would be held as the need arose.

4. It was agreed between the forces that intelligence received by one force from the other would not be communicated to any third party without the consent of the originating force; that breaches of security relating to intelligence would be immediately reported to enable corrective action to be taken.

Implemented.

#### D SURVEILLANCE ACTIVITIES AND REQUIREMENTS

1. That there should be a substantial strengthening of the Garda surveillance unit - there should be at least 3 d/inspectors, 9 d/sgts and 50 d/gardai (virtually a three-fold increase). These personnel would operate in 3 sub/units; they would be mobile and each would be equipped with all necessary surveillance aids and secure radio. At least one of the sub-units would operate in border areas.

One of these sub-units is already in existence. Personnel for the second is in training. A third unit will be set up by the end of the year. The training given is essentially "on-the-job" training. The RUC have distinct reservations about this. The intention of the working party was that these units would mirror RUC units in terms of selection, training and equipment.

#### E INTELLIGENCE RELATING TO WEAPONS AND EXPLOSIVES

1. Within the augmented strength of the Garda Intelligence Section (Research Unit) provision should be made for the allocation of specifically dedicated special branch officers to work in co-operation with Garda Ballistic and Forensic Sections.

JOINT RUC/GARDA REPORT ON OPERATIONAL PLANNINGSummary of Main Conclusions

1. This report is concerned with operational planning in border areas and with detailed arrangements for the conduct of operations. While it is primarily concerned with anti-terrorist operations, it also embraces other criminal activities and emergencies of a non-criminal nature. The most significant aspect of the report is the recommendation that operations should be planned jointly in advance, that both forces should maintain the fullest contact during the course of these operations and that the outcome should be subject to detailed review. The report recommends the preparation of joint major incident plans and joint contingency plans.

2. A full list of the recommendations is on pages 87-93 of the report. Other recommendations of importance include the following:

- (a) regular meetings between officers from the RUC and the Garda Siochana should be established at the following levels: (i) Headquarters Command (ii) Divisional (iii) Divisional Border Superintendents, and (iv) Border Superintendents Group.
- (b) operational planning officers should be appointed on both sides of the border
- (c) uniformed Garda personnel should be trained so as to be available for formation into mobile support units in the event of a "heightened situation" arising
- (d) cross-border communication facilities should be provided on Garda personal radios. An examination should be undertaken to determine whether an improved

secure telephone system between Garda and RUC can be made available. Secure telex links should be established

- (e) each permanent vehicle checkpoint (PVCP) should be the subject of detailed discussions between Garda and RUC
- (f) where resources on one side of the border have to be temporarily depleted for non-border duties (e.g. major VIP visit), the other force should apply its maximum resources to border duties
- (g) every effort should be made at local border area level to encourage contact between Garda and RUC personnel in matters of intelligence and information. Intelligence or information of an immediate kind which is relevant to border operational commanders should be available on a 24-hour basis at 9 specified centres on each side for this purpose
- (h) police officers who become involved for the first time in border duties should receive appropriate training
- (i) some routine operations should proceed at an early date e.g. advance planning and co-ordination of Garda and RUC vehicle checkpoints and patrolling by both Forces.

The Garda do not accept the need for this at present. It will be kept under review. There is full co-operation at present between WERC and the Garda Technical Bureau. The RUC believe that the Technical Bureau should have a special branch officer attached to it, dedicated to anti-terrorist work.

2. A formal monthly meeting takes place between the RUC and the Garda Siochana specifically on the subject of weapons and explosives intelligence, and that an agreed composite report is produced.

The Garda view is that instead of formal meetings at regular intervals, meetings would be held as and when required.