



An Chartlann Náisiúnta National Archives

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INFORMAL SUMMARY NOTE

Second Regular Meeting of the Anglo-Irish Conference,
London, 10 January 1986

The Minister opened the meeting and said there were two other items which he thought should be discussed, the Parliamentary Tier and the by-election campaign. Mr. King said the Unionist reaction to the Agreement was much stronger and much more widely felt than had been anticipated. The success of the Agreement would depend on getting acquiescence from unionists. He expressed reservations about the timing of the meeting which had not permitted a proper preparation of papers. If meetings were not properly prepared, there would be an inadequate response from the British side. The Minister said it was important that we should get the message across that the Conference would work normally. As to unionist reaction, he had said publicly that the Government had failed to get across to the unionist people the benefits of the Agreement. He hoped this had been helpful to the British side. As to the British response, he would not expect a fully considered response at the present meeting. Mr. King said this was a reasonable reply. He said he wanted to raise three issues which were outstanding, first, the Convention on the Suppression of Terrorism, second, the nominations to the Police Authority, and third, expressions of support from the SDLP for the RUC.

The meeting then considered the prearranged agenda.

1. Police Complaints procedures.

The Minister said there was a problem even in making complaints. People had to go up to a fortress-like police station in which the atmosphere could be oppressive. They were also conscious that the people they were complaining about were

also the people investigating the complaint. Northern Ireland was not a 'normal' society. There had to be an independent, effective and transparent Police Complaints procedure. The Minister asked about the timetable for the introduction of the new Code of Conduct for the RUC. King and Scott replied that the Code of Conduct would take some time to announce. There was a working party involving the Police Authority and the RUC. As to the Police Complaints procedure, Scott said that the British consultative document had been published last April. They wanted to lay an order before the House of Commons within two to three weeks. (Stephens said later that this legislation had not yet been drafted as observations had been awaited from the Irish side). Scott said that they would be making some changes to provide an element of independence in the Complaints Procedures. He mentioned that they would be relying on outside police officers for investigations: this would itself provide an element of independence. The Secretary of State would also have power to make inquiries into matters on his own initiative. The Minister said that we would provide any additional views we might have on Complaints procedures very quickly. He said he detected that an independent body totally outside the police was not on in the British view. Was this due to morale or feasibility?. Scott underlined the point that it was a question of feasibility. The Minister for Justice explained the proposals which had been announced for complaints against the Gardai. In response to a question from Lillis as to what may have changed in thinking on the British side since April last. Could we see the current British draft? King replied that the British side would keep us "posted". At this point Stephens said that they could not give us their draft legislation since it had not yet been drafted. It was agreed (tentatively on the British side) that the Secretariat would seek to refine the areas of difference and agreement between the British and Irish ideas.

2. Administration of Justice: Ryan-Brennan paper

There was considerable discussion on para. 8 which suggested that a meeting of Senior Officials might be useful before Ministers considered the matter. King made a major point of

this asking if we seriously wanted a Ministerial meeting before the relevant officials had prepared papers in what was a very technical area. The Minister for Justice replied that a political overview was required before detailed drafting could take place. Andrew said the British side needed to consult a wider range of authorities than the Irish side. Brennan said that a meeting of officials would speed things up. King said he was keen on a meeting which would expose people in Northern Ireland to the Agreement and which would thereby tackle the resentment which was felt even among ordinary professional people. If they were not exposed to the process of the Conference, they would be fed on second hand information and rumours. The Minister said the essential of the Agreement was that the two Governments would have to consider matters. The Agreement must be shown to work. King emphasised again the importance he attached to proper preparation of meetings. Ryan gave his views on the paper and noted that there was not a great deal of work for officials to do. It was not proposed to discuss matters substantively, rather to draw up terms of reference for the Ministers and A.Gs and to suggest allocations of work to working groups. He thought Mr. Brennan and he could do this. King replied that the Irish side failed to understand the British structure. Brennan could not sit down and do this on his own. The British side would have to meet at official level anyway. The Irish side could join in if it wanted to. The Minister said that Ministers could identify problem areas better than civil servants. There had to be a political overview of the work going on.

