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Reference Code:	2017/10/76
Creation Dates:	22 April 1987
Extent and medium:	12 pages
Creator(s):	Department of the Taoiseach
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Anglo-Irish Intergovernmental Conference
Belfast, 22 April 1987

CONFERENCE ARRANGEMENTS

Depart Casement: 08.00 hrs

Delegation travelling:

Tanaiste

Minister for Justice

Mr. N. Dorr, Secretary, Department of Foreign Affairs

Mr. A. Ward, Secretary, Department of Justice

Mr. E. O Tuathail, Assistant Secretary, Department of
Foreign Affairs

Garda Commissioner, Laurence Wren

A.N. Other

Arrive Aldergrove Airport: 08.30 hrs

Travel by helicopter to
arrive Stormont Castle: 08.50 hrs

Ministerial tete-a-tete: 09.00 hrs
(Secretary of State King,
Mr. N. Scott, Minister for Justice
and Tanaiste)

Conference begins: 09.30 hrs

Depart Stormont Castle
by helicopter: 12.00 hrs

Depart Aldergrove: 12.20 hrs
approx.

Arrive Dublin Airport: 12.50 hrs
approx.

2231p

Anglo-Irish Intergovernmental Conference
Belfast, 22 April 1987

CONFERENCE AGENDA

(The formal meeting will be preceded by a tete-a-tete between Ministers. It is expected that the Code of Conduct for the RUC will be raised at the tete-a-tete.)

AGENDA ITEM 1 - CROSS BORDER SECURITY COOPERATION

AGENDA ITEM 2 - EQUALITY OF OPPORTUNITY IN EMPLOYMENT

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SECURITY CO-OPERATION

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NOTE BY THE NORTHERN IRELAND OFFICE

1. We take it as axiomatic that this subject is of vital interest to both Governments. There are two essential reasons. First, terrorism is the single largest impediment to community reconciliation, political progress and economic recovery. Its eradication is therefore of fundamental importance in its own right. There is no doubt that terrorists seek, with some success, to exploit the existence of two separate jurisdictions, both in border areas and elsewhere. Both Governments therefore have a clear and common interest in curbing terrorism and all other forms of paramilitary activity. There can be no substitute for constant and close co-operation between the respective security forces on both sides of the border.

2. Second, terrorism is of immense political importance in terms of unionist perception of the Agreement. Improved security is the sole direct benefit which the unionist population may be able to identify. It was and remains a central objective of the Agreement and is a key yardstick of its success.

The Present Position

3. Genuine and valuable progress has certainly been made. A joint threat assessment was agreed; most of the recommendations of the Joint RUC/Garda Working Party on Intelligence have been or are being implemented; and similarly the agreed recommendations of the Working Party on Operational Planning are being progressed. We also appreciated the co-operation of the Irish side in agreeing a Standard Operating Procedure for our respective security forces in dealing with explosive

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devices on the border, and research on home made explosives is being pursued in a positive way. In the process, the climate of co-operation has been very greatly improved.

4. But such steps are only the necessary precursors to practical and successful co-operation. They should create the conditions for the production and passing of better intelligence, particularly pre-emptive intelligence; for operations on both sides of the border which if not joint, are at least closely co-ordinated, and designed wherever possible to support each other; for combined efforts to resist the terrorists freedom of movement and to interdict their supply lines; and for the swift resolution of problems on either side. In these respects, it is far less easy to point to tangible progress.

5. Terrorist activity has been higher overall since the Agreement came into force, and in recent months their success rate has been high. Predictable though this may have been, it has given a powerful focus for unionist political criticism. We recognise that the benefits of the actions and reorganisation already taken must take some time to come through. Nevertheless it is now nine months since the Working Party on intelligence matters and over six months since that on joint planning reported. A further point is that no new resources have been involved in the implementation of agreed recommendations on the Garda side, but rather a redeployment of existing resources.

6. Following the special Ministerial meeting on cross border security on 31 October 1986, it was stated in the joint record that

'It was therefore now for the two police forces at all levels to carry this work forward. The effectiveness of co-operation would be judged on the basis of results achieved and would need to be regularly reviewed.'

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It seems therefore appropriate at this stage to take stock of the progress made, to analyse any difficulties, and to seek a concerted drive for practical results.

The Way Forward

7. The initial responsibility for pursuing security co-operation 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 a quadripartite meeting, discussions through the Secretariat, or IC itself. We now 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 the following meeting of IC.

Garda/RUC
Dept Justice
IC
Secretariat

8. The quadripartite meeting should also consider the mechanics of communication. In their discussions with the Garda, the RUC are totally independent. They do not report to NIO or NIO Ministers. We understand that some matters for discussion may carry significant political overtones to the Irish side. In such circumstances, a prompt response from the Garda that they are unable by themselves to resolve or provide a definitive answer to a problem would allow the question to be remitted swiftly to a more appropriate forum where it may be brought to some settled conclusion.

