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AN RÚNAÍOCHT ANGLA-ÉIREANNACH

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ANGLO-IRISH SECRETARIAT

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Time 14.00 Date 23.4.

Secret

22 April 1987

Mr. Eamonn O Tuathail
Assistant Secretary
Department of Foreign Affairs

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Dear Eamonn

I enclose a copy of Daithi O Ceallaigh's report, with an input from Noel Ryan, of the Anglo-Irish Intergovernmental Conference held in Belfast today.

Yours sincerely

Michael Lillis
M.J. Lillis

*PSm
PSS
Mr Dally
Mr Ward
A.I Section
Emb. London
Emb. Washington*

SECRET

Anglo-Irish Intergovernmental Conference, Belfast,
22 April 1987

The Anglo-Irish Intergovernmental Conference met in Stormont Castle, Belfast, on 22 April 1987. In attendance on the Irish side were the Irish Joint Chairman, Mr. Brian Lenihan T.D., the Minister for Justice Mr. Gerard Collins T.D., Mr. Noel Dorr, Mr. Andrew Ward, Mr. Eamonn O Tuathail, Mr. Desmond Matthews, Mr. R. O'Brien, Mr. D. O'Donovan, 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. David Fell, Mr. A.J. Stephens, Mr. Ian Burns, Mr. A. Wood, Mr. R. Stimpson, Mr. D. Watkins, Mr. Mark Elliott, Mr. Steve Hewitt and Miss Valerie Steele. The Garda Commissioner and the RUC Chief Constable were in attendance for the discussion on cross-border security co-operation.

The meeting began in a session confined to the four Ministers at 9.00 a.m. The ministerial session lasted until 10.05 a.m. The discussion of the two agenda items lasted until approximately 11.30. Discussion about the contents of the Joint Statement (copy attached) went on for another fifteen minutes. This was followed by refreshments until the departure of the Irish party at 12.20. What follows is taken from detailed notes but does not purport to be a verbatim account of the Conference. It is put in the form of direct speech.

Mr. King: Could I welcome you and your colleagues here this morning? Without wishing to interfere in your internal affairs can I congratulate both of you on your recent election results and on your appointments. We look forward very much to working with you in this Conference and to building on the work already done in the interests of all the people of this island. Everybody around this table knows each other very well and if we can continue in this way both our interests will benefit. If you are agreeable we will limit the agenda to the two agreed items - security cooperation and discrimination in employment. If I make a brief opening comment, would that be the way to go ahead?

Mr. Lenihan: That sounds fine to me.

Item 1 - Security Cooperation

Mr. King: We have recently let you have a paper setting out our further thoughts on Cross-Border Security Cooperation. We had thought at this particular time, coinciding as it did with the fact that there has been a change of Government in your jurisdiction, it was time to take stock of where we are in this area. We would have done so anyway even if there had not been a change of Government. I think you and I know each other well enough to enable us to be candid in our comments. It's always difficult to strike a balance between what we feel has been a significant improvement in security cooperation - especially in the personal relationships that have developed between the two forces and the area of communications - and the extent to which this is fed through the wider issue of practical results on the ground. I think it is very important that people should get to know each other and this has taken place since the Agreement. Structures have been established. The question is to what extent has that produced an improvement. A lot of our paper is related to much bigger areas. We have set down some points where we think improvements can be made and developments can take place. I'm not expecting that you will be able to give us any answers today to the questions we have raised but I would like to see these questions dealt with in an appropriate forum. This could be the quadripartite or whatever. My own view is that a lot of hard work has gone into the progress which has been made. The up-dating of the agreed threat assessment is very important. This must be a springboard for action. We have mentioned some of the specific areas where we have difficulties. One such is the area near the South Armagh border. Another is in the area of communications between the Army and the Garda in an emergency. This is of less concern as normally the communications are handled between the Garda and the RUC. In an emergency there shouldn't be any hangup if the British Army come in as well but only in areas where the RUC are not present.

We're absolutely committed to the rule of law and to police 'supremacy' within that rule of law. What we are talking about is how to improve our procedures and bring the terrorists to justice within that. In that connection the ability of the RUC to question suspects in the Republic has arisen. These issues are being put forward by us against a background where we cannot claim any significant improvement in the terrorist situation. The reality is that there hasn't been a reduction in terrorist activity - indeed our critics would say there has been a disimprovement. That is the public perception and it is proved by the casualties. Obviously it is in all our interests and it is in the interest of all the people on the island to see if the two Governments can take any steps which can reduce the incidents or casualties so that we can present the widest possible improvement - in the economic as well as the security sense - to our people. That's the general background and perhaps after you have said a few words I might ask the Chief Constable to give his view on the situation.