It was agreed that a meeting of Attorney Generals and Ministers of Justice would occur before the next regular meeting of the Conference (in February) and that there would be an early meeting of officials.

3. Flags and Emblems

The Minister said that we wanted repeal of the Flags and Emblems Act. Scott generally accepted the Irish approach. He said that the RUC ignored the display of the tricolour unless it was likely to lead to a breach of the peace. In practice the RUC did not interpret this rigidly, for example, they did not take the tricolour from coffins or from flagpoles at G.A.A. matches. He said that his side would study the matter for the next meeting of Conference.

4. Irish Language

Scott said there was no objection to the main Irish proposals in principle. However, the practicalities had to be worked out. The Minister reminded the British side that there was a considerable unionist-protestant interest in the Irish language. He and the Minister for Justice emphasised that it was important not to leave the Irish language to the Provos to monopolise. Hermon noted (at a later stage) that there had been 800 applications from RUC members interested in learning Irish. Scott said there was a problem in using the census for the purpose of establishing interest in the Irish language and he thought there might be merit in having the branch of Government dealing with social surveys do a survey in this area. He said there were 20,000 pupils presently studying Irish in Secondary Schools in Northern Ireland.

5. Current Issues: Hunger Strike, By-Elections etc

The Minister and Donlon noted that RTE had been told that the meeting of the Conference had been called to discuss the hunger strike and that King had insisted the meeting take place in London. The Irish side had put this misimpression right. King said that Lord Justice Lowry had announced in open court that morning that the defence would indicate its grounds for appeal in the Kirkpatrick trial by 24 January and indicate at the same time its requirements for transcripts. The Crown would have to

indicate its requirements for transcripts (having studied the defence grounds for appeal) be 7 February. Lowry had said the appeal was likely to be held in June. King said that this was not set in concrete, that if the defence wanted all the transcripts or if there were other problems such as the defence counsel falling ill (as has just happened in the Black appeal) there could be delays. There was a brief discussion of the background to the end of the hunger strike (involvement of the CO of the INLA in the Maze).

In regard to election arrangements for the by-elections, King said the police now had powers to stop vehicles on polling days and search for material likely to cause corrupt practices, for example, marked ballot papers. There were now very heavy fines (£000's) for those convicted of such offences. Scott said the measures taken against personation had been shown to be effective.

The Minister said that a number of complaints had already been passed to the British side through the Secretariat about UDR incidents etc. An early response would be very helpful.

The Minister and O Tuathail queried the British side about the possibility of a statement by the Attorney General in Parliament indicating that it was not proposed to prosecute in future on the basis of uncorroborated supergrass evidence. King said this would not be a matter for him in so far as the debate on the renewal of the EPA was concerned (to be taken on 16 January). Scott said that it was a practical problem because the prosecution did not know if it might not get corroborating evidence after the decision to prosecute. Andrew supported this. Scott expected that legislation to implement changes in the EPA, including some of the Baker recommendations, would be introduced later this year.

The Minister said, in regard to the Parliamentary Tier, that our side could arrange something in the Dail but we would like to involve Northern Ireland representatives. There was a difficulty there. King explained the early-day-motion system in the House of Commons. He emphasised that such motions were simply an expression of opinion designed to establish what support existed for the substance of the motion and they were essentially irrelevant to Parliamentary business. The motion which was already down in the House of Commons therefore did not imply that any action was about to be taken.

King said the question of a ratification of the Convention on the Suppression of Terrorism was a very serious matter to which the British side attached enormous importance. There was very strong feeling in Northern Ireland that the Irish side was going to prevaricate. It was felt that all the concessions were on the British side. The Minister read out the terms of the Hillsborough Communique ("against this background" etc.) and said we had previously indicated that it would take at least 18 months to draft the legislation. King asked if the British side could have a timetable for legislation through the

Secretariat. The Minister promised that an indication would be given of the present state of progress on this matter by 9.00 am on Tuesday morning.