9. It may be instructive to cite one or two examples where difficulties have occurred. It is emphasised that these are not raised for purposes of instant resolution, but as examples of serious delays which still occur, and which demonstrate that even the mechanics of co-operation and lines of communication are not working as smoothly as they ought.

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- a. Irish deployments near the South Armagh border. The RUC's Senior Assistant Chief Constable (Operations) (SACC (Ops)) wrote to a Deputy Commissioner of the Garda on 13 November 1986. No reply has been received.
- b. Clady border crossing point. SACC (Ops) wrote to a Deputy Commissioner about the long term future of this crossing point on 17 June 1986, 10 October 1986, 20 October 1986, and 4 November 1986. There has been a recent meeting between the two officers concerned, but the matter is still unresolved.
- c. Army communications with the Garda in emergency. SACC (Ops) wrote to his opposite number on 18 November 1986 about urgent contact through the X-ray radio system between the British Army in the area of Forkhill, Drumackavall etc and the Garda in circumstances of urgency when the RUC were not present. No reply has yet been received.
- d. Communications. A Garda officer was to be appointed to liaise with his RUC opposite number. Following RUC prompting, the RUC have been informed that this has been approved, and an officer designated. The Garda officer however has as yet no authority to discuss the subject matter with the RUC. The potential effect on communications is obvious.

*Why were these problems not raised through the Secretariat
 (we suggest that the Secretariat should be so used in the past)
 was problem last July in London
 (1.5)*

10. We shall therefore be proposing at the forthcoming IC that the quadripartite group should be tasked to provide a full survey of progress so far; to identify any difficulties, and propose means of overcoming them; and to make proposals for accelerating the whole process of security co-operation. In addition the British side would welcome some discussion at IC of the following issues which we regard as significant.

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- a. Joint threat assessment. We should like to confirm whether the assessment which was jointly prepared and agreed is being kept up to date. We see this as a straightforward and factual task, though a vitally important one. The assessment is the instrument through which we should direct our resources towards the destruction of terrorism. (1)

- b. Irish security force deployment to complement intensified British patrolling in South Armagh. As noted in paragraph 9 (a) above, the RUC's approach to the Garda has received no substantive reply. (2)

- c. Emergency communications between the British army and the Garda. (See paragraph 9 (c) above). This not a principle of general application. It would apply only in emergency - as for example immediately following a terrorist incident close to the border where time was of the essence and the RUC were either not deployed or not available. Where the RUC are present, communications will continue to be handled by them. There must in addition be training in joint procedures followed by communications/radio joint exercises to ensure that the procedures are operated with maximum efficiency in an emergency. (3)

- d. Direct RUC participation in questioning of suspects who are in Garda custody, and vice versa. We regard this as a regular and normal feature of police to police co-operation in Europe. It is difficult to see why it is precluded in this case, and even more so to explain it. The point was remitted to one of the legal working groups. The Irish side has explained the difficulties it faces and the British side has made suggestions as to how those difficulties might be overcome. We look forward to an early response, and (4)

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regard it as important that the impetus should be restored as part of a drive for much more coordinated activity between CID North and South aimed at the pursuit of terrorists through the courts.

11. It would in addition be helpful to have up to date information on the resources employed to combat terrorism both North and South of the border. We shall therefore be preparing a paper on the resources used in Northern Ireland, and pass it through the Secretariat.

Summary

12. We value the progress that has already been made. In practical terms, however, this has been confined to the framework and structures through which tangible success should be sought, and we see no inconsistency in welcoming the former while expressing unease about the absence of the latter. It was previously agreed that co-operation should be kept under regular review, and we shall therefore propose that a quadripartite meeting should be tasked with preparing a full analysis of the progress made and difficulties encountered, together with proposals for stepping up activity. It should also give thought to whether the lines of communication are operating smoothly. At the same time, we look forward to some discussion in the forthcoming IC itself on the matters set out in paragraph 10 above.

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EXISTING AND PROSPECTIVE SAFEGUARDS ON FAIR EMPLOYMENT

The British Government is firmly committed to the eradication of discrimination and the promotion of equal opportunity in employment. The Fair Employment Act, making discrimination in employment on grounds of religion or political belief illegal, is already on the Statute Book and under that legislation the Fair Employment Agency has made significant advances. But the British Government recognizes that more has to be done. To that end it is intent on taking further action as reflected in the Consultative Paper "Equality of Opportunity in Employment in Northern Ireland" which was published last September and which the Irish Government has broadly welcomed. The British Government recognizes that the Irish Government will wish to put forward views and proposals through the Intergovernmental Conference on the proposals in the Paper and on other safeguards against discrimination in employment, and it will welcome such views and discussion of them. Indeed officials on both sides have already had constructive initial discussions of the Paper and the draft of a revised Manpower Guide.

However, the British Government believes that it is of key importance to achievement of equal opportunity in employment within a reasonable period that additional job opportunities are available for all sections of the community in Northern Ireland; and in this regard it sees the campaign presently being conducted in the United States to compel companies to adopt the MacBride Principles as an impediment to such job creation, especially through investment by American companies, and indeed as a threat to existing jobs.