Mr. Lenihan: I want to say very briefly on the security aspect that you seemed to have summarised the position very well in paragraph seven of your paper on security cooperation called 'the way forward'. I am a strong believer in intensifying cooperation between the two forces and in your paper you say that the initial responsibility for pursuing security cooperation lies with the Garda and the RUC. Any problem which they cannot resolve at police level, including discussions between the Commissioner and the Chief Constable, may be referred to another appropriate forum such as the quadripartite meetings, discussions through the Secretariat or here in the Conference between us. You propose that the two police forces should be asked to prepare a full survey of the progress so far made, together with proposals for accelerating it. This should be submitted through a quadripartite meeting to a meeting of the Conference. I find that general principle of police management very appropriate. I feel very strongly that operational co-operation on the ground, without the inclusion of any ideological or political aspects, is the real way forward. We have to improve information gathering and the sophistication of

the intelligence aspects. All of this is in the group cooperating between the two police forces. The more help we can get from among the public at large the better. We must try to isolate the terrorists and then clear them out.

Mr. Collins: Having regard to what the Secretary of State has just told us I feel it is important to ensure that the threat assessment is kept up to date. With regard to other matters in the document I understand that we are not going into detail now. Indeed, I think it would be counterproductive to do so until a stage is reached where the police themselves cannot deal with the problems which arise. To do so at an earlier time would be divisive. I also feel that not everything in your document would stand up to examination. It's not for us to go into that now.

Mr. King: I understand those points. We're not looking for a detailed examination here and now. Our purpose today is to get the thing moving.

Mr. Collins: The sort of consultation about which we are now talking should take place before decisions are taken here in Northern Ireland and the various aspects looked at. I don't want to be critical but the case of the observation towers in South Armagh is an example of what I have in mind. Had there been prior consultation between the two police forces before those towers were erected some of the problems which we now have to face might not have arisen. It is important that issues of this nature be discussed and that consultations take place before decisions are taken in Northern Ireland. The time to worry about the hot bun is before you cook it.

Mr. King (very hesitantly): I'm not entirely sure that I can agree with everything you say though we might wish to talk about it. (He seemed to be not entirely happy about the accuracy of what the Minister for Justice had just said.) There is a confusion here. What is the perception of how we are getting on? Perhaps, Chief Constable, you could

Chief Constable: The structures about which we have been talking (the police working groups) were only set up in the last year. Since the arrangements were entered into in this area, the RUC have been seen to have been very committed in two areas. Firstly, there is the area of public order and marches. Marches have caused us considerable problems over the years (Unionist) and this was exacerbated by the political situation, politicians have attacked the police and have encouraged people to engage in illegal marches. This area has caused great problems for us over the years and we now have a situation which is more stable than that which existed prior to the conclusion of the Agreement. That stability on the streets and in public order is the product of damn good policing.

Mr. King (interrupting): Think of what happened in Portadown last year, the battles between the police and loyalist demonstrators.

Chief Constable: We have made more progress in dealing with these marches in the last two years than was made in the previous 50 years. The other area which concerns me particularly is the area of terrorist violence. There has been a significant increase in this area this year. The figures in comparison with the figures for a similar period last year show the extent of this. There have been 28 killings this year against 14 last year (two since last Monday). There have been 85 bombings where there were 37 last year, 320 armed robberies where there were 205 last year. In addition there have been 125 shooting incidents. The charging rate for offences committed is not on par with the increase which has occurred in the numbers of offences committed.

Since the election result in the South and the poor showing achieved by Sinn Fein, the IRA are determined to heighten their profile to appease the more republican element. They have restructured themselves in Northern Ireland. The situation is

critical. We are not getting the results we need. We are not getting admissions, resulting from interrogations. The IRA have changed the disposition of their resources. In Belfast, the RUC have a certain control over them. The IRA know that. They are now concentrating on soft targets, soft areas and areas close to the border. An example is the killing last night of a man who was a foreman with a firm doing work for the security forces. The IRA are not short of money, they are not short of weapons and they seem to have adopted a policy of bringing in people from other areas for the specific purpose of killing others - the hard core killers. The gun used in killing Inspector Ead in Newcastle was used in the killing of three policemen in Newry on 27 July last. In Newcastle they went up behind the Inspector in a crowded street, caught him by the head, pulled his head down and shot him twice in the neck. They then emptied the gun into his body thereafter escaping in the crowd. One of the guns used to kill the two Constables in Portrush a week ago was also used in the killing of Jarvis in Magee some weeks ago.

