

INTERNAL PLENARY RECORD OF THE
INTERGOVERNMENTAL CONFERENCE HELD IN BELFAST ON 9 APRIL 1991

Present:

British Side:

Ministers

Secretary of State
Paymaster General
Mr Hanley*

Officials

PUS
Sir K Bloomfield
Mr Fell
Mr Ledlie
Mr Pilling
Sir N Fenn
Mr Thomas
DCC McAtamney
Mr Elliott*
Mr Alston
Mr Dodds
Mr Pope

In Attendance

Mr Archer
Mr Cooke
Mr Pawson

Irish Side:

Ministers

Minister Collins
Minister Burke
Minister O'Hanlon*

Officials

Mr Dorr
Mr Brosnan
Mr Gallagher
Mr Hurley*
Mr Dalton
Ms Anderson
Mr Murphy
Garda Commissioner
Mr O'Donovan
Mr Crowley
Mr Nason

*Part of the Plenary Session only

The Plenary session began shortly after 1500 and followed the Ministerial tete a tete which had taken place between 1230 and 1315 and the Restricted Security Session which had begun after lunch at 1435.

2. Mr Brooke noted that this was Sir Kenneth Bloomfield's last Intergovernmental Conference and undertook to say a few words in the closing stages of the discussion to mark that fact. In the meantime, he wished to introduce Sir Kenneth's successor,

C O N F I D E N T I A L

David Fell, who was attending his first IGC. Mr Collins indicated that he would also wish to mark Sir Kenneth's retirement. Mr Burke introduced to his first IGC Mr Tim Dalton who had succeeded Mr Brosnan in the latter's post at the Department of Justice. Mr Brosnan had been appointed Secretary to the Department of Justice and was appearing at his first IGC in that capacity. Mr Brooke noted that the Chief Constable could not be present since he was attending the funeral in Ballycastle of Detective Constable McGarry who had been murdered in a booby trap car bomb explosion in the town the previous weekend. Deputy Chief Constable McAtamney was representing the Chief Constable at the IGC. Mr Brooke noted that Political Development was the first agenda item for discussion and invited Mr Collins to open the discussion.

POLITICAL DEVELOPMENT

3. Mr Collins said that he was glad that everything had gone so well in the House of Commons on 26 March when the Secretary of State had made his statement and the Irish side were pleased that all parties had responded so positively. He felt that both sides were of the view that the talks should get underway as soon as possible. So far as the Irish side were concerned, a meeting on 29 April, possibly starting at 1030 would be acceptable. British and Irish officials would meet on 12 April in London to discuss the arrangements for handling business during the gap and other operational details. Mr Collins did not think it necessary therefore to go into detail on the issues at this particular Conference but wished to make some general points which might serve as guidance for the official meeting.

4. At this stage, Mr Brooke asked Mr Chilcot for his view about the timing of the next IGC. Mr Chilcot said that, at the request of the Secretary of State, he had now had meetings with representatives of the various political parties (with the exception of the SDLP) over the past few days. There was a strong feeling that, because of the press flurries of the previous weekend, talks should start before the end of April rather than on 1 May. While the unionist parties had put this point to him more strongly, the Alliance party too had

C O N F I D E N T I A L

C O N F I D E N T I A L

demonstrated a degree of feeling on the issue. Mr Brooke said that he believed that there was general agreement that the IGC should signal the start of the "gap". If that IGC was held on 29 April and if the commitment to start talks before 1 May was accepted, then an excessive strain would be placed on the two Governments. Mr Brooke recalled his conversation with the unionist parties in May 1990, during which the Unionists had implied that they would be seeking a period of grace between the end of the pre-"gap" IGC and the talks themselves, to ensure that Maryfield had wound down on Conference business as had been agreed. The discussions that Mr Chilcot had had with the unionists on 8 April had led to a suggestion of an actual period of time and that it would be useful to know how firm the Unionists were in seeking a nominal time-lapse during which the Secretariat staff could dispose of any business arising from the pre-"gap" IGC. Mr Chilcot said that the points made to him had been pressed with some force. The Unionists had originally argued for a gap of 7 days, a period they thought had been indicated last year and also in order that speculation and interest after the pre-"gap" IGC could be allowed to die down, thus allowing talks to start in a relatively restrained atmosphere. However, this had been tested in discussion, and it appeared that the unionists would be ready to accept a 3 day lapse between the IGC and the start of talks provided there was an early announcement about dates.

5. Mr Dorr commented that there appeared to be two elements in the discussion. On the one hand, the unionist parties were seeking a distinct gap, while the Alliance party were merely seeking a start to talks before the end of April. If this were so, then it might be possible for the IGC to be held on 29 April, when an announcement would be made of a date for the start of talks on, say, 4 May. This would meet the Alliance point and would also assist the unionist parties in terms of creating a gap. Mr Chilcot said that the unionist leaders would perceive this as a change in conditions - he believed that they would need to know the date on which talks were to begin much earlier than in the scenario proposed by Mr Dorr. If the date of the next IGC were to be advertised at the end of the present Conference and if that date clearly allowed for a gap and for a start of the talks process before the end of April, then this

C O N F I D E N T I A L

C O N F I D E N T I A L

would be sufficient for the unionist leaders. With such a scenario, the Alliance party's argument would then fall away. Mr Brooke said that the question of delaying the start of talks until 4 May caused him some nervousness, given that they needed to end to before 12 July. Loss of time at the start of the process could cause problems at the end. Mr Collins asked what difficulties were envisaged if talks ran on past 12 July and Mr Chilcot commented that the Unionist leaders had left him with a clear view that they thought that the process would become more difficult the longer it went into the month of July. Sir Kenneth Bloomfield agreed and said that he had received similar indications. Mr Pilling commented that he understood that both the Alliance and the unionist parties would find it helpful if the date for the commencement of the process were to be in April rather than in May.