The Minister indicated that names were not yet available for the Police Authority nominations, but that we had done work on this subject

The Minister indicated that the name (Hennessy) indicated for the Fair Employment Agency nomination was O.K. with us.

At this point the meeting broke for lunch.

After lunch Commissioner Wren made a presentation along the lines of the attached brief. King said the Commissioner's presentation had been very helpful and very comprehensive. Hermon said the paper was a very fair assessment from the Southern point of view. It was very positive and straight forward. He could comment in detail but preferred to study and discuss later between policemen. There were different statistics on the Northern side on extradition. As a general point, he said the RUC were targets for murder and Northern Ireland was a killing field. There was a profound difference, therefore, between North and South. Law in the South was much more confining than law in the North (EPA, PTA). The comparative questions raised by Wren's paper in regard to the structure of the Provisional IRA needed to be discussed. The question was how to eradicate by legal means the mafia type figures who controlled the ordinary recruits ("Cannon Fodder") in the IRA. Both the police forces needed to improve their systems, methods, compatibility and intelligence gathering. He quoted statistics on recent RUC seizures of weapons, detonators, mortar launchers and explosives. He made a particular point about surveillance. The Provisionals were becoming frighteningly efficient in counter-surveillance, often using three or four cars like the RUC itself to do surveillance work. He said "dedicated" surveillance (meaning officers designated for surveillance work only) and covert patrolling had led to arrests of prominent IRA activists.

In regard to Article 9(a) of the Agreement, he thought it would be beneficial if the programme which was being discussed between the two police forces could be put to the Conference eventually for a blessing. He thought that it would be useful if the RUC could make a presentation to the Conference or to officials designated by it. It might be possible to give a detailed presentation to the Secretariat and a more detailed presentation to the Conference at a later date.

He mentioned three border incidents: all involving vehicles stolen in the South (Ballygawley attack 11 December; Castleberg attack 19 December; and Strabane attack 22 December).

Hermon noted that notwithstanding continuing terrorism, 1985 had been the quietest since 1970 across the range of statistics involving murder and other serious terrorist crime.

The Minister agreed about the desirability of the Conference establishing a programme in the area of security cooperation and referred to the high-level police consideration which was continuing on the subject. He thought it would be necessary for Mr. Scott and himself to meet to give the eventual programme a political thrust. The Agreement was not just about security, it was about reconciling the two traditions. He asked about RUC patrolling with the UDR. Hermon replied that this "interfacing" of the RUC with the UDR was happening to a considerable extent. He could give the actual percentage figures later. He said that in Fermanagh, for example, Sinn Fein had gone out of their way to attack the UDR and to orchestrate confrontation on the political level.

Andrew suggested that the February meeting of the Conference be divided into political and security. The Minister and King agreed that it would be desirable to allocate more time to the next meeting of the Conference and generally agreed with Andrew's suggestion. Scott asked if the statistics on extradition warrants could be reconciled in the Secretariat. The British side was under some pressure in the House of Commons.

Communique

There was considerable discussion of the Communique in which the British pushed very hard on two main issues, first, for a reference to the need to take account of the views of other concerned parties (Unionists); and second for a reference to the possible legislative timetable in the South leading up to the ratification of the Convention on the Suppression of Terrorism. In regard to the first point, the Irish side strongly resisted efforts to place on the same level views and proposals expressed in the Conference and views and proposals expressed outside it. Andrew eventually recognised the point and proposed a formula which was accepted. The Minister for Justice emphasised that reference to a timetable for extradition legislation would put him under severe pressure in the Dail and make things more rather than less difficult for him as the Minister responsible for introducing legislation. Scott accepted this point. Only a general reference was made to extradition in the Communique.

- Attachments: 1. Commissioner Wren's material for presentation
2. Communique
3. Speaking Note



Declan O'Donovan
13 January 1986.

cc: Taoiseach
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Secretary

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