I accept that in terms of the seizure of weapons and equipment there has been a very considerable improvement in the South. This is a success for the Garda. But they haven't seized any of the people who are responsible for these materials. We are expecting more explosives to come into Northern Ireland. Recently we found a 600 lb bomb destined to take out a police vehicle. Although they're not all coming from the South, large quantities are coming in. Unless the IRA can get a large tonnage of explosives into Belfast and use them in Belfast they will not be able to claim that this latest campaign is successful. There was a seizure recently of large quantities of explosives in Newry and Derry and here we have evidence that these explosives were brought in to Northern Ireland from the South. It is also of serious concern that they have taken delivery of three new Kalashnikovs as well as other arms. They now seem to have abandoned their sensitivity to the political damage which can be caused to Sinn Fein by their operations.

They are more rampant than for some time. In West Belfast, they are taking on the Catholic Church. The Garda Commissioner and I last Friday had a very fruitful meeting. We have identified the major problems. (He went through a list of the areas where he would wish to see co-operation on our side of the border in detecting certain types of materials.) Firstly, there is the need to locate the areas where mortars are manufactured. We in the North have found two such locations.

Mr. Collins: Are there no others in Northern Ireland?

Chief Constable: I couldn't say that for certain. The second is to locate the manufacturers of electronic devices used in bomb-making equipment and the manufacturers of home-made explosives. We must find the sources of the gas cylinders, the wiring etc. This is a joint problem. It is terribly difficult to locate these people. This is made more difficult by the absence of sound intelligence. We need good intelligence - that means ever increasing sophistication of intelligence and good sources. We need to have police acting in a preemptive role on the ground. Both Larry (Wren) and I have agreed that the committees which we have formed should be toughened up. Larry has agreed to put a man full-time on Weapons and Explosives Research (WERC). My view is that we need a chief officer on each side of the border to make sure that the resources on each side are used most effectively. He would engage in quantifying the scale of the problem, identifying resources necessary and making sure they are working. This man would be briefed from Headquarters and would pass on information received from Headquarters to the other side. That is the way forward. Even if all of that were carried out, I think that the most serious threat which we are going to face in 1987 will be from the IRA. In 1985 the RUC concentrated on dealing with the parades issue. Last year we dealt with those who tried to break the law to overthrow the Anglo-Irish Agreement. This year the most serious threat will be from the IRA.

Mr. Lenihan: That's sounds like policy desperation. Looking at that scenario, we will have to step up what we can do.

Garda Commissioner: I would accept absolutely the objectives outlined by the Chief Constable. We have been having meetings now for some time at all levels. Whether what we are doing produces results is not as questionable as he says. There is of course movement over the border but there may be a question about the extent of it. The assessments on either side should be passed on to the other side. Whether it is a question that the intelligence is not available or whether it is that the intelligence is not being passed on I am not sure. We will tighten up here if this is possible. The commitment which we have made since the Agreement is being held to. The units on the border are being maintained. There have been substantial seizures and arrests. We have made preparations in relation to mortar attacks. We have alerted everybody throughout the whole force to the threat and what to look for. We are conscious of the obligations on us. We have not been told where we are falling down on any aspect but if there is anything which we can do, or which the Chief Constable thinks would be helpful, we will be very happy to deal with anything we can deal with.

Mr. King: It is common ground that not all the problems are cross-border problems but our concern is to take any step that we can which will help in any way to save lives and to defeat the terrorists. One element in the problem, and I don't want to exaggerate it, is the Southern dimension, but our experience with HME shows that some comes from the South, some from the North. It is so hard to find because for one thing it is commonplace and so innocent looking.

Chief Constable: We are now finding commercial explosives for the first time in a very long time. The mortars used in Belcoo were manufactured in the South and the explosives in the mortars was commercial explosive. We also recently for the first time

in many years discovered 4-5 lbs. of explosives made in the South but coloured for use in Northern Ireland. It came up here for storage in one of our magazines. We now know where it came from in the North.

Mr. Lenihan: We should be able to control the movement of commercial explosives within the island and I think that we are doing that?

Garda Commissioner: We cannot be absolutely certain that we can control every stick of commercial explosive. Occasionally a stick will not explode and somebody will come along later and pick it up.

Chief Constable: We cannot do this by mere observation alone. I can't overstress the importance of intelligence. What we are trying to do is to identify people who are involved and their contacts and put them under surveillance. We are expecting a very large quantity of explosives from the South. We don't know from where but we know it is coming. What happened over the weekend in Tyrone was a prime example of what I mean. We knew that a quantity of explosives was being brought in. We were not certain where it was coming from, nor were we certain to where it was going. Because of our practice of surveillance we identified where it was just hours before it was to be used, presumably in the killing of policemen last weekend. It is only by the use of surveillance that we are getting these results and that we are able to arrest those involved.