6. Sir Nicholas Fenn then asked whether Ministers saw any diary difficulties with either 25 or 26 April as the date for the next IGC. Mr Brooke said that he saw virtues in either of these two dates since they both afforded an opportunity to start talks on 30 April. That would have clear implications as far as the terminal date was concerned and would also meet the wishes of the unionist parties and the Alliance party for a start before 1 May and for the creation of a gap between the IGC and the start of talks. So far as his own diary was concerned, Mr Brooke said that he would return to the UK from his overseas trip on 24 April and could meet on 26 April. Mr Collins indicated that he could manage a short meeting on the morning of Friday 26 April and after discussion, it was agreed that both sides should aim for this date, with the Conference to be held in London. Mr Collins suggested that the meeting need not be a long one and then asked whether it was intended that the date of the next IGC should be announced at the end of the present Conference. Mr Brooke felt that this was advisable since there would be a considerable degree of political and media pestering if the date were to be left open. The announcement of the date could be supported by a statement to the effect that the gap would begin after that meeting - the IGC on 26 April would, it was agreed, indicate the start of the gap but not its length.

C O N F I D E N T I A L

C O N F I D E N T I A L

7. Mr Collins then said that he wished to touch on the question of the location of the North-South Talks. It was crucial, in his view, that talks between the parties in Northern Ireland and the Irish Government should take place on the island of Ireland - if they were not to take place here, there was a real risk of allowing the Provisional IRA to score a major point against the whole process. Mr Collins confirmed that he would be happy to agree, in order to be as helpful as possible, that these talks might rotate between a Southern and a Northern venue - he saw absolutely no difficulty in attending meetings in, for example, Portadown and Ballymena and would be delighted to invite the parties to Adare or to Malahide. Joint management of the process by both Governments would be crucial. The Irish Government hoped very much that the talks would create their own dynamic but, rather than let the process move ahead at its own pace, both Governments should work consciously to give some shape to the talks and try together to agree a sense of where they should be going. The Irish saw the liaison group as having a very real and meaningful function and, as the Irish had envisaged last April, being open to membership by the Northern parties. Finally, Mr Collins said that he would find it helpful if the Secretary of State could give him a copy of what was contained in the "written clarification and a record of understandings" mentioned by Mr Molyneaux in the House of Commons recently.

8. Mr Brooke said that in his statement on 26 March, he had referred to the various liaison arrangements which would need to be set in place for each and every strand of the talks process. That said, he was conscious that there would need to be more detailed discussion on these in terms of the second strand than in terms of any other strand, but reminded the meeting that all had agreed that nobody would be pressured to sign up to anything less than a total package. Arrangements would obviously need to be pragmatic and subject to discussion since there might be a necessity to move back from one strand to the previous one. So far as Mr Collins comments on the dynamism of the talks were concerned, he fully agreed that there would need to be a sense of momentum and in this respect, it was gratifying that the unionist parties had accepted that everybody involved would need to work extremely hard. Many of the details

C O N F I D E N T I A L

C O N F I D E N T I A L

could, however, be remitted to the official discussion which would take place on 12 April since time pressure at this IGC would not allow for a substantive or detailed discussion. Mr Brooke continued by saying that so far as the process of clarification was concerned he had, when he had written to the parties, indicated that he would be available for discussion between 14 and 26 March. On foot of this, he had been approached jointly by the two Unionist parties and separately by the Alliance party. Mr Paisley and Mr Molyneaux had forwarded a document to him before Mr Paisley had gone to the United States - this had been brought to him by Mr Molyneaux and the assumption was that any questions and answers flowing from this process would be treated on a confidential basis. In fact, the Alliance party had raised much the same point, as had Mr Collins, but had accepted that if confidentiality had already been agreed, and provided they could be given an assurance that nothing had been added to or subtracted from it they would stand by the Secretary of State's document. Mr Brooke said that he was able to assure Mr Collins that this was the case. Mr Collins then commented that the only document which had any status for the Irish Government was the text of the Secretary of State's statement to the House of Commons on 26 March.

ACCOMPANIMENT

9. Mr Collins said that, at the last IGC, he had welcomed the fact that regular reports about the level of accompaniment were to be made available to the Irish side and the contents of the first report had been discussed. Mr Collins had then pointed out that there was a discrepancy between the figures provided by the British side and reports which the Irish side had received from nationalist areas. The question of accompaniment was an important litmus-test of the Anglo-Irish Agreement and, in order to clarify and advance discussion of this, he had proposed that the two sides should jointly examine the level of accompaniment in specific selected areas and the Irish side had suggested Coalisland and Downpatrick for that assessment. Mr Brooke said that he had taken the opportunity to review all the discussions on the question of accompaniment which had taken place since the signing of the

C O N F I D E N T I A L

C O N F I D E N T I A L

Agreement and he hoped that the Irish side could accept that there had been an evolution and development in this area over the past 5 years. He agreed with Mr Collins that accompaniment was a serious and central issue and an index of the operation of the Anglo-Irish Agreement. At the last Conference meeting, he had undertaken to give close attention and consideration to the paper which the Irish side had handed over and would offer a prompt response. He had decided that he should respond at length personally rather than through the Secretariat.

