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MINUTES OF THE ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE  
DUBLIN, 6 MARCH, 1992

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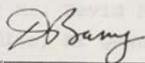
13 March, 1992.

Mr. Sean O hUiginn,  
Assistant Secretary,  
Anglo-Irish Division,  
Department of Foreign Affairs.

Dear Assistant Secretary,

I enclose a draft note of the Meeting of the Anglo-Irish  
Conference which met in Dublin on 6 March, 1992.

Yours sincerely,



David Barry

MEETING OF THE ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE  
DUBLIN, 6 MARCH, 1992

INTRODUCTION

The 41st regular meeting of the Anglo-Irish Intergovernmental Conference was held in Dublin on 6 March, 1992. The Conference was attended, on the Irish side, by the Minister for Foreign Affairs, Mr David Andrews, TD, the Minister for Justice, Mr Pdraig Flynn, TD, the Minister for Industry and Commerce, Mr. Desmond O'Malley, TD, Mr Noel Dorrr, Mr Joe Brosnan, Mr Sean O hUiginn, Ms Agnes Aylward, Mr. Sean Hughes, Mr David Donoghue, Mr Pat Hennessy and from the Secretariat, Mr Declan O'Donovan, Mr David Barry and Mr Tim Dalton.

On the British side, the Conference was attended by the Secretary of State for Northern Ireland, Mr Peter Brooke, MP, the Minister of State, Dr Brian Mawhinney, MP, the Parliamentary Under-Secretary of State, Mr. Richard Needham, MP, Mr. David Fell, Ambassador David Blatherwick, Mr John Ledlie, Mr Quentin Thomas, Mr. David Cooke, Mr Peter Bell, Mr. Roy Gamble and from the Secretariat, Mr Robert Alston, Mr Marcus Dodds and Mr David Kyle.

Also present for discussion of security matters were Mr Patrick Culligan, Commissioner, Garda Siochana and Mr Hugh Annesley, Chief Constable of the RUC.

The Conference began at 10.30 am with a tête-à-tête which was followed by a Restricted Security Session (recorded separately) from 11.20 am to 12.45 pm. The plenary session ran from 2.00 p.m. to 4.30 p.m.

ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE, DUBLIN 6 MARCH 1992  
DRAFT AGENDA

- 10.30 a.m. TETE-A-TETE
- 11.00 RESTRICTED SECURITY SESSION
- 11.45 PLENARY
1. Political talks
  2. Confidence Issues
    - (i) Lethal force (Coalisland, other incidents)
    - (ii) Nelson Case
    - (iii) Prisons/Colville
    - (iv) Accompaniment
    - (v) Carlingford Lough
    - (vi) Closed cross-border roads
  3. Extradition
- 1.00 p.m. LUNCH
- 2.00 PLENARY RESUMED
4. Security Situation (with reference to economic and social effects)
  5. Economic and Social Matters
    - (i) North-South Trade and implications of the European Single Market
    - (ii) Review of Energy and Tourism
    - (iii) Dublin-Belfast rail link
  6. Any Other Business
    - (i) Note Revised Recommendations of the Local Boundaries Commissioner
  7. Communique
- 3.00 PRESS CONFERENCE

MEETING OF ANGLO IRISH CONFERENCE - 6 MARCH 1992

Mr Andrews announced a revised agenda to accommodate Mr Needham and take account of the fact that Tête a Tête and Restricted Security Session had taken an hour more than had been planned for. Mr Andrews proposed therefore that we commence with the Social and Economic items.

The Minister welcomed his colleagues to Dublin and said that he relied on their wisdom to a great degree. He appreciated their presence in Dublin and thanked them for the role they had played. The Minister commented on how well the talks had gone in the morning session and the direct, frank and honest way that all parties had approached them.

Secretary of State responded to the Minister's opening remarks referring to the friendly atmosphere at the meeting of the Conference.