Mr. Lenihan: This is an obvious area for cooperation.

Mr. Collins: Could I ask the Chief Constable about the finances of the IRA and where they are getting their money from?

Chief Constable: Most of it is coming from protection rackets, from the drinking clubs, and from overseas. We are preparing a detailed document on this for the Secretary of State. It's a big area.

Mr. King: The world of the rackets is very important to them plus bank robberies. But a lot of their money is self generated.

Chief Constable: The sources of finance for both the loyalists and the IRA are pretty much the same. It's coming from the rackets and from the clubs. It costs the IRA £2/3 m. per year to maintain its activity. That amount is no problem to them and they have no shortage of money for the purchase of weapons.

Mr. Collins: Could you give us any details about where the weapons are coming from?

Chief Constable: Some of their armaments, though not many, are coming from America. Most are coming from Europe. The UVF and the UDA used to get armaments in Canada but we closed off that source. The IRA are now getting a bit in Canada. The loyalist weapons are imported into Northern Ireland through England and Scotland. The IRA and INLA weapons come through the South generally from Europe.

Mr. King: It's astonishing when you consider that 3000 containers a day are arriving in Northern Ireland.

Mr. Lenihan: It's no wonder then that these weapons can be hidden. It would be hard to conduct surveillance on that.

Mr. King: Arms dealers have been picked up in Amsterdam and the Hague and Le Harve. It's not difficult in the least to buy arms in Europe. The arms found in Sligo were Libyan .

Mr. Lenihan: Clearly they have no difficulty in buying arms. The money is the problem. If that could be reduced and their income cut.

Mr. King: We are taking steps. We have introduced legislation to outlaw the bogus security firms which were in effect covers for the paramilitaries, both for the loyalists and for the IRA.

Chief Constable: We must start to quantify the intelligence which we are getting North and South. We have to quantify our flow of intelligence and see what's emanating from this intelligence. We have to review the past and look at the year ahead.

Mr. Collins: Are you in a position to quantify the IRA manpower here and in the South?

Chief Constable: We can do that. It might be best to do so in a smaller group. We need to get the sharpest group possible. I would envisage a group of two or three people on a totally informal basis. It couldn't be any bigger if you were to get down to the hardest nitty gritty.

Mr. King: You are saying we need a hard look...

Mr. Scott: What you mean is that on the intelligence assessment, which is the narrow issue, you want a smaller group. The larger problem (of security cooperation generally) is one which involves political issues.

Chief Constable: You want a small group to look at the people involved. Let us see where their resources are. Let us see who the players are and let us give this information mutually across the table - the names and what they are doing.

Mr. Lenihan: I think so.

Mr. King: Let's take stock of this. What is needed is a change of gear and of approach.

Mr. Collins: How do you think you are doing in the 'psychological war against the IRA and its supporters? Do you think that you won at the Marley funeral?

Chief Constable: We won one-third and we lost two-thirds. I have listened very carefully to what Bishop Cahal Daly had to say. He and I are not too far apart. I gave an interview yesterday to the Telegraph on the basis of it. I will be issuing a statement shortly which will take as its starting point the statement which he has made. There will be no pretence on this. We cannot allow such situations to continue.

Mr. King: One newspaper said that the RUC had a victory over the IRA but that Sinn Fein had a victory over constitutional politics. I think that's probably right. I spoke twice to the Cardinal during the course of the events. We were conscious that the Church was being attacked by the IRA.

Chief Constable: If the IRA persists in a display of weapons and in a display of paramilitary paraphernalia then we're in trouble. I cannot allow such displays to take place. The effect on the other sector of the community would be very damaging, particularly in circumstances where I am appealing to them to obey the law.

Mr. Lenihan: Speaking generally I think the presentational aspects of this whole thing are very important so that you get the backing of the whole population.

Mr. King: I would like to think that there is an increasing realisation in the nationalist community of the absolute pointlessness of the campaign of the terrorists.

Chief Constable: You would be surprised at the high level of cooperation which we have from the Catholic community. Of course because of the position in which they find themselves such support is not overt and they are frightened. Recent

murders, such as that in Magee, have evinced horror throughout the Catholic community. Unfortunately the IRA is almost self-sustaining. It has got to be crushed.

Mr. King: But condemnation by moderates does help to isolate them within their own community.

Mr. Lenihan: The whole area of reforms would accelerate this and would help to isolate them further. If we could make progress on the Code of Conduct and if reforms could be made in the area of justice which would make the system more acceptable to the minority, then this process would be accelerated.

