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S E C R E T

Oifig an Aire Gnóthaí Eachtracha

Ref: NI 21/1/3

4 June, 1986.

Draft Memorandum for the Information of Government

THE ANGLO-IRISH AGREEMENT - REVIEW AFTER SIX MONTHS

1. The Minister for Foreign Affairs wishes to inform the Government about the implementation of the Anglo-Irish Agreement in the six months since its signature (on 15 November) and ratification (on 29 November), and, in advance of a meeting between the Taoiseach and the Prime Minister later this month, to seek the approval of the Government for the policy directions outlined at paragraphs 20 - 24 of this memorandum, to which particular attention is directed. The Minister will pursue the lines of action indicated in the Annex.

Institutional Structures

2. The Intergovernmental Conference has taken up all the major agenda items referred to in the Agreement, but has paid most attention to security and legal and administration of justice matters. Limited progress has been made in a number of areas - the Annex gives an Article by Article assessment of the situation. The Conference has held four regular Ministerial meetings and one special meeting, three in London and two in Belfast. In addition, the Minister for Justice and Secretary of State and the two Attorneys General met at London on 13 February within the framework of the Conference. The Minister for the Environment and the Northern Ireland Parliamentary Under Secretary of State for the Environment met at Malahide on 28 May. The Joint Secretariat at Maryfield, Belfast, has established a regular pattern of work in servicing the Conference on a continuing basis with frequent meetings organised at

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official level. A Committee on the Administration of Justice and another on the Criminal Law have been established at official level and may be in a position to report soon.

POLITICAL REACTION IN NORTHERN IRELAND

(1) Nationalists

3. The majority of nationalists in the North continue generally to see the Agreement in a positive way because of:
- the symbolic importance of an Irish Government presence through the Conference and its Secretariat in Belfast;
 - the discomfort of Unionists at the Agreement;
 - the even-handed approach of the RUC in standing up to unionists in situations such as the Apprentice Boys' illegal march on Easter Monday in Portadown;
 - to a limited degree - because not all nationalists are conscious of the changes that have begun to take place - the acceptance and progressive implementation of the principle that the point of contact between civilians and the security forces should be the police (and not the army or especially not the UDR);
 - certain incidents where the authorities have taken disciplinary action against members of the security forces (e.g. the Kildress Inn shooting on 27 January following which the UDR members involved were withdrawn from active duty);
 - the statement of the British Attorney General on supergrass evidence on 19 March namely that 'in a case where there is no corroboration at all either in the strict sense or in the looser sense of supporting evidence it is very unlikely that a prosecution will be instituted'. This has been interpreted as a signal that the use of supergrass evidence may be phased out. On the other hand the arrest of a significant number of people in the Derry area, apparently on the basis of statements by Angela Whoriskey who is believed by nationalists to be an unreliable witness, has cast considerable doubt in the minds of many nationalists, on the actual significance of the Havers statement.

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- the recognised usefulness of the special meeting of the Conference on 30 December in helping to end the Maze Prison hunger strike.
 - the appointment of an additional Catholic judge (Nicholson) to the Supreme Court.
4. The Agreement has been of practical benefit at the polls to constitutional nationalism. In the Westminster by-elections of 23 January, there was a swing of 25% from Sinn Féin and of 20% to the SDLP candidates in the four contested seats as compared with 1983. The SDLP won a Council seat in the by-election of 21 May from SF in Magherafelt although there was only a marginal swing in percentage terms away from Sinn Féin. On the other hand their share of the vote fell in a by-election in Fermanagh on the same day.
5. As time passes however, SDLP supporters, especially the more strongly nationalist elements are showing signs of impatience at the slowness of the Conference in achieving specific results. This applies to relatively non-controversial minor issues (e.g. flags and emblems legislation) and the more important security and legal reforms (e.g. three judge Diplock Courts in place of the present single judge Court) and economic and social discrimination. Nationalists are anxious generally about the degree of British Government resolve to stand up to unionist pressure, in particular by actually implementing the Agreement as distinct from refusing to abandon or suspend it.
6. Nationalist paramilitary action seeks to bring down the Agreement. Sinn Féin can be expected to try to take advantage of any situation (e.g. sectarian conflict or nationalist/security force conflict) in which they can pose as protectors of the nationalist community. They will aim at showing nationalists that the Agreement is bringing them

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no real benefits and they will try to show the British Government and British public opinion that the Agreement is failing to end violence. The recent heightening of violence by them, after a period following the Agreement during which they were relatively inactive, may reflect the initiation of such a process.