10. Mr Brooke said that he was committed to ensuring that, to the maximum extent that was both feasible and sensible, military patrols, especially UDR patrols, which were likely to come into contact with the public would be accompanied by one or more members of the RUC. The British side were particularly concerned that this should be the case in what had been agreed would be called "sensitive" areas. However this willingness had to be balanced by three considerations which were first, the logistical and practical resource constraints under which the army was deployed in support of the RUC; second, the need to preserve the operational independence of security force commanders and, third, concern for the opportunity cost of accompaniment in certain situations.

11. In April 1990 the British side had reaffirmed its commitment to the policy of accompaniment, where feasible and sensible, and had offered to share with the Irish side the essentials of the product of the RUC's monitoring of accompaniment levels on a regular six monthly basis, although the original agreement had been to do this only on an annual basis. The first set of figures which, covered the period April to September 1990, had been handed to the Irish side in November 1990 and, at the IGC meeting on 30 November, the Irish side had acknowledged the overall trend of improvement in accompaniment levels recorded, by comparison with 1986 and 1987. Mr Brooke said that he had taken note of the Irish view that it would be desirable for them to be provided with more detailed statistical information, but he was not persuaded that more detailed figures would offer a basis for constructive discussion. His view reflected an understanding of the reality that accompaniment levels

C O N F I D E N T I A L

C O N F I D E N T I A L

would change as the security forces responded to the changing threat at any particular time. Mr Brooke said that he acknowledged that it would be tempting to assume that a drop in the level of accompaniment was a result of a diminution in commitment on the part of the RUC in a particular area, but it was much more likely to be the result of a number of operational and practical factors of the kind that had been explained to the Irish previously and which the British side were willing to illustrate.

12. Mr Brooke said that much discussion had taken place between the British and Irish sides on what constituted "sensitive" areas and both sides were broadly in agreement. He would not concentrate too much on that particular side of the issue at this meeting but did wish to repeat the British side's view that "sensitive" areas could not be seen as static geographical concepts. In addition to geographical and demographic considerations, there were a number of specific factors which could also help to determine the sensitivity of a particular area including, for example, the imminence of a parade or some other social/religious event which might result in an increase in the number of nationalist entering a particular area. Mr Brooke said that such factors could, however, only be indicative and that the RUC must continue to retain operational independence and flexibility in deciding when and where to accompany. The policy, where there were not sufficient resources to allow total accompaniment, was to deploy unaccompanied patrols, if possible, in less sensitive areas and where the likelihood of coming into direct contact with the public was minimal.

13. Mr Brooke said that he had been conscious of the Irish side's interest in what constituted "orange", "mixed", "green" areas. Decisions on what constituted these definitions were taken by Sub-Divisional Commanders which, in his view was the most sensitive and pragmatic approach, as Sub-Divisional Commanders were best placed to judge into which category or categories a particular patrol operated and since much investment had been placed in their judgement. Mr Brooke noted that Sub-Divisional Commanders were well aware of the need to maintain as high a level as possible of accompaniment and said that the figures which the RUC collated for

C O N F I D E N T I A L

C O N F I D E N T I A L

their own management purposes generally showed that the more nationalist the area, the higher the level of accompaniment. Mr Brooke noted that, in addition, the Roman Catholic church had given the RUC lists of Holy Days and Feast Days of which Sub-Divisions took account in their patrol planning. This information was supplemented by regular, direct liaison between the Sub-Divisions and the local churches on weddings and funerals.

14. Mr Brooke said that he was aware of the Irish questioning of the 100% accompaniment figure for the Regular Army and UDR in "green" areas of Belfast but said that, as the Chief Constable had stated on 30 November, this figure was genuine. It was a product of the operational need for all police officers operating in West Belfast to be accompanied - this was ground which had gone over before. The Army did not operate in that area without a police presence, but it was possible, because of the need for protection in depth for an observer seeing an outer ring of a patrol to believe that it was a patrol operating unaccompanied. The number of "bricks" which might constitute a single army patrol was dependent on the size of the area, its nature and physical features on the level of threat.

15. Mr Brooke concluded by saying that he was conscious of the need for the British side to be able to illustrate the levels of accompaniment in particular areas and asked DCC McAtamney to speak about the situation in Coalisland which was one of the two areas in which the Irish side had expressed a particular interest.

DCC McAtamney said that the RUC saw Coalisland as an area in which they were ~~aiming for~~ ^{approaching} 100% accompaniment. However, Coalisland posed specific problems in that the Sub-Division covered both urban and rural areas. An additional complicating factor was that the rural areas contained no large discrete block in which the population could be said to come from one persuasion or the other; but rather the political complexion of the area varied from village to village and townland to townland and could change frequently along, for example, one stretch of road. This posed problems in terms of assessing when and whether patrols should be accompanied but it would continue to be the RUC's aim to achieve 100% accompaniment, ^{where possible.}

C O N F I D E N T I A L

C O N F I D E N T I A L

16. Mr Collins thanked DCC McAtamney for his remarks and said that he would keep his response brief since the Irish side would wish to study the Secretary of State's remarks in some detail. He said that he felt, however, that there had been some shift of British policy from the position which had been set out in the communique, following the signing of the Anglo-Irish Agreement, to a point at which "feasibility" and "sensitivity" appeared to be the measures which the British side were using as opposed to the solemnity and determination which had been expressed in the communique. The Irish side's view was that there needed to be an exceptional effort on the part of the British side to fulfil a solemn agreement and although he accepted the problems and difficulties involved, the Irish side could not accept that there should be any move away from the communique commitment.