Mr. King: I know. The more we can do that the better. John Hume has said that the Agreement has removed any cause which these people might feel they have for violence. The principle of consent has been achieved. The objective of unity - your objective - is there to be won by democratic means by convincing a majority, not by the gun. We should advise nationalists to get in there and do this. Your (Government) support for this Agreement and your endorsement of the principles is now there and clear to see. That means in effect that democracy rules o.k? And violence out!

Mr. Lenihan: The extremes in both communities have now been isolated as never before. Its a question of the democratic forces remaining strong.

Mr. King: The decision of Sinn Fein to contest the Dail elections and the results which they achieved are another recognition of this (isolation). We're getting slightly off the Agreement, but I think it interesting to note that even Adams felt that he had to say publicly that they didn't expect to make much progress in this election but that they were preparing for the next Dail election. I'm sure they hoped to surprise everyone by getting a good vote, but that's not what happened.

Mr. Collins: The Sinn Fein position in the previous election (in 1981) was greatly helped by the hunger strike. I hesitate to say it and it's ^{hard} passed but I think it's a fact that you made a mistake at that time. You gave them the morale boost they wanted. It is important not to give an advantage like this to them again. If they can wrongfoot us they will.

Mr. King: Our difficulty is that if a group is so unscrupled as to use a dead body to kill two policemen, if they are prepared, as they were in the Logue funeral, to directly ignore the wishes of the family, then they are capable of creating a situation of Greek tragedy. It is almost an irresistible force.

Mr. Collins: We had it too. We've made our mistakes. We put container loads of concrete over the grave of an IRA man - Stagg - they came along, blew it up and got the body out. We've made our mistakes too.

Mr. King (jokingly): I don't suppose anybody can predict when your next election is going to be. Adams is on record as saying he will do better next time. Will mindless violence help him?

Both Mr. Lenihan and Mr. Collins said that mindless violence is bad news for Adams and for Sinn Fein. It alienated people. But if they could get a psychological weapon they would use it.

Mr. Collins: The only danger which I see is that a psychological advantage could be given to Sinn Fein. It is very important to deny this to them.

Chief Constable: One difficulty is that the three personalities - Adams, Morrison and McGuinness - are achieving a degree of credibility within their own community. Only this morning I was astonished listening to Adams on the radio claiming that he had achieved rehousing in a part of West Belfast. That is frightening. What is also frightening are the shows of strength of the paramilitaries.

Mr. Collins: The political problem of Sinn Fein is a far bigger problem here (in Northern Ireland) than it is in the South. Both ventures to hold meetings by O Bradaigh and O Conaill at Easter in the South were failures. One of them even had to be abandoned because nobody turned up.

Mr. Lenihan: I think we can win it. I think we can defeat them. I would be optimistic about this. There are elements in the Provisional campaign at present which are elements of desperation.

Mr. King: I do understand that but this has been a particularly nasty time. If it is not handled very carefully it could backfire on us.

Mr. Lenihan: This psychological sensitivity is all important.

Mr. Collins: I think we have to expect certain problems in the South in relation to the Single European Act. Have no doubt that all the forces are marshalling up to embarrass the Government and the entire Oireachtas. It's an emotional thing.

Mr. Lenihan: These people are anti-social, anti-European, anti-British. It's spreading to a lot of avenues. The end of May is the target date for the completion of the referendum and the period until then will be a difficult one.

Mr. Collins: Parliament has to decide this week following a debate to hold a referendum. After that the campaign starts.

Mr. Lenihan: We don't want to give the people about whom we are talking scope. We don't want them to take advantage.

Mr. King: Is there anything else we want to say about this issue (i.e. security)?

Mr. Collins: We need to report on the personnel of the IRA and the movement across the border.

Chief Constable: We will identify the activists and known people. But it will have to be a very tight and very small group.

Mr. Scott: It's very important to have a distinction between the two groups. There is firstly a narrower one which the Chief Constable has just mentioned to identify activists and known people. Secondly, there is the wider group which deals with the wider political issues.

Chief Constable: Recently there was a case where we knew that weapons were going to be stolen but we couldn't get intelligence on where. You have to wait to develop your leads. Everybody has to understand that, especially at the highest level. To recap, on explosives we don't know where they're coming from. We don't know where they're going to but with surveillance and co-ordination we can hope to get hold of a lot more of them than we have succeeded in getting heretofore.

Mr. Collins: You're lucky to have the resources to be able to do this.

Mr. King: Nobody ever has enough. I think that's as far as we can go today. The times are very worrying. There has been a major change in the activities of the IRA. This has been a very helpful discussion. Goodwill has been shown across the table. We are concerned at the trends which are developing.

Mr. Lenihan: Let's intensify the dialogue between the professionals.