(2) Unionists

7. Unionists have put forward a combination of arguments in opposition to the Agreement, ranging from lack of consultation during the negotiations, to criticism on legal grounds - e.g. sovereignty - directed against the text of the Agreement, and out and out political opposition to any Government action which the unionist majority has not validated in advance.
8. Joint action by the leadership of the two unionist parties (OUP and DUP) in opposition to the Agreement has included:
 - the announcement on 14 November (i.e. before the Agreement was signed) of a programme of withdrawal of consent which included boycotting Northern Ireland Ministers, non-cooperation in the Assembly, and "adjournment" of local Council meetings;
 - the resignation by Unionists from their Westminster seats leading to the by-election of 24 January and the subsequent boycotting of Westminster seats;
 - the formation of the Assembly Grand Committee and the adoption of its report on 29 January rejecting the Agreement;
 - the loyalist Day of Protest on 3 March which degenerated into widespread violence involving paramilitaries and subsequent violent confrontation especially the illegal Easter Monday march at Portadown;
 - the twelve point Plan of Non-Cooperation (including non-payment of rates, continued non-cooperation with the Northern Ireland Office, public relations campaigns against the Agreement etc.) announced by the Unionist leaders on 23 April.

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9. This negative action has been only partly successful and has been questioned by some unionists, for instance:

- in the Westminster by-election, the Unionist vote was not as high as some had expected and Unionists lost the Newry-South Armagh seat to the SDLP (Seamus Mallon);
- the suspension of Assembly business (other than anti-Agreement discussion) led to the Alliance party leaving the Assembly in December and will probably result in the dissolution of the Assembly shortly.
- the unionist 'adjournment' policy in local Government has been breached in Belfast City Council which voted to return to normal business on 6 May through the defection of five unionists;
- the Westminster boycott has only been partly maintained (for instance Enoch Powell has taken his seat from the beginning and Unionists have voted on matters of interest to them, e.g. Sunday Trading and the banning of plastic bullets);
- moderate unionists have drawn back from mass protest action probably fearing a repeat of the Day of Protest and a "continuing strike" on the lines of the 1974 Workers' strike which was proposed by some loyalist groups at the time of the Day of Protest has not materialised;
- prominent unionists such as F. Millar the OUP Party Secretary, and more recently H. West and J. Taylor, have indicated publicly that they do not believe the Agreement will disappear easily;
- Church of Ireland and Methodist leaders have stressed positive elements in the Agreement. The Alliance Party and liberal unionist groups such as the Northern Ireland Consensus group support the Agreement.

UNIONIST-BRITISH GOVERNMENT DISCUSSIONS

10. Unionist/British attempts at dialogue can be divided into three phases. The first phase centred on the meeting with OUP and DUP leaders on 25 February at which Mrs. Thatcher showed the type of package on offer to unionists, namely devolution discussions in a Round Table Conference

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(originally a unionist proposal), British/Unionist consultations on the future of the Assembly and consultations on arrangements for handling Northern Ireland business at Westminster. Consideration would be given later as to "what that meant for the work of the intergovernmental Conference", a carefully-phrased reference to the provision of the Agreement under which the Conference would not operate in relation to functions that were devolved. Mrs. Thatcher also spoke of "operating the Conference sensitively". The Unionist leaders were unable to get sufficient support at home for this package.

11. The second phase involved attempts to set up "talks about talks", to take place without reference to the Agreement, and while the Agreement continued to operate. It came to an end on 10 May. This immediately followed the fifth meeting of the Conference which was made the pretext for the failure of these efforts. But more deep-seated factors which seem to have forced an abandonment of the "talks about talks" were the existence of hard-line wings (with paramilitary connections) in varying degrees in both parties, internal leadership contests and policy differences (e.g. on devolution/integration in the OUP). The British authorities had not been hopeful that anything would come of these talks.

The current phase involves continued efforts mainly on the British side to re-establish contact and create a basis for talks.