17. Mr Brooke said that it would be helpful to reflect on the position of only 6 months ago and on the considerable progress in monitoring and in joint work which had taken place since then and in the period in which he and Mr Collins had been meeting. Great strides had been made in improving the situation on the ground compared to that which had existed at the time of the signing of the Anglo-Irish Agreement. There existed a real and very proper sense of commitment on the part of the RUC to 100% accompaniment and while the British side would be happy to discuss the issue further the advantage lay in not doing so on the basis of narrow textual analysis. Mr Brooke asked Mr Collins to bear in mind that the Chief Constable had explained at the IGC in April 1990 that there were circumstances which made it downright impossible to achieve accompaniment of certain patrols. This was especially true in border areas where, for instance, patrols were unlikely to come into contact with the public. There might also, for example, be situations, again in border areas, where a planned patrol were due to take place but where, for very proper reasons, no RUC officer could be found to accompany it. In such circumstances an operational decision has to be taken as to whether the patrol should or should not go ahead. Mr Brooke said that it was these circumstances to which he was referring when he used the terms "feasible" or "sensible" and no more than that should be read into

C O N F I D E N T I A L

C O N F I D E N T I A L

it. The Irish side could be assured that the RUC were paying very close attention at Sub-Divisional Commander level to the question of accompaniment.

18. Mr Collins said that he had already commented that the Secretary of State's remarks would need analysis by the Irish side. The issue was an important one and the meeting on Confidence Issues which was due to take place on 17 April would seem to be an appropriate occasion on which to discuss the matter in detail. Mr Collins said that he felt that he should make, again, the point that the information which the Irish side were receiving from the British side did not always appear to tie up with reports from the Nationalist community on the ground. So far as the question of the communique commitment was concerned, it should be stressed that members of the Nationalist community in Northern Ireland and citizens of the Irish Republic would draw no distinction between the Agreement itself and the communique, when reflecting upon the commitment which they felt they had been given by the British Government on accompaniment at the time of the signing of the Agreement. Both sides should work to give a clear impression to those most affected that the issue was being tackled effectively by the British side.

STEVENS

19. Mr Collins noted that the Chief Constable had reported at the last two IGCs on the progress that had been made towards implementing the recommendations by Mr Stevens. He was grateful for these reports, but noted that the inquiry still had some unfinished business and that a number of important court cases arising from the inquiry would start soon. Mr Collins asked whether it was possible for the British side to offer an overall picture of the number and nature of the prosecutions undertaken as a result of the inquiry. He said that he would be particularly interested to know whether the Inquiry team had completed their work. There had been reports of a number of important prosecutions still outstanding and the Irish side were particularly interested about the current state of play in respect of Brian Nelson. Lord Belstead said that the Stevens

C O N F I D E N T I A L

C O N F I D E N T I A L

inquiry had been a criminal investigation, and as a result of it, some 59 people had been charged. More recently, some 70 additional charges had been brought and it might be helpful if DCC McAtamney could bring the meeting up-to-date.

20. DCC McAtamney said that of those charged, 21 had not been fully dealt with and there would be further court hearings on 29 April. The cases were, however, being worked through and the primary aspects of all of them had been successfully completed. That said, it was possible that the Director of Public Prosecutions may wish to refer cases back to the RUC for additional information. Nelson was due to appear again in court on 29 April, but it might not be the case that a final decision would be reached on that occasion.

Mr Collins thanked DCC McAtamney for his information and noted that collusion was an issue which had raised profound fears amongst the nationalist community. While the Stevens Inquiry was helpful, it was unlikely that it had disposed of the problem once and for all. There had been renewed allegations of collusion after the shootings at Cappagh as well as recent newspaper reports of secure documents finding their way into Loyalist hands and Mr Collins said that it would be helpful to be assured that every serious allegation would be immediately and thoroughly investigated. Lord Belstead said that the issues were taken very seriously indeed. Cappagh and Craigavon had been particularly terrible incidents and all allegations of collusion were fully investigated by the RUC - there were, however, some elements of a ritual cry of collusion after such incidents, but these did not detract from the seriousness of what was said. DCC McAtamney said that despite the allegations that were being made, there was no evidence of collusion yet, in either incident. The RUC would not, however, let go of either investigation until they were convinced that they had got to the bottom of any allegations. Mr Collins said that he was grateful for the assurances that he had been given - he took the point about the nature of allegations of collusion and pointed out that he had been careful in his opening remarks to refer to serious allegations.

C O N F I D E N T I A L

C O N F I D E N T I A L

PVCPS

21. Mr Collins said that he welcomed the removal of the Permanent Vehicle Checkpoints at Derryard and Boa Island and the Irish Government had said as much publicly. The removals had been welcomed locally and would help to alleviate difficulties which people living and working in border areas have to contend with. It was the view of the Irish Government that checkpoints such as these caused disruption for border communities and were a source of irritation and harassment. His own experiences in passing through PVCPS had not been pleasant.