Mr Mawhinney then proceeded to outline the Social and Economic aspects of the security situation in the North. He said there were social and economic consequences flowing from the situation in Northern Ireland. The social aspects were obvious and he felt it was unnecessary for him to spell these out in the Conference. He said he would address his remarks particularly at the economic consequences and that there were two basic points, firstly, the consequences of the violence outside Northern Ireland and in the Republic, insofar as it impacted on investment attraction and the image portrayed in the media and secondly the internal consequences. He highlighted the difficulty of getting equal representation in news reports of the positive aspects of life in Northern Ireland and referred to the negative reports about bombings and other incidence of violence which tended to be reported widely. He said perceptions had to be addressed based on both the image and the realities of Northern Ireland. Turning to the question of investment, he said that violence had an impact on investment as well as tourism and the general selling abroad of goods and services produced there. The internal consequences he described as reduced economic

activity, the loss of jobs and the damage to infrastructure in Northern Ireland. A typical example of the problem was the recent bombing of the High Street in Lurgan. It was an example of what the security situation in Northern Ireland was giving rise to. He said bombings such as in Lurgan the other day was "making a play" on their resources. There was an obvious need to pay compensation for damage to persons, houses and businesses. The funding of activities in Northern Ireland depended on negotiations between the Northern Ireland Office and the Treasury for a block grant. A sustained bombing campaign would mean that the compensation component would "bear down" on other programmes and it was conceivable that such a campaign would have implications for resources for other programmes. The security policy was not divorced from political and economic policies being pursued. Programmes to address particular social needs were targeted on areas such as North Belfast, Derry and West Belfast. The essence of these programmes were to address social need and economic growth. As economic conditions start to change it would change attitudes to violence and terrorism.

Mr Needham then intervened to describe efforts which had been made over the last ten years with programmes for the rejuvenation of parts of Northern Ireland. He said they have sophisticated arrangements, through Action Teams which involved all interested parties, to deliver services to these communities to enable them to take more control of their own economic and social future. He indicated that private investment of £600m. and up to £1,000m. public investment had been committed to these programmes in the past 10 years. He highlighted in particular, the beneficial impact of the 1991 Belfast Festival which at one stage drew half a million people in the course of a week to Belfast. He also cited the Fair Employment legislation which had ensured fair treatment in work in Northern Ireland and he said that local politicians would testify to just how well things have progressed in this area in recent years. However, in the last few months body blows had been suffered through the bombing of central Belfast and other towns in Northern Ireland and this had caused great



concern amongst the business community in particular and undermined their confidence in the Northern Ireland economy.

Mr Needham then proceeded to outline the importance which they attached in Northern Ireland to people generally, and particularly people in the South, having a clear understanding of the conditions in Northern Ireland and the need to support positive efforts to improve the situation. He spoke about the 1,400 people who travelled on the Peace Train to Belfast recently. He said it was an enormous boost to the Belfast people. He also said that improvements in the economic and social area and particularly the improvement in contacts North and South promoted by the Conference would go a long way to undermining the IRA. He said that because significant progress was being made in these areas and was proving to be successful, was partly the reason why the IRA have, through the recent bombing campaign, tried to undermine the political initiative in this area.

Mr Andrews welcomed the presentations of both Ministers. He mentioned in particular that he was glad that Mr Needham had welcomed the peace train initiative and referred to the hoax bomb on the day in question which attempted to undermine and prevent the event. He said also that he hoped the Ministers, through their influence, could encourage people in Belfast to visit Dublin in the same way.

Mr Andrews then proceeded to outline the financial burden which the Northern Ireland situation had caused in the Republic. He mentioned the huge financial contribution to secure and finance the peace here. He said the cost to us in financial terms was enormous and since 1969 it was estimated that expenditure of £1.9 billion was related specifically to the security situation in Northern Ireland. He said in particular that he did not want to make any invidious comparisons with the situation in the North but nevertheless, the Irish taxpayer was paying on average four times as much towards security as his British counterpart. He then mentioned some unease he felt at reported changes in

compensation legislation and he asked his counterparts to brief him on these changes.