12. However, there is a marked change in unionism as compared with the situation prior to the Agreement. Unionist leaders find themselves faced with:

- a British Government which, for the first time this century, is standing up to a concerted effort by unionist leaders to play the "Orange Card";

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- many ordinary unionists who are firmly opposed to the use of violence or illegal action as a form of protest (in contrast to the 1974 situation).

While they are concentrating their efforts on trying to find ways around the Agreement, some unionist leaders at least are beginning to see that they must seek political solutions which might win broad acceptance in Northern Ireland. They have admitted publicly and in private that the Agreement is causing a fundamental reassessment of traditional policies within unionism. However, this reassessment has not yet reached the stage where constructive unionist policies - as opposed to the present policy of protest - can begin to emerge.

SECURITY SITUATION

13. The security situation up to the beginning of June has been characterised by:

- attacks against members of the security forces directed mainly at UDR and ex-UDR members;
- RUC members have been forced out of their homes and there have been reports of 355 cases of intimidation of members of the force by loyalist elements;
- sporadic loyalist rioting, particularly in East Belfast, Lisburn, Portadown and Kilkeel. There has been some paramilitary involvement in a number of these instances;
- sectarian attacks on the homes of Catholics - 79 such attacks were reported to the RUC during April;
- five sectarian murders all in Belfast, of which four were carried out by loyalists in North Belfast;
- IRA activities in Border areas which have led to 21 violent incidents, and which appear to have intensified recently;

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- there have been 29 deaths attributable to the security situation in Northern Ireland. 13 members of the security forces have been killed: 6 RUC, 5 UDR and 2 army. There have been 16 civilian deaths (including 3 IRA members). This compares with a figure of 15 civilian and 22 RUC/UDR/army murders for the first 6 months of 1985. The level of deaths is much less than for corresponding periods following Sunningdale (99 + 28 in the South) and the Convention of 1975 (129).

A notable feature of the last six months has been the extent to which the RUC has stood its ground in the face of pressure from both communities and the general professionalism of the force.

BRITISH POLICY

14. British Government attitudes (which vary as between London and Belfast) to the implementation phase of the Agreement contain the following elements:

- Mrs. Thatcher's strong personal commitment to standing by the Agreement;
- a perception apparently shared by Secretary of State King that nationalists may have gained to such an extent by the mere existence of the Agreement itself that there is no need to make further concessions to them at this stage and certainly not to announce them and certainly not to announce them as such;
- impatience that nationalists do not show more 'reasonableness' on devolution (e.g. on power-sharing), as well as unconditional support for the RUC;
- a desire to throw life-lines to the unionists so as to bring them into devolution discussions and other consultations preferably before the marching season;
- a general desire that the Irish Government should go further towards supporting British anti-terrorist policy, e.g. a direct request by the Prime Minister that we support the US-UK Supplemental Extradition Treaty, to which a reasoned negative response was given.

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15. It is probable that overall the British are relatively content. They have avoided any major confrontation with Unionists. Nationalist support for Sinn Fein/Paramilitaries has diminished somewhat. British relations with nationalists in the North (and in Ireland generally) have improved. The British have gained advantages from the Agreement in the areas of cross-border security co-operation and extradition (signature of the European Convention on the Suppression of Terrorism) without yet having made any important concessions which can be shown to come directly from the Conference (e.g. Mixed Courts, Three Judge Courts or in the area of relations between the security forces and nationalists). They have succeeded in stalling in other areas in the Agreement (e.g. the international financial support and Anglo-Irish parliamentary Body) where British priorities have been different from ours. International criticism of Britain's Northern Ireland policy has been significantly reduced, and in Britain itself, Parliament and public opinion continue generally to support the Agreement. Criticism by our Government of British policies and actions have been muted.

16. There are a number of serious dangers inherent in the present British approach from our point of view:

- in their desire to avoid confrontation with the unionists they may undermine nationalist support for the Agreement by failing to deliver or delivering too late on the 'agenda' in the Agreement;
- when devolution talks begin they make unacceptable demands on nationalists e.g. because nationalists "have the Agreement", they should no longer insist on a real sharing of power; or they may put pressure on the SDLP to enter the Assembly before devolution has been agreed - although this looks somewhat less likely at present, or they may imply increasingly that if devolution is achieved then the Agreement will "self-destruct" by exaggerating the automatic removal of the devolved matters from the Conference; or by seeking through the Review Arrangements in Article 11 possible changes which could further diminish the work of the Conference;

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- they may try to tip the balance away from the Conference by creating alternative institutions to cater for unionist interests. Recent press speculation has referred to an elected Grand Council in Northern Ireland which would enable unionists to make written communications to the Conference and monitor its proceedings as well as providing for more extensive debate on Northern Ireland legislation in Westminster. Another idea is to create a special Westminster Grand Committee for Northern Ireland legislation, which would be dominated by Unionists as far as Northern Ireland representation is concerned, following the precedent for Scotland.