CULLYHANNA

22. Mr Collins went on to say that it was now some 3 months since the death of Feargal Caraher and the wounding of his brother Michael in Cullyhanna and that, at the IGC on 31 January, he had spoken of the very deep concern which the shootings had evoked. At the January IGC, the Chief Constable had given details of the difficulties which the RUC had faced in obtaining statements but he understood that one had now been obtained from Michael Caraher. Mr Collins said he wished to re-emphasise the need for the enquiry into the shootings to be completed at the earliest possible date since it was in the interest of public confidence that the investigation be thorough and speedy and not allowed to drag on. Public confidence would only be increased by the addition of other measures following incidents of this nature, including the automatic suspension of the security force personnel concerned and the introduction of an independent element in the investigation of incidents. He had also called for a thorough examination of the whole area of the lethal use of force by members of the security forces, including the investigative processes and the adequacy of the existing law to meet the needs of the situation. Mr Burke referred to a recent incident on the Co Donegal/Co Londonderry border near Muff in which a member of the British Army had been unwillingly carried into the Irish Republic on the back of a vehicle driven by two off duty Garda officers. These officers had been suspended from duty in a matter of hours and the Irish side felt

C O N F I D E N T I A L

C O N F I D E N T I A L

strongly that similar arrangements could and should be put in place for members of the British security forces.

23. Lord Belstead said that any soldier involved either directly or indirectly in a lethal shooting incident was immediately removed from the scene and from duty, not least so that he could be questioned by the RUC and the Army authorities. If, as a result of these enquiries the soldier was not further detained, the arrangement was that he would remain off duty until the Army authorities were satisfied that he was fit to return to his Unit, at which stage, his further deployment would be for his own Unit's Commander to consider. Lord Belstead said that he could assure the Irish side that the chain of command would continue to make every effort, as it did after the Cullyhanna incident, to minimise the risk of contact or confrontation with the local community. This might not wholly meet the Irish views as to what should happen, but was as far as the British side were prepared to go at this stage. The question of the introduction of an independent element into the investigatory process had to be balanced against the need to avoid jeopardising an investigation which could lead to the possible laying of criminal charges against an individual. Lord Belstead said that he was aware that there had been some discussion bilaterally between the British and Irish sides on the question of "lethal force" in the context of the Emergency Provisions Bill. It was the British side's position that there were situations which could only be concluded by the use of force and, in such circumstances, force of this nature could be reasonable even where it had lethal consequences. Lord Belstead continued by saying that he was aware that SACHR had made certain suggestions about the creation of an offence which fell between those of murder and manslaughter. Such a move would, however cause serious difficulties for the British side.

24. DCC McAtamney then gave details of the state of play so far as the RUC investigation into the Cullyhanna shooting was concerned. He explained that Michael Caraher had, initially, been unco-operative while in hospital and that he had refused to give a statement. The RUC had, however, been able to interview him on 9 March but, at that

C O N F I D E N T I A L

C O N F I D E N T I A L

stage, he had refused to answer detailed questions and had stuck to a prepared statement. The RUC had, since, been able to interview Michael Caraher in the presence of his solicitor. So far as other possible witnesses were concerned, the RUC had obtained a total of 14 statements. However, all of these had been channelled through one solicitor and all had contained various ambiguities which the RUC had not yet had the opportunity of clearing up through the process of interview. DCC McAtamney continued by saying that interviews had been concluded with all of the army personnel involved and, while the attitude of people who claimed to have witnessed the shooting had been and continued to be unco-operative, that would not detract from the RUC's continuing sense of urgency. Mr Collins said that he was grateful to DCC McAtamney for setting out the position. He recognised that a policeman's lot was not a happy one.

EMERGENCY PROVISIONS BILL

25. Mr Collins said that he noted that the Emergency Provisions Bill was to receive its second reading in the House of Lords on 19 April and asked whether there were any other proposed amendments to be taken in the Lords. Lord Belstead said that a key area of the Bill in the House of Lords would be the creation of an independent element for handling complaints against the armed forces. The British side had announced during the Report Stage of the Bill in the House of Commons on 6 March that it had been decided to introduce an independent element into the scrutiny of procedures for the handling of non-criminal complaints against members of the armed forces and appropriate arrangements were being discussed with with the Ministry of Defence. There had been a number of exchanges between the British and Irish sides at official level on the Bill generally and it remained the British side's intention to provide the Irish side with details of any new clauses introducing this change when these were available. It should be borne in mind, however, that allegations of criminal misconduct by the armed forces were and would remain the subject of independent investigation by the RUC.

C O N F I D E N T I A L

C O N F I D E N T I A L

26. Mr Collins said that it would be of interest to the Irish side to determine how much power would be given to the investigating authority. He hoped that the British side would not be mainly restrictive. Lord Belstead said that he was sure that some in the House of Lords would share this view.

