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MEETING OF THE INTERGOVERNMENTAL CONFERENCE

DULBIN, 6 OCTOBER 1986

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TETE A TETE

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LEGAL MATTERS

Extradition Bill

1. As you know we have decided in Government to bring in a bill along these lines:

- no reservations;
- discretion to be given to our Courts in regard to the operation of Article 2 (which allows offences other than those in Article 1 to be made extraditable). This is absolutely necessary. Without it we would face the distinct possibility of the Bill being found unconstitutional;
- public reference in the Dail and Westminster to understandings between the two Governments on speciality (bringing other charges); questioning (extradition must not be sought for "fishing" purposes); checking of warrants for technical defects; and legal vetting for sufficient evidence to run a case in court (the "prima facie" issue).

Three-Judge Courts

2. We must have evidence of substantial progress in the administration of justice in Northern Ireland to bring in a Bill - especially one on these maximalist lines.

3. Can you tell us if you have yet reached a decision?

AGENDA ITEM 1: CROSS-BORDER SECURITY CO-OPERATION

1. We have been considering the paper which you gave Michael Lillis together with the additional comments you made to him. I will ask Alan to present views on this issue, but could I make a general point straight away.

2. We appreciate the frank way you have stated the problems as you see them. However, we have to say that no serious indication of dissatisfaction has been given to the Garda authorities by the RUC at the various police meetings which have taken place, or in the Quadripartite Group of police and officials, or in the Secretariat's progress report now before us. Second, we asked you at the July meeting for chapter and verse on the concerns which Nick Scott said had been expressed to him by members of the RUC in border areas. These concerns simply have not been transmitted through the Conference or the police channel until your paper of last week.

3. We have been considering carefully our response to your paper, but I think it's fair to say that there has been a considerable communications problem.

AGENDA ITEM 2: POLITICAL MATTERS

(i) BILL OF RIGHTS

1. As you know our proposal contained in the paper handed over on 3 July is tht there should be a Bill of Rights for Northern Ireland and that this Bill should cover Westminster powers ("excepted powers") because such powers include emergency powers which are at the heart of the issue of a Bill of Rights.
2. It appears that a Bill of Rights for the whole of the UK lacks support and is not a feasible option. We understand that you have ruled it out in any event at Government level.
3. We feel that the technical difficulties in the way of a Bill of Rights for Northern Ireland alone, but covering emergency powers in particular, are not insuperable. At official level that seemed to be accepted. The essential problem appears to be political - your feeling that the courts should not dictate to Parliament. Our feeling is the reverse precisely because the Northern Ireland situation is different. We feel:
 - that a Bill of Rights would enhance the reputation of the reputation of the courts by giving them a positive role;
 - that citizens on either side of the divide would welcome guarantees of their rights whatever happens politically, that is, whether direct rule continues or whether devolution occurs;

- that a Bill of Rights for Northern Ireland has wide support already in Northern Ireland and has been approved in the past by the OUP, DUP, Alliance and SDLP in the context of proposals for devolution;

- that your announcement of intention to bring in a Bill of Rights would in fact show your determination to pursue the policy of devolution and would strengthen the hands of the devolutionists in all parties.

(ii) EQUALITY OF EMPLOYMENT

(Mr. King may wish to open by explaining the thrust of the Consultative Paper on Equality of Employment issued last month).

I welcome the Consultative Paper. It recognises the serious imbalance in Protestant/Catholic employment. Action in the short term as well as the longer term is needed.

I welcome in particular:

- the emphasis on the Government as having a leading role and the proposal to place a statutory duty on the public sector to practice equity of opportunity;
- the proposal to change the Declaration of Principle and Intent (in the 1976 Fair Employment Act) to one of Practice and accepting tenders for Government contracts only from certified employers;
- introduction of a monitoring requirement as regards the religious composition of their work force for private sector firms subscribing to the Declaration of Practice with grants for those who do so and grant denial for those who do not certify;
- institutional change aimed at transforming the present Agency into a stronger Fair Employment Commission.

We already submitted a paper containing our views last August and we will respond through the Secretariat on the Consultative Document.

Effective action in the area of fair employment will help greatly in securing US investment in Northern Ireland and combatting the disinvestment campaign of NORAID and their like.

AGENDA ITEM 3: RELATIONS BETWEEN THE SECURITY FORCES
AND THE COMMUNITY

(i) RUC ACCOMPANIMENT OF THE ARMY/UDR

- I wish to thank you for the new data on RUC/UDR accompaniment just received.
- I accept that these figures represent an improvement and that we are going in the right direction.
- How is the work coming along on establishing statistical criteria for the evaluation of progress in this area? As you know, we see this as an important stepping-stone to full accompaniment.
- I understand that you are considering a proposal to announce global figures on accompaniment. We appreciate that the regional figures which you have given us are confidential.
- You will appreciate that, while we very much welcome the progress represented in the latest figures, we regard it as vital that every effort be made to reach the agreed goal of 100% accompaniment where there is contact with the public as soon as possible.

(Note: New figures expected to show improvement but not yet received at time of writing).

(ii) CODE OF CONDUCT FOR RUC

We understand that the draft Code has not yet been cleared through the Police Federation and that after that it still has to be considered again by the Police Authority.

Have new problems arisen? We are very concerned at the delay in finalising the Code, though we appreciate the Chief Constable's concern to achieve a "meaningful document" and that the various discussions do take time.

Can we have a more definite idea on timing at this stage? I understand that you are also concerned about the delay. We referred in the Joint Statement after our meeting on 11 December last to introducing a Code "as soon as possible in 1986".