17. Interdepartmental Contribution to Implementation of Agreement

As the work of the Conference progresses, it is expected that increasing attention will be paid to the economic, social and cultural areas covered by the Agreement with regard to both internal Northern Ireland matters and cross-border co-operation.

18. Government Departments are asked to pay particular attention to conditions, policy and legislation in Northern Ireland in their areas of expertise, so as to provide an input into the work of the Conference. They are asked to have special regard to the implications for Northern Ireland of policy proposals in this jurisdiction and generally to develop an all-Ireland approach in areas such as tourism, industrial and environmental policy and Irish language and culture. The importance of this is stressed because it does not appear that the full implications of the Agreement as it affects our administration has yet been grasped by all Departments, and our input into the Conference has, as a result, been weaker in some areas than would have been desirable.

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IRISH GOVERNMENT OBJECTIVES19. (i) Medium-term

In the medium-term, the Government will wish to see progress towards:

- substantial results for nationalists, progressively achieved across the whole range of the 'agenda' in the Agreement;
- agreement on the modalities for devolved Government in Northern Ireland on the basis of widespread acceptance throughout the Community;
- elections to be held for a Northern Ireland Assembly on the basis of devolution, say in the first half of 1987.

(ii) Short-term

In the shorter term the Government will aim at:

- steady and balanced implementation of the Agreement, specifically with early results in the areas of: Relations between the security forces and nationalists (e.g. all patrols likely to make contact with the public to be accompanied by the RUC; action on the Stalker Report; a more equitable promotion system in the RUC; and the early adoption of the long promised Code of Conduct for the RUC; ensuring adequate protection by the authorities for the nationalist community in Northern Ireland especially during the forthcoming marching season; The administration of justice (e.g. three judge "Diplock" courts, the appointment of a President of the High Court to "balance" the Lord Chief Justice and to allocate business in the Courts; a clear decision to end "supergrass" trials; the appointment of additional qualified Catholic judges to secure Courts more balanced in terms of both ability and religion;) Other areas involving "identity" issues, e.g. the Flags and Emblems Act, the encouragement of the Irish language and Culture, and electoral arrangements ("I" Voters); the demolition of the Divis Flats; full operation of the institutional provisions of the Agreement through regular and frequent meetings of the Conference serviced by the Joint Secretariat on a continuing basis in Belfast, with a view to making the working of the Conference increasingly efficient.

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20. Policy

There should be no illusions about the difficulty of achieving the implementation of the Agreement along the lines foreshadowed during the negotiations, and at a pace rapid enough to prevent the emergence of a dangerous level of nationalist dissatisfaction in Northern Ireland

21. Apart from a limited application of the decision that Army and UDR patrols be accompanied by RUC members, and the ambiguous statement in the Commons by the British AG about supergrass trials, all progress with the implementation has so far been stalled by the British, whose preoccupation with unionists reactions has diverted them most dangerously from the principal objective of the Agreement - the ending of nationalist alienation. In this way the unionists have been achieving part of their objective, and if there were a failure to make substantial progress in the early autumn, several serious consequences could follow:

1. The IRA and Sinn Fein could make great capital, as the unionists would wish them to do, out of a failure to make serious progress by, say the anniversary of the Agreement's signature
 2. Our relations with the British Government could become endangered by tensions arising from this non-implementation, and its effect on our ability to proceed with an Extradition Act in Dail Eireann alternatively to secure acceptance of an Act that would not contain such restrictive measures as to precipitate a very hostile reaction by the British Government.
22. Particularly worrying is the fact that in one of the most important areas of all, viz. the composition of the one-man Diplock Courts, (which has not been a controversial issue

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between unionists and nationalists) serious objections have been raised by the British side, which could endanger any progress. Already we have had to accept, as we knew would be likely to be the case, a deferment of mixed courts, to which the Lord Chancellor was known to be strongly opposed. But it now appears that he and other members of the British Government are opposed to three-man Courts also, on grounds that appear pedantic and flimsy to us.