Mr. Collins: Let's make sure that that dialogue takes place both before and after decisions are made.

At this stage, 11 o'clock, the police withdrew.

Item 2: Equality of Opportunity in Employment

Mr. King: Can we turn now to Item 2? This is on the agenda at your request. We've had from you a number of responses to our papers. The consultation period for our paper on Equality of Opportunity in Employment ended on 31 March. A lot of the responses came in at the very end. In fact, the SDLP's response did not come until after 31 March but it was very welcome nonetheless. We've also produced a leaflet, Fair Treatment for All, for distribution in the United States. That sets out some of the progress which has taken place. Would you like to make some comments?

Mr. Lenihan: I'll be very brief. We have discussed some of these matters already. It's obviously a desirable social objective to have an enforceable system in which there is fair treatment in employment for all and in which the legal basis for that is properly enforced. Such a system including public contracts should operate in the whole area of the public sector, not just in the civil service. It is only when a solution has been found to these basic social, economic and legal problems that a climate will be provided in Northern Ireland in which the security problem can be solved. That particular problem cannot be solved on its own. I therefore feel that our future meetings should have 50% security content and a 50% other content.

The effectiveness of your fair employment legislation is limited. The Fair Employment Agency doesn't have the money, nor does it have the sanctions available to enable it to do the job which we would wish it to do. It does not apply across the broad framework.

If you bring about equality of opportunity in employment you will defuse the MacBride Principles. Every one of us would subscribe to the MacBride Principles but I believe the place to

deal with the problem is here in Northern Ireland, to handle in situ the problems on the ground and to produce effective overall legislation to deal with the problem which exists. You could completely defuse the MacBride Principles and the MacBride campaign and Fr. McManus if you incorporate these Principles into effective working legislation in Northern Ireland.

Mr. King: David (Fell), would you like to say a word?

Mr. Fell: We've had several useful discussions with our Irish colleagues about our proposals. I think that the broad thrust of what we both say is very similar though there are differences in detail and we can meet again where we are not eye to eye. We have had 75 responses to our consultative paper. It will take time to examine these and also we will have to take account of the report being drawn up by the Standing Advisory Commission on Human Rights (SACHR). It would be foolish of us to proceed ahead of that report. We can work up a lot of our proposals in the meantime. We have approached SACHR and we've asked for their preliminary views on the parts of their report which are likely to impinge on the proposals in the consultative document. We would hope that they would be able to give us those views by the end of June.

Mr. King: We want to get on with this as quickly as possible. It's very important. We are slightly out of phase with them but they are an important body.

Mr. Fell: We will not be able to get draft legislation ready in time for the 87/88 session of Parliament. We are planning to have our legislation in the legislative programme for 1988/89.

In the meantime, we must concentrate on how to strengthen our provisions within the existing law. It is important, in the intervening period between now and the carrying forward of legislation, that steps be taken to indicate the seriousness of the Government. One such step is the Manpower Guide. We've had comments from your side on our first draft of the new

Guide. We have now produced a second draft and we would hope to have the final version of it within a couple of months.

Naturally, we are concerned about the campaign in the United States on the MacBride Principles. This can be summarised under three headings. Firstly, there are the Bills being introduced in the state legislatures. They have already passed in New York and Massachusetts. They are being introduced in New Jersey, California, Philadelphia, etc. In our view California will be the crucial one and we would hope that California will reject the Principles. The second leg is the company shareholder resolutions. All of these have been defeated so far but the companies involved have had to devote considerable senior administrative talent to dealing with them and have had to take them seriously. The third and most worrying aspect is the Fish and D'Amato Bills in Washington which could lead to trade embargos. If that happened, they could have a significant detrimental result on Northern Ireland exports. We think the Bills are contrary to the GATT and we also think that they won't be passed.

The support for the MacBride campaign started with NORAI and the Irish National Caucus. They pushed an analogy with South Africa which we find most unacceptable. They are however gaining a certain acceptance among more moderate Irish Americans. We have in the past questioned the legality of the MacBride Principles on the ground that they amount to positive discrimination. But there is a clear difference of view among senior lawyers in Northern Ireland. This difference of view is causing worry and confusion among people in the United States. There is increasing evidence of companies being required to devote large quantities of executive resources to dealing with MacBride. This could lead to disinvestment and certainly is a barrier to new investment. Our conclusion is therefore that the campaign for the MacBride Principles is having an adverse effect on job opportunities in Northern Ireland.

The earlier approach, where we questioned the legality of the

Principles, is now not sufficient to deal with the campaign. What we are now trying to do now is to deal with the impact of the campaign rather than with the Principles themselves. The impact is likely to result in fewer job opportunities making it more difficult to provide jobs for both sides of the community. Both Governments can subscribe to a need for increased job opportunities in Northern Ireland. The recent Hume line where the Principles were not attacked as principles but a worry was expressed about job opportunities and investment seemed to us to be something which might be looked at and supported.