SHOOTINGS AT CRAIGAVON AND CAPPAGH

27. Mr Collins said that the recent shootings at Cappagh and Craigavon had resulted in the death of 7 Catholics and the Irish Government's condemnation of the supporting sectarian murders had been brought to the Secretary of State's attention through the Secretariat. Mr Collins said that he would welcome an assessment of the problem of loyalist violence which, he said, had reached a most worrying level in recent weeks. DCC McAtamney said that there had been an element of action and reaction in recent incidents in Co Armagh and Co Tyrone. Statistics demonstrated that there was a roughly equal number of incidents attributable to PIRA and to Loyalist terrorists. So far as the latter were concerned it was clear that there was some form of unit operating in the area and, while the RUC had a good idea who might have been responsible for the killings, evidence which was hard to come by, was needed to deal with them. Separate investigation teams were looking into the Cappagh and the Craigavon murders and were attempting to establish whether there were any links in terms of weapons used etc. DCC McAtamney pointed out that two people had been charged as a result of the Craigavon murders and, while others had been questioned, it remained true that many terrorists were inured to interrogation and gave little away. After the murders of 4 people at Lough Neagh, there had been continuing surveillance on the main suspects but it was very likely that others on the edge of Loyalist terrorist activity may have been responsible for the recent killings. DCC McAtamney concluded by saying that it was a sad fact that it would only be a matter of time before PIRA attempted to retaliate. The meeting then adjourned for 10 minutes while Mr Hanley and Dr O'Hanlon joined the Conference for the presentation on Health matters.

C O N F I D E N T I A L

ECONOMIC AND SOCIAL ISSUES: HEALTH

28. Opening discussion, Mr Hanley noted that there had been regular and fruitful meetings between the Health Ministers for a number of years past, and that his predecessors had discussed a wide range of issues with Dr O'Hanlon. He, himself was delighted to have met Dr O'Hanlan for the first time today to carry this programme of co-operation forward.

29. As well as Ministerial contacts, there had been a continuing and developing exchanges between Health Board Chief Executives and Managers across the border, and there was long-standing co-operation between professional staff North and South. The 12th All Ireland Conference on Public Health matters held at Ballyconnell over the week of 22/24 March had indicated the extent of co-operation in the medical field.

30. Mr Hanley said that Ministerial discussions had ranged over the whole gamut of issues in health and social care, including health promotion, where ideas had been shared and programmes connected jointly, and regional specialities, where services in one country were provided for patients from the other. Examples of these included Lithotripsy, which was a non-surgical technique using ultrasound to destroy kidney stones and which was available to Northern Ireland patients at the Meath Hospital in Dublin; Computerised Axial Topography, also known as CAT scanning, which was a non-invasive diagnostic procedure of particular use in the diagnosis of cancer and the assessment of the extent of head injuries and which was made available to patients from the South at Altnagelvin Hospital and Emergency Planning, where plans had been exchanged and joint meetings held to co-ordinate response to major disasters. Mr Hanley noted that, earlier that day, he and Dr O'Hanlon had visited Belvoir Park Hospital where children from the South received Whole Body Irradiation in preparation for bone marrow transplantation. Another area of co-operation was in the Export of Health Services, where much had been learned from the Irish experience in marketing its skills and services abroad.

C O N F I D E N T I A L

31. Mr Hanley said that, when Lord Skelmersdale and Dr O'Hanlon had met last October, they had reviewed co-operation and had agreed to ask officials to look at the scope for further work in the specific areas of supra regional services, purchasing and supplies and joint ventures in the European context.

32. On Supra Regional Specialities the Report prepared by the two Health Departments had provided a useful overview of present arrangements, had noted problems common to both Health Services and flagged up areas where there was potential to co-operate in the future. Mr Hanley confirmed that the two Departments would carry this work forward in consultation with the professional staff involved and would continue to seek to identify new areas in which co-operation might be to the mutual benefit of both Health Services.

33. On Purchasing and Supplies, Mr Hanley said that officials involved in examining the potential for joint action in this area had met on a number of occasions and hoped to draw together a report in the near future. The sharing of pricing information was proving to be useful and likely, over time, to assist in tendering for equipment and supplies. A joint training course had been held in Newcastle, Co Down in February and there was potential to develop co-operation in the training of people involved in this work. The Group was continuing to examine joint approaches, for the purchase of expensive machinery and the possibility of placing joint maintenance contracts. Mr Hanley concluded that this was a particularly interesting area and that he and Dr O'Hanlon would be closely monitoring developments.

34. So far as Joint Ventures in the European Context said that it was clear that the EC was developing a greater interest in Health related matters and this might provide opportunities for joint action in the European context. Opportunities so far had been limited but have been taken when available. In the field of dental research the Eastern Board in Northern Ireland and the Mid Western Board in the Republic had jointly undertaken a community funded research project to develop a computer aided community oral health information system. The completed project (known as CACOHIS) had

C O N F I D E N T I A L

C O N F I D E N T I A L

been well received in Europe and had generated interest in further research projects. Both Departments would maintain a watching brief on EC developments with a view to joint approaches for funding.