23. If this attitude were to be persisted in, then it is difficult to see how any other combination of measures, even if agreed to be the British, could make the Northern Ireland Courts acceptable to the nationalist minority - or acceptable to a majority of Oireachtas Eireann as Courts to which people charged with crimes connected with subversion would be extradited under new legislation to be passed by the Oireachtas.
24. The handling of this problem with the British Government has not been facilitated by the pre-occupation of that Government with the US/UK Extradition Treaty, and negative reactions on their part to our reluctance to use up our credit with Irish-American legislators by supporting a measure which is seen by many American liberal legislators as having wider dangers.
25. Other matters of grave concern which exemplify the extremely unsatisfactory nature of Anglo-Irish relations at present include the totally negative British attitude towards a European aid programme (see Appendix); their demonstrative lack of interest in the US aid programme; and their rejection of the Newry/Dundalk road; and the backing away from the Anglo-Irish Parliamentary Body.
26. This is merely an outline of some of the issues that must be raised and on which clear decisions must be sought from Government. What is now needed is an understanding with the British Government covering, on our side, such items as:

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1. Some immediate movement in relatively low-profile areas such as the use of the Irish language for street names where, say 75% of residents approve, and an extension of votes to "I" voters, viz. natives of the Republic living in Northern Ireland who at present have no right to vote, although they have this right in Great Britain.

 2. A clear understanding as to some more significant decisions to be reached by September, e.g. in relation to the publication of a Code of Conduct; a really significant proportion of patrols to be accompanied by an RUC-man; 3-man Courts; a President of the High Court; a clear settlement of the supergrass issue; agreement in principle on a Bill of Rights.
27. The British on their side will be concerned about the possible shape of our extradition legislation. As part of an international board, they themselves are moving away from the prima facie requirement for extradition which has made extradition from Britain so difficult that a number of countries, such as Spain, have long since abandoned any attempt to extradite from Britain. Accordingly, they would regard as unacceptably retrogressive the introduction by us of a requirement that a prima facie case be established in our Courts as a precondition of extradition. On the other hand, a requirement that they certify that their Law Officers are satisfied that there is a prima facie case might be acceptable to them - though they have so far given no indication of this - but would not be readily accepted by the Dail if there were to be change in the present single-judge Diplock Courts. The British would also regard as a serious step backwards the invocation of reservations under the Convention, which we have contemplated as being necessary. And another factor in all this is our attitude to the US/UK Extradition Treaty, which has now been represented in an amended form by Senator Luger.

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28. It is necessary that the Government should establish a firm view on the policy to be followed on all these circumstances, especially as the Taoiseach will be meeting the Prime Minister on the 26th and 27th of this month, and will have the opportunity of a contact with the Cabinet Secretary, Sir Robert Armstrong, when he comes here for a round of Nally/Armstrong talks on the 10th.

29. All this must, of course, be seen against the background of the situation in Northern Ireland itself, where the outcome of the Summer months is unpredictable, with as unknowable factors the degree to which the IRA may raise their threshold of violence and the possibility of attempts by Protestant paramilitaries to undertake violent actions in this State.

A N N E X

IMPLEMENTATION OF THE AGREEMENT THROUGH THE WORK OF THE CONFERENCE

Article 5

1. Cultural and Identity Questions

1.1 Flags and Emblems legislation in Northern Ireland

The present legislation gives special protection to the Union Jack, which cannot in any circumstances be regarded as provocative and be removed by the police. All other emblems may be so removed. Our policy is to seek the rescinding of the existing legislation. The British side will address the matter in the context of the extension as appropriate - probably not until November next - of the Public Order Bill currently before Westminster, as indicated in the Joint Statement of the Conference of 11 March.

Irish Language and Culture

Our interim proposals have included: recognition of the Irish language in official business in Northern Ireland, in placenames, road and similar official signs, inclusion of information about the knowledge of Irish in census returns and official support for Irish language publications and cultural activities. The British side will respond at the

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next Conference meeting. Our policy is to obtain further official recognition for this whole area which is of symbolic importance to nationalists.

1.2 Navan Fort

Our immediate concerns about the Eamhain Macha (Navan Fort) archaeological complex have been met by the official announcement to refuse to allow an extension of quarrying activities near the site.