Mr. King: Obviously, your concern is that effective action be taken against discrimination and that you favour the creation of jobs for the nationalist community. We see it a bit wider, as a question of less jobs for both communities somewhat along the lines expressed by Hume. We would be interested in any way you could feel able to help us in this. It is interesting that David Gilliland, who has an unrivalled list of contacts, (Gilliland just retired as senior Information Officer in Belfast and has spent the last two months or so in the United States on a coast-to-coast tour) told me that there is very little press interest in the United States in MacBride. It's an easy trick to introduce MacBride in a state legislature or in a shareholders meeting. When Japanese companies have shareholders meetings they employ mafia types to remove those shareholders present who might oppose the management. I don't suppose that we could hope that the American companies will do the same! But whilst the shareholders' resolutions are not passed they are creating a climate in which the Boards of these companies are getting fed up that shareholders, rather than applying themselves to the real needs of the company, are having their time taken up with interminable discussions about the MacBride Principles. All they seem to know about their plant in Belfast is MacBride.

Mr. Lenihan: It think it's a bit sterile to pursue MacBride. I think we should emphasise the positive and I think we should support fair employment for all.

Mr. King: We've got to go on the attack in some way or another.

Mr. Lenihan: There's one thing that would be helpful. You know this Fund we have. The Americans have come up with the first tranche. We would like the EEC to come in here.

Mr. Collins: Why don't you chase Fr. McManus from one legislature to another.

Mr. King: Have you talked to Geoffrey Howe yet? I've made clear to him that I would like to see European money. But I've had to leave it up to him. I know that the U.S. would also like to see ~~American~~ money.

European

Mr. Lenihan: That's the problem. The U.S. feel that they were lured into this Fund by suggestions that the Europeans would support it. If a situation arises now where the Europeans do not support it then the Fund could be weakened.

Mr. King: We have a difficulty given our position vis-a-vis the European budget. We have a situation which is different from that in Germany and in France. I thought at one stage you were talking about a semi-Lome?

Mr. O Tuathail: Secretary of State, the position is that you don't want to make a joint approach to the European Community with us. You don't mind if we ourselves go ahead and you would like to see us come out with a Lome key base for support for the Fund which would mean that no more than 16% would be contributed by Britain. However, for us to go independently will not be successful. We need British support. We hear from the Commission that they need a signal from you. What we are asking for is that Howe make a signal to Delors that you would favour the Fund.

Mr. Dorr: We need that signal. Perhaps a telephone call might do. We should also remember that 75% of the Fund will be spent in Northern Ireland and only 25% in the South.

Mr. King: Let's look at that.

Mr. Stimson: I think the Tanaiste will be meeting Mrs. Chalker next week. Perhaps you might wish to discuss this with Mrs Chalker when you see her.

Mr. Dorr: When the New Zealand Ambassador called on me recently he mentioned that New Zealand is interested in having observer status on the Advisory Board of the Fund. They have, as it were, paid their membership fee.

Mr. King: What is your official position on the MacBride Principles? What would your Ambassador in Washington say if he were asked what is your official view?

Mr. Lenihan: The Principles as such are unobjectionable but we are proceeding on the lines that appropriate action should be taken on the ground through the Anglo-Irish Conference to deal with the issues. We would hope that the points advanced in these Principles would be met as a result of such action and as result of the legislation introduced.

Mr. King: Most of the Principles are o.k. but two in particular raise problems.

Mr. Fell: The lawyers argue that Principles 1, 7 and 8, taken together, could, if adhered to, be in breach of the Fair Employment Act. Another Principle seems to require employers to provide secure transport for workers to and from their workplace. That's impracticable and there is nowhere in the world that that is done.

Mr. O Tuathail: I think that in addition to the points which the Tanaiste has made we would also want to say that we would wish to see more jobs in Northern Ireland and more investment including investment from the U.S.

Mr. King: Where does that get you? Our legal advice is that the MacBride Principles are against Northern Ireland law. The FEA have similar advice from their counsel. The problem is I am going to be taken to court.

Mr. O Tuathail: There is a management problem in the United States. The legal arguments are not convincing to moderate Irish Americans. It is the wrong track.

Mr. Scott: Could you get to a place where you would say, in response to the question of where you stand on the MacBride Principles, "hold your horses for the moment on them; we are talking to the Northern Ireland authorities" and that you believe that the British Government is trying to deal with the problem in Northern Ireland.