35. Dr O'Hanlon said that he was grateful for Mr Hanley's report - this had been his first opportunity to meet Mr Hanley although he had previously met both Mr Needham and Lord Skelmersdale. He was pleased to have had the opportunity to take co-operation forward and he looked forward to further meetings in the future. During their discussions, he and Mr Hanley had reviewed the whole range of cross-border co-operation with specific reference to high technology areas of health care in which, since neither part of the island had a high enough population to support individual systems, it made sense to try to achieve better health services for everyone by pooling resources and expertise with the aim of achieving greater economies of scale and better patient care. Dr O'Hanlon said that his meeting at Adare with Lord Skelmersdale had gone a long way towards setting co-operation in train and he specifically mentioned joint programmes for German Measles and Mumps; the Cancer Register which it was hoped to launch in Northern Ireland towards the end of May; Dental Services in which there was continuing co-operation at local level in border areas as well as at Government and Health Board level; Orthopaedic Services and Management. So far as co-operation in the European field was concerned, Dr O'Hanlon said that he was anxious to see Joint Programmes through Inter-Reg. Although he anticipated approval from the EC officials would initially need to meet to discuss this area. Mr Brooke said that it was clear that the meeting between Mr Hanley and Dr O'Hanlon had been very useful and worthwhile. Mr Collins concurred.

ENERGY

36. Mr Collins said that he was glad to note that following the discussion which Energy colleagues had had at the IGC in October, the issues identified on that occasion had been vigorously followed up at official level.

C O N F I D E N T I A L

C O N F I D E N T I A L

FAIR EMPLOYMENT

37. Mr Collins said that, as Mr Brooke would have been aware from previous discussions on this issue, he was concerned that, unless an effective solution was found to the problem which had arisen in the 1989 Fair Employment Act, the credibility of the legislation would be seriously undermined. The Irish side had recently handed over a detailed submission on the British proposals for remedying the defect - this approach was based on the need to ensure that the provisions of the Fair Employment Act, including those relating to redress for individual victims of discrimination could be adequately enforced. Mr Brooke said that he was grateful for the comments which the Irish side had made on the proposal for a draft Order in Council and on the draft of the regulations on the Confidentiality of Monitoring Information. Once the responses to the British side's discussion paper had been analysed the opportunity will be taken to discuss the Irish paper through the Secretariat. Mr Fell noted that a meeting of officials had been provisionally fixed for 22 April.

TOPICS FOR THE NEXT CONFERENCE

38. Mr Collins noted that Agricultural Ministers had met recently to discuss a wide range of issues and it seemed likely that a substantive discussion on Agriculture could be held at the IGC on 26 April. Mr Brooke agreed that Agriculture would be a suitable subject and that there was an opportunity for substantive discussion on rural development policy, with the appropriate Ministers present. If the discussion were to take place it might be necessary, in order to meet the time constraints on both himself and Mr Collins, to plan not to have lunch following the IGC. Mr Brooke suggested that Secretariat officials could consider the issue after the meeting. So far as future topics were concerned, both Education and Communications had been suggested and these, too, could be studied in the Secretariat.

C O N F I D E N T I A L

C O N F I D E N T I A L

EXTRADITION

39. Mr Brooke said that the British side were grateful that the Irish State had appealed to the Supreme Court in the cases of Sloan and Magee and noted that McKee had himself appealed the decision in his case. Mr Brooke said that the British side awaited the outcome with interest and it would be helpful to have an indication of the likely date of the hearing. It remained the British view that it would be wrong to rely on case-law in order to remove the gaps in the 1987 Act which the British side had identified and which the Irish High Court had also identified. Mr Brooke said that it was the British side's firm view, and he wished this to be registered, that reliance on case-law risked further failures and that early Irish legislation was the right way forward. Mr Burke said that the position in regard to the appeals in all 3 cases was somewhat complicated but the effect was that all cases were now the subject of appeals to the Supreme Court, which would not now be heard before the autumn. Magee had appealed the High Court decision and the State had cross-appealed. The State itself had appealed the decision of the High Court in McKee's case and in Sloan's case and he, in turn, had cross-appealed.

40. Mr Burke continued by saying that the Irish view on the 1987 Act had not changed - the Act must be given time and a proper opportunity to operate in practice and he fully tested in the Courts before the question of amending the legislation arose. The forthcoming appeals in the 3 cases would represent the first opportunity that the Supreme Court had to consider the scope and application of the 1987 Act and legislation in advance of that would be premature. Mr Burke then turned to the case of Ellis and said that what had happened at the committal proceedings was a matter of considerable concern to the Irish Government and that the British side would be familiar with the terms of the statement that the Irish Government had issued in the matter. This widespread concern was reflected in the comments of representatives of all parties in the Dail. Mr Burke said that he hoped that what had happened in the Ellis case would be sufficient to convince the British side that the need to proceed quickly to a situation where the rule of speciality

C O N F I D E N T I A L

C O N F I D E N T I A L

could be placed on a statutory footing in accordance with the provisions of the 1987 Amendment Act.

41. Mr Brooke noted that the Ellis case was primarily a Great Britain case but that he understood that the Attorney-General had sought judicial review of the magistrates decision to substitute new charges against Ellis, which was the course of action which the Irish Government had counselled. So far as statutory speciality was concerned, this was not solely a matter for him; formal responsibility for the legislation rested with the Home Secretary and he would bring the Irish side's views to his attention. Mr Brooke continued by saying that he would not be averse, once the Ellis case was out of the way, to some re-examination of the issue but without commitment to legislate at this stage. Mr Brooke said that relationships between both Attorney-Generals were good and that this provided an opportunity for detailed discussion. Mr Burke said that the Irish side also felt strongly that a more effective way of proceeding would be through the Criminal Law Jurisdiction Act and that more recourse might be made to that Act. The practical realities of extradition in high profile cases should be taken into account - for instance, Gerard Harte had been released within 4 days of his conviction and there had also been similar difficulties in the cases of Kane, Shannon, Quinn and McGlinchey.