1.3 Change in electoral arrangements

Our proposals so far cover:

- (a) 'I' Voters (Irish citizens not also Commonwealth citizens resident in Northern Ireland, who were not on the 1962 register of electors, are allowed to vote in Westminster elections but - under the 1962 Electoral Law Act - are not able to vote in local Government or Assembly elections); and
- (b) the Assembly Disqualification Act by which members of the Oireachtas are barred from membership of the Northern Ireland Assembly.

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The 'I' voters issue involving over 8,000 voters, is of significance in marginal seats to the SDLP (and to the Alliance party) and will be on the agenda of the next meeting of the Conference. We will put forward further views on electoral arrangements and procedures, but are seeking early action on the above limited practical proposals.

1.4 Bill of Rights - Avoidance of Economic and Social Discrimination

We are preparing our response to a British paper on options for a Bill of Rights. The options include a Bill to cover the UK as a whole, a Bill for Northern Ireland only and a non-statutory declaration for Northern Ireland.

The option which is easiest to achieve rapidly and would have most political impact is a Bill limited to Northern Ireland and based as far as possible on the European Convention on Human Rights. Our response to the British will cover also the role of the Standing Advisory Commission on Human Rights. We intend to take up in detail the question of economic and social discrimination (which covers also the role of the Fair Employment Agency) on a sectoral and geographical basis.

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1.5 Proposals for major legislation and major policy issues
where minority community interests are affected

We have raised housing, in particular:

- (a) the effects which expenditure cut backs will have on the minority; and
- (b) demolition of Divis Flats in West Belfast.

Some progress has been made on Divis Flats, and discussions are continuing.

Article 6

Role and Composition of Bodies appointed by the Secretary of State.

2.1 Role

We have put forward detailed proposals on the role of the Police Complaints Board and have begun discussions on the role of the Police Authority (see below - Article 7(c)). We are examining the role of other bodies, especially the Standing/Advisory Commission on Human Rights and the Fair Employment Agency (see para. 1.4 above) and intend putting forward views.

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2.2

Composition

We must submit names for the Police Authority. We have submitted names for a number of other vacancies. A meeting held in the Secretariat recently has established an understanding with the British side about the need for some progress in this area and helped develop practical arrangements for this.

Article 7(c)

3.1

Relations between the Security Forces and the Community. Programme of special measures to make the Security Forces more acceptable to the nationalist community.

We are considering proposals involving gradual structural and policy changes which we are discussing with the British side through the Secretariat e.g. the phasing-out of the RUC's security role, the creation of local police forces, improved local consultative arrangements, strengthening of the Police Authority, ways of increasing the level of Catholic recruitment to the police, issues of ethos etc.

3.2

On Police Complaints Procedure we have stressed the need for the introduction of an independent investigative element with participation from outside the police (as in our own Garda Siochana Complaints Bill) and through the retention and strengthening of Section 13 of the Police Act which allows the establishment of independent Tribunals to investigate complaints. The British side have taken into account some of the proposals we have made and will publish an Order in Council soon.

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3.3 Code of Conduct for the RUC

The Chief Constable informed the Conference at its meeting on 11 December that he would introduce a Code as soon as possible in 1986. The draft Code, which is to contain a clause on the respect for the identities and traditions of both communities, has not yet emerged from the Police Authority. The Chief Constable is unlikely to introduce it until after the marching season.

3.4 Accompaniment of Army Patrols by RUC

Following the reference in the Hillsborough communique, the Conference, at its meeting of 11 December, considered the steps which were being taken progressively in applying the principle that the armed forces (which include the UDR) operate only in support of the civil power. This had the particular objective of ensuring as rapidly as possible that, (save in exceptional circumstances) there would be a police presence in all operations involving direct contact with the community. Statistics supplied by the British side show that during a sample week in March, selected by them, 40% of all military patrols in direct contact with the community were accompanied by the RUC. If this were representative it would show an improvement in comparison with late last year when there was an accompaniment rate of about 25%.

3.5 Stalker Report

Nationalists are impatient at delays in taking action on the Stalker Report on the "Shoot to Kill" incidents which is with the Director of Public Prosecutions since February. The current controversy surrounding Mr. Stalker - who as Manchester City Deputy Chief Constable is himself subject to a disciplinary charge - may delay matters further. Mr. Stalker had been

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asked by the Director of Public Prosecutions to make further investigations in Northern Ireland.