Mr. Collins: It would not be easy to sell that to Irish/Americans.

Mr. Andrew: Would it be possible to add a gloss to what the Minister said earlier and request that nothing be done in the meantime. If you could stress that, investment would be made less difficult.

Mr. O Tuathail: Interim measures would be very important here. Measures on the ground which people could see would be central - in the Civil Service, for example, and extending it to the wider public sector. As regards the Manpower Guide, will we be consulted again on that draft?

Mr. Fell: Yes.

Mr. O Tuathail: Other important interim measures would be, for example the improving of training facilities available for the minority community in places such as the Boucher Road in Belfast.

Mr. Lenihan: There was also something in the Belfast Plan.

Mr. King: Yes. That's specifically aimed at the city centre. Jobs there could be taken up by members of both communities.

Mr. Collins: What are you doing in the U.S. about the Principles?

Mr. King: We maintain a consistent effort. Our chaps out there are trying to deal with it on the ground all the time. We also arrange a large number of visits by Ministers, by the IDB, by senior civil servants such as Gilliland etc.

Mr. Scott: I should mention that a leading Catholic in Northern Ireland has been saying that MacBride is not the way forward.

Mr. Dorr: I think by far the best approach would be to say that we are ahead of the Principles, that the issues which the Principles seek to resolve are going ahead in the Conference.

Mr. King: We understand your problems. We are taking a different tack. You accept that the way to deal with this problem is to make it happen here. You have an input into that. Going on beyond MacBride in order to make it work.

Mr. O Tuathail: We want positive things to happen.

Mr. Lenihan: Both with regard to investment and with regard to jobs.

Mr. Dorr: Your Belfast Urban Renewal Plan is also something to go on with.

Mr. Lillis: The fact that we all think you are going to have an election is relevant. There will be an election in West Belfast as well as in the shires. As you have seen Adams has been away in Scandanavia attacking you on the MacBride Principles. Hume is attacking Adams at home. The more good

news you can give to Hendron the better because that gives him the weapons of the most powerful kind in his fight with Adams.

Mr. Lenihan: That's a very valid point.

Mr. King: I thought it very interesting that the Chief Constable got on to this housing thing earlier on.

Mr. Lenihan: The only way you are going to defeat them (Sinn Fein) is to win the hearts of the people through the SDLP.

Mr. King: I accept that Sinn Fein is trying to claw back what it has lost.

Mr. Lillis: We have the impression that the decision taken on Divis helped the SDLP.

Mr. King: We can get down to the detailed parts of this discussion on discrimination in employment in consultations into which your chaps are plugged. The key is jobs. We need more jobs to get a better balance.

Mr. Lenihan: Does our communique reflect this?

Discussion then started on the draft of the communique. The meeting ended at approximately 11.45.

Daithi O Ceallaigh

Daithi O Ceallaigh

22 April 1987

ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE

JOINT STATEMENT

The Anglo-Irish Intergovernmental Conference met in Belfast on 22 April 1987. The Irish Joint Chairman, Mr Brian Lenihan TD (Tánaiste and Minister for Foreign Affairs) was accompanied by Mr Gerard Collins TD (Minister for Justice). The British Joint Chairman, Mr Tom King MP (Secretary of State for Northern Ireland) was accompanied by Mr Nicholas Scott MP (Minister of State for Northern Ireland). The Ministers were accompanied by officials. The Commissioner of the Garda Síochána and the Chief Constable of the Royal Ulster Constabulary attended for the discussion of security co-operation.

The Conference reviewed the exchanges which have been proceeding at official level for several months, since the publication of the British consultative paper on Equality of Opportunity in Employment, on measures in the short and medium term aimed at promoting equality of opportunity and eliminating discrimination. Both sides agreed on the need for progress in legislation and practice, and on the need for sustaining and increasing overseas investment and avoiding obstacles to it in the interests of greater prospects for job creation. Both sides also agreed that it was desirable to continue providing training opportunities locally to benefit areas of traditionally high unemployment. They also welcomed the progress being made by the International Fund for Ireland.

The Conference discussed the progress which had been made in recent months in security co-operation and agreed that it would, at its next regular meeting, hear a detailed report on these matters and on proposals aimed at further enhancing this co-operation. Both sides condemned recent acts of violence which not only caused fresh suffering, but were also designed to deepen division in the community, to undermine constructive dialogue between the Irish and British Governments and to destroy new hope for economic and social development through discouraging investment and increasing unemployment. Both Governments were determined to take all the measures necessary in the political, security and economic areas to ensure that this campaign would not succeed.

The Conference agreed that at its next meeting it would consider, in addition to the above matters, economic, social and cultural issues including cross-border economic co-operation.