THE MACBRIDE PRINCIPLES

The "MacBride Principles" are being promoted in the United States by a number of groups, including the Irish National Caucus (INC). They have been incorporated in legislation in Massachusetts and New York, and draft legislation is before various legislatures, including those in California, Connecticut, Illinois, Florida, Minnesota and New Jersey. The legislation varies in form but in general requires companies with plant in Northern Ireland to adopt the "MacBride Principles" or run the risk of disinvestment. It also generally provides for the states to monitor adherence to the Principles. There is also legislation before the US Congress, which would require US firms

carrying on business in Northern Ireland to adhere to the MacBride Principles, and would put restrictions on all imports produced in Northern Ireland by companies which did not adhere to the MacBride Principles. This would inter alia be contrary to GATT. There have also been attempts to compel corporations with investments in Northern Ireland to follow the Principles by shareholders resolutions, but as yet none of these has succeeded.

DAMAGING EFFECT IN NORTHERN IRELAND

The British Government has consistently opposed the MacBride Principles on the grounds that they would be more likely to result in US disinvestment and create additional unemployment damaging to the interests of both communities in Northern Ireland, than to promote equality of employment opportunity.

In view of the steps already taken in Northern Ireland, the MacBride Principles are unnecessary. Effective action on the spot in Northern Ireland represents in our view a more effective avenue for progress than the MacBride Principles. Northern Ireland's problems must be tackled on the ground by the responsible authorities, namely HMG and the FEA, rather than from the USA.

Moreover, the Principles are cast in general terms and there is great uncertainty as to how they will be interpreted. Some (nos 1,7 and 8) could be interpreted in a way that requires employers to break Northern Ireland law in the form of the Fair Employment Act. If the Principles are passed into State law, the States are unlikely to have either the capacity or the inclination to monitor effectively or to make reasoned judgements on compliance with the Principles. They may well take their line from the INC and other groups whose real motives are less the reduction of discrimination in employment than the disruption of investment in pursuit of a political policy of destabilising Northern Ireland. Employers will be unable to be sure whether perfectly reasonable employment practices will be acceptable as compliance with the Principles and will fear continual probing of those practices by US-based groups.

This is likely to result in considerable uncertainty among actual and potential US investors. And the possibility of a heavy administrative burden from responding to monitoring requests from a multiplicity of sources may

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deter and will certainly not encourage prospective investors from establishing plants in Northern Ireland and could prompt investors already there to consider moving to other locations where these problems will not exist. The fundamental danger of the MacBride Principles, therefore, is that they will breed an uncertainty about compliance and enforcement that will result in reduced US investments in Northern Ireland and reduced job opportunities for Catholics and Protestants alike. Pressure on job opportunities makes it all the more difficult to achieve the equality of employment opportunities that HMG seeks.

Finally, two of the Principles put unduly ~~over~~erous requirements on employers. No 2 (security at work and travel to and from work) is impracticable: no company can guarantee security to and from work in any country, let alone in the circumstances of Northern Ireland. And while we agree with the spirit of No 3 (banning political or religious symbols) the proposal does not address the practicalities of the problems.

SDLP AND RESPONSIBLE IRISH AMERICAN OPPOSITION

As the Irish Government know, Mr John Hume^x has recently taken issue with the MacBride campaign which he judges detrimental to the objectives of equality of opportunity in Northern Ireland. The US administration and senior members of the Friends of Ireland share these views.

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DISCUSSION IN INTERGOVERNMENTAL CONFERENCE

The British Government welcomes Mr Hume's recent statements regarding the MacBride campaign and would like to explore through the Intergovernmental Conference the scope for encouraging other responsible leaders of opinion in both parts of Ireland to take a similar public stance.

John Hume said (Boston Globe interview 10/8/83)
"there is nothing wrong with the principles
in principle ... but their main effect
is disinvestment." — text attached

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There is a serious problem of inequality of opportunity in employment between the two communities in Northern Ireland. The overall unemployment rate of Catholics has remained double that of Protestants consistently for the last fifteen years. What is urgently needed is action through effective measures to increase the share of Catholics in employment and to bring an end to discrimination in jobs.

The way to do this is to encourage and where necessary to obligate employers - including the public sector - to implement fair employment practices effectively. This requires affirmative action including training programmes and special measures aimed at ensuring a proper balance in the workforce at all levels. The Intergovernmental Conference is at present discussing ways to strengthen the Fair Employment law in Northern Ireland. The Irish Government has put forward views and proposals on the most practical way to achieve results.

As regards the MacBride Principles, we support these as principles. U.S. firms investing in Northern Ireland should ensure that their subsidiaries there follow best employer practices and comply fully with the fair employment law in force. Proposals have been made in the U.S. for reducing the level of U.S. investment and restricting Northern Ireland imports into the U.S. Such measures, would damage the Northern Ireland economy, lead to disinvestment and job losses.

What is needed in Northern Ireland is more jobs and effective action to see that those jobs are allocated fairly. Job creation and fair employment practices go together: that is what we want to see.