3.6 Prisons Policy

We have been seeking a more liberal policy in relation to life sentence review and there has recently been some encouraging progress in this area. We have also raised a number of individual cases. Our views have also been conveyed on strip-searching especially of women prisoners.

Article 8

4. Legal Matters including the Administration of Justice

4.1 Two official working groups were established as a result of the meeting of the Secretary of State, the Minister for Justice and the two Attorneys General within the framework of the Conference at London on 13 February.

4.2 The Working Group on the Administration of Justice, has focussed on mixed courts, three-judge courts and power-sharing in the judiciary. Discussions are continuing.

We have been informed that the British will accept certain of the recommendations for reform of the Emergency Provisions Act made in the "Baker Report" in 1983. Legislation will be introduced about November next.

The question of "supergrass" trials has been raised by the Irish side. These are trials involving large numbers of defendants charged on the basis of

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uncorroborated accomplice evidence. We have noted the statement of the British Attorney General of 19 March of which was an extract is quoted in para. 3 of the Memorandum. This is significant in so far as the Director of Public Prosecutions is concerned. However, the British side have pointed out that, under law, the police must accept evidence when proffered by any legitimate source. Angela Whoriskey, a supergrass whose evidence is currently being assembled before submission to the DPP, may prove a test case in this regard.

- 4.3. The Working Group on Criminal Law matters has concentrated on extradition and on the Irish legislation to implement the European Convention on the Suppression of Terrorism, signed on 24 February. The Irish side has pointed out that the breadth of the implementing legislation due for introduction in the Autumn will be determined, partially at least, by the degree of progress made in the areas of the administration of justice in Northern Ireland (Article 8) and relations between the security forces and the community (Article 7) on the basis of paragraph 7 of the Hillsborough Communique.

A Sub-Group of representatives of the Attorneys General, has drawn up a checklist which will help to avoid mistakes and misunderstandings in any future extradition cases.

Article 9

5. Cross-border Security Cooperation

- 5.1 Police groups have been established under Article 9 to consider such subjects as Garda/RUC co-operation under

the headings: threat assessment, operations, and CID. The two police chiefs considered reports prepared by these groups to be submitted to a meeting of police and officials on 4 June. There has been a much increased commitment of manpower by Gardai to the border areas.

Article 10

6.1 International Financial Support - International Fund

Despite international goodwill the British side has increasingly shown reluctance to take joint action with us in this whole area. In the US the British have given priority to the US/UK Supplemental Extradition Treaty (which has been blocked in Congress). In the European Community, they have opposed any proposals that might involve a charge on the Treasury, their most recent proposal being that we should solicit contributions from individual Member States directly (i.e. not as a Community act). Australia and Canada are likely to await US action before deciding on any contribution themselves.

It is likely that there will be a US financial contribution but it may be much less than originally expected and the political effect may be diminished through delay.

6.2 Cross-border, Economic and Social Co-operation

Tourism: The Conference has discussed cross-border co-operation in tourism, with a view to further consideration of (a) the work of the existing Tripartite Committee on tourism (British and Northern Ireland Tourist bodies and Bord Failte) which has given priority to access links (air/sea), joint marketing overseas co-ordinated development of tourist facilities and co-operation in research and statistics; and (b) joint marketing of specialist holidays on an all-Ireland basis.

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- 6.3 Pollution Monitoring: There is agreement on the need for increased co-operation in monitoring pollution caused by discharges of radioactive materials and in studying the possible effects on health of such discharges. Joint monitoring of pollution of inland waterways has also been discussed briefly.
- 6.4 Newry/Dundalk Road: The Newry/Dundalk Road is being actively considered and a meeting between the Ministers responsible (Mr. Needham and Mr. Boland) took place on 28 May. The British side have stated that the road cannot be built from their present resources within the next ten years. If international funds become available they might be prepared to consider drawing on them for the road. The matter will be discussed again in the Conference on this basis. There are also some difficulties in getting agreement on the route among nationalists locally.

Article 12

- 7.1 Interparliamentary Relations - Article 12. There has been no progress in setting up the Anglo-Irish Parliamentary Body. We have been awaiting a paper from the British side since the January meeting of the Conference on this.