CROSS-BORDER SHOPPING

42. Mr Collins said that he was delighted that action by the British Government, taken for the purest of cross-border reasons, had had the effect of removing from the Conference agenda one long running issue, namely that of Cross-Border Shopping. The effect of the increase in British VAT levels had been to reduce significantly the impact of the 48-Hour Rule. Mr Collins said that he understood that Mr Reynolds had written to Gillian Shephard MP in March about the entitlements for short duration travellers.

C O N F I D E N T I A L

VALEDICTORY

43. Mr Collins noted that this would be Sir Kenneth Bloomfield's last Conference meeting. He wished to pay the warmest possible tribute to Sir Kenneth whose retirement would be a real loss to the business of the Conference. Mr Collins said that Sir Kenneth's record of public service over 40 years was unparalleled and that he had played a key role in all developments in North-South relationships. Mr Collins said that he noted that Sir Kenneth and his family had paid a high price for Sir Kenneth's commitment to public service and he wished them every success and Sir Kenneth a long and happy retirement. Mr Collins said that he welcomed the signs of continuity indicated by the presence of Mr Fell at the IGC. Mr Brooke said that he wished to join Mr Collins in expressing warm wishes to Sir Kenneth and his family for the future. Sir Kenneth responded appropriately.

/20

JOINT STATEMENT

ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE

BELFAST, 9 APRIL 1991

A meeting of the Intergovernmental Conference was held in Belfast on 9 April 1991. The British Government was represented by the Joint Chairman, The Right Honourable Peter Brooke MP, Secretary of State for Northern Ireland, accompanied by The Right Honourable Lord Belstead, Paymaster General and Deputy Secretary of State. The Irish Government was represented by the Joint Chairman, Mr Gerard Collins TD, Minister for Foreign Affairs and by Mr Raphael Burke TD, Minister for Justice. The Minister with responsibility for Health at the Northern Ireland Office, Mr Jeremy Hanley MP and the Irish Minister for Health, Dr Rory O'Hanlon TD, joined the Conference for a discussion of health issues. The Deputy Chief Constable of the RUC and the Commissioner of the Garda Siochana were present for discussion on security matters.

2. The Conference greatly welcomed the fact that a basis for formal political talks on relationships within Northern Ireland, within the island of Ireland and between the peoples of these islands now exists. Both sides believed that the agreement by all the participants on the nature and scope of the exercise strengthened the prospects of a positive outcome and, for their part, they committed themselves to working together to that end. They agreed that the Conference would meet again on 26 April after which the gap in Conference meetings would begin. The Conference noted that it was expected that talks would commence by the end of April.

3. The Conference deplored recent horrific terrorist activities including sectarian attacks such as those at Cappagh and Craigavon, the murder of members of the security forces and the use of civilians in so called proxy bombings.

Ministers reaffirmed their determination to ensure that the perpetrators of acts of terrorism, whatever side of the community they purport to represent, are brought to justice and they continued their discussion of measures to enhance security co-operation.

4. The Conference considered the operation and development of the policy of RUC accompaniment of the Armed Forces (including the UDR) in operations which involve direct contact with the community. They also discussed recent developments in regard to the closing of cross-border roads and the operation of permanent vehicle checkpoints. The Irish side raised the question of the use of force, including lethal force, by the security forces. The Conference renewed its hope that the inquiry into the recent Cullyhanna incident would be promptly completed. The Conference also considered the present position in regard to the Emergency Provisions Bill and reviewed developments arising from the Stevens Inquiry. The Conference noted that the issues addressed by the Stevens Inquiry would remain under close scrutiny and that specific allegations would continue to be immediately and thoroughly investigated.

5. The Conference held a discussion of recent developments in relation to extradition.

6. In accordance with the commitment in the Review Document to widen Ministerial participation at the Conference and to encourage more structured discussion of a greater range of issues of common interest to both parts of Ireland, the Minister with responsibility for Health at the Northern Ireland Office, Mr Jeremy Hanley, MP, and Dr Rory O'Hanlon TD, Minister for Health joined the Conference. Among the topics discussed were the scope for further development of the present arrangements for co-operation in the provision of highly specialised treatments on an island-wide basis, co-operation on European initiatives and co-operation in the procurement of equipment and supplies. The Conference noted with satisfaction the well established and wide ranging co-operation which already exists between the two Health Departments and their respective Health Services in such areas as health promotion, cancer registration, emergency planning and dental research.

7. The Conference expressed satisfaction with the new agreed arrangements made by the Irish authorities for travellers' allowances and took note of the present situation in regard to energy matters and fair employment. In regard to fair employment, the Irish side draw attention to views and proposals recently submitted through the Secretariat on the proposed amendment of legislation.

The Conference also discussed the proposed amendment of the law on the subject of fair employment. The Irish side drew attention to the views and proposals recently submitted through the Secretariat on the proposed amendment of legislation. The Conference expressed its satisfaction with the arrangements made by the Irish authorities for travellers' allowances and took note of the present situation in regard to energy matters and fair employment.

The Conference also discussed the proposed amendment of the law on the subject of fair employment. The Irish side drew attention to the views and proposals recently submitted through the Secretariat on the proposed amendment of legislation. The Conference expressed its satisfaction with the arrangements made by the Irish authorities for travellers' allowances and took note of the present situation in regard to energy matters and fair employment.