(iii) POLICE COMPLAINTS PROCEDURES

- I have seen the Draft Order in Council (on Police Complaints Procedures for Northern Ireland) announced on 24 July.
- We have looked at the proposals carefully and while we appreciate and are encouraged by the improvements in the proposals over the Consultative Document published last year, we are disappointed that, despite our strenuous representations to you, you have not included provision for an independent investigative element and that the Section 13 Tribunals will be abolished.
- I hope you will understand, therefore, that anything I may have to say about the Draft Order in public, will amount to no more than a qualified welcome, given the importance which we attach to those two points (independent investigative element and Section 13 Tribunals).
- We know that reservations will be greater if anything among Northern nationalists. The SDLP have held off comment and will give the improvements due recognition, but they will be critical of the Draft Order on the two points I have mentioned at least.
- Do you see any possibility of further revision of these points?
- With the ripples of the Stalker affair still having their effect, the question of confidence in any new complaints procedures is of particular sensitivity. I would ^{urge} ~~wish~~ you to think again. I appreciate what you have said to us privately about the wide nature of the independent supervisory powers of the Complaints Commission in overseeing the police investigation, but, while better than no supervision at all, it is, in our view, still no real

substitute for an independent investigation. Nor does it get around the problem of public perception - if the public is unaware of the wide nature of the supervisory powers of the Commission (since this is not specifically referred to in the Draft Order) a large part of the object of the exercise (improved public confidence) is defeated.

- What is the time-scale for the Draft Order in Council at this stage?

(i) INTERNATIONAL FUND

1. Present position:

- Formal process is in train: agreements have been signed; Board membership has been announced; it remains only to complete the parliamentary procedures.
- Our hope is to complete this as soon as possible in the next session of the Dáil.

2. European Community Contribution

- You will know that I have discussed with Sir Geoffrey Howe the question of a Community contribution to the Fund.

Our thinking is:

- a Community contribution is vital to balance the U.S grant;
- we should tap the goodwill which exists in the Community;
- not much can be expected from a bilateral approach to the member States individually;
- as the Fund is an international organization, a Community contribution will not affect U.K. refunds from the E.E.C. budget;

- the Fund is now well on the way to coming into existence as an International Organisation. It is time for our two Governments to reconsider a joint approach to the EEC Commission.

3. Projects

The next stage will be for our officials to advise the Board on projects. It will be vital to make sure on the one hand that US concerns as regards private sector emphasis are met and on the other hand that the first allocation of US cash should be disbursed within a reasonable time-table so that the second and third allocations are voted.

(ii) NEWRY/DUNDALK ROAD

- As you know, our preference has been for a new road between Newry and Dundalk. We have accepted, however, the financial constraints on your side and the difficulties of local opposition as factors that would probably have delayed a new route for years.

- I welcome the decision reached at a recent meeting of officials to concentrate on the present Newry-Dundalk road as the most practical approach to improving the road link.

- I understand that, in preparation for a meeting of the two Environment Ministers, another meeting of officials will be held later this week to identify practical improvements to the road and draft a Joint proposal to the International Fund for this work. I am anxious that this proposal be submitted as soon as possible. Because of the US emphasis on stimulating private sector enterprise, we must be careful to show the industry trade related aspects of the road in such a proposal.

AGENDA ITEM 5: IDENTITY ISSUES

(i) IRISH LANGUAGE

At our meeting on 17 June we discussed the position of the Irish Language in Northern Ireland. You indicated several areas for possible development including:

- dual-language street names where the local community so desires;
- ascertaining the number of Irish speakers in Northern Ireland and;
- financial support for Irish language and cultural activities.

We appreciate the difficulties caused by the recent Newsletter disclosures of your proposals.

Dual Language Street Names

You will have to change the existing law which allows street names only in English. When will you introduce an Order in Council to do so? On what basis will you assess the wishes of the local community? Will the basis be the same as already exists for changing the English name of a street to another English name? In our case such a change needs the consent of four sevenths of the rate payers on the street.

Financial Support for Irish Language and cultural activities

What response have you got from the Arts Council to your invitation to them to consider the question of additional funding?

Official Business

You earlier had reservations about allowing the use of Irish in official business, but agreed to reconsider. What is the present position? What about the Post Office (letters addressed in Irish), the making available of some official forms in Irish and replying to letters received in Irish in Government Offices?

Recent Irish Proposals

We made further proposals to you on Irish in education, in broadcasting and in prisons in July and we are awaiting your response. May I say that I am pleased to note that you have approved the purchase of additional land for the Bun Scoil Gaelach.

[It is not necessary to raise the question of the survey on Irish as this has already been agreed].

(ii) ELECTORAL ISSUES - "I" VOTERS

At the 17 June Intergovernmental Conference you agreed to introduce an Order to amend the N.I. Assembly Act 1973 to give the franchise to "I" Voters. Can you say when this will be done?

Can you also say when you propose to introduce a Bill to allow "I" Voters a vote in Northern Ireland local elections?

AGENDA ITEM 6: CURRENT ISSUES

(i) CURRENT ISSUES

Prospect of a second day of action on the anniversary of the signing of the Agreement

- There have been persistent rumours about this (by e.g. Ulster Clubs etc.) but recent information to hand suggests that no major co-ordinated protest is planned.
- We understand, however, that there are rumours that the DUP are privately planning a series of demonstrations which they do not intend to bring the OUP in on.
- We have heard that the Ulster Clubs campaign against the Agreement is running out of steam.

Sinn Fein Ard Fheis

- This is due to take place at the end of October and will, we understand, be dominated by the debate on whether the party should drop its Dail abstentionism policy.
- Gerry Adams and Martin McGuinness are leading the campaign for a change, but are meeting with stiff resistance from the old guard.
- It will require a two-thirds majority to change the policy and right now it looks as if it will be a very close affair.
- The leadership is campaigning hard.
- The letters pages of "An Phoblacht" have been dominated in recent weeks by letters which favour dropping the policy.