Mr Mawhinney indicated that he was speaking from memory and hadn't specific briefing on the subject. However, he suggested that the threshold limit for compensation claims in physical injuries cases had been raised from a minimum of £400 to £1,000 and that this change was in line with what had been introduced in the UK. It was not a specific Northern Ireland provision. In claims where the essential component was mental damages (i.e. nervous shock) arising from particular events, there had been a fairly substantial increases to a minimum level of £2,500 and while this was a substantial increase he highlighted the fact that this particular limit had not been increased for about 10 years. He said that his approach was to find ways of meeting legitimate claims for compensation while at the same time to have some regard for the cost of the scheme. He agreed that it was appropriate to raise this topic in the context of the Anglo Irish Conference and explained that there was a need to have some mechanism to take frivolous claims out of the system particularly as it was extremely expensive to process very small claims.

Mr O'Malley then expressed his pleasure at attending the Conference and meeting his counterparts again. He spoke about areas of co-operation, referring to possible co-operation in education, public procurement and other areas. He highlighted the prospects which were to be had in the context of the Single European Market which would have a combined value of in excess of £3,000 billion. He said it was quite symbolic that, in the context of the Single Market, the island of Ireland will be left as the only country in the EC with no landbridge to Europe. With the effective dismantling of the border at the end of this year, he was very encouraged by the real growth in co-operation between the North and South in recent years. That co-operation was absent some years ago and it was very important that it was there now. While expressing full support for renewed and improved co-operation he singled out recent efforts by the Confederation of Irish Industry and the Confederation of British Industry meetings to stimulate these



contacts. He shared the view that there is scope for further growth potential in co-operation for the benefit of both parts of Ireland.

Mr O'Malley spoke of particular incidences where the size of the market North and South dictated that only one set of facilities would make economic sense on the island. He suggested technical testing facilities for product performance, such as electro-magnetic interference facilities, research facilities on industrial technology where again a certain minimum usage was necessary to make it economically viable. There were sound economic reasons not to duplicate such highly expensive facilities and he felt that there were great possibilities also for the pooling of resources in the area of third level colleges of education. He referred to the arrangements between UCD and the Ulster University where a joint MBA in Purchasing and Material Management had been recently established. This would encourage students to cross the border. He referred to the tradition of Northern Ireland students going to Trinity College some years back but that now numbers crossing the border were very low and he would like to see much more exchanges along these lines.

Mr O'Malley then spoke about a speech delivered by Dr Quigley of the Ulster Bank to a CII lunch recently. He said Dr Quigley had some extremely good ideas which he put forward very courageously and said he felt there was merit in exploring many of the ideas put forward by Dr Quigley. He felt that it was a little ironic in discussing with Dr Quigley some of these ideas, the fact that the Ulster Bank, which is an all Ireland institution, had in fact contributed more than 50% of the profits of the National Westminster Group which was a very large multi-national banking group and that this alone signified that all was not gloom and doom in the economic area on this island.

Turning to Mr Andrews's figure of £1.9 billion as the exchequer cost to Ireland of the political situation in Northern Ireland, Mr O'Malley said that he was the Minister for Justice when the first of these costs were being incurred

20 years ago. He felt at the time that it was necessary and right to incur these costs and assumed that it would be for a matter of a year or so. Little did he realize that we would be still paying these costs at this stage. While acknowledging the enormous cost to the Irish exchequer and indeed to Northern Ireland of the political situation there, he made the point that it paled into insignificance when compared with the human cost of the political situation.

Mr O'Malley said that tourism in the Republic was at the same level now as it was in 1969 and when one considers that world tourism had grown at an annual rate of 5% a year since that date, it was obvious to everybody the repercussions which the security situation in Northern Ireland was having on tourism in the South. He felt it represented between 150,000 and 200,000 lost jobs in the South. The economic consequences of the violence in Northern Ireland therefore were not confined to the North. He attributed our appalling unemployment rates more to the activities of the IRA than to any other factor. He cited the great economic achievements which were made in the 1960's in both parts of Ireland and, as a consequence of the political situation in Northern Ireland, he thought it was significant to look at the electricity projections prepared in the 1960's for both parts of the island. Based on these forecasts, generating capacity in both parts was way beyond our current needs as economic growth had not kept pace with the expectations then thought possible with resulting high cost and inefficiently produced electricity.

Mr Mawhinney in response said he too was impressed by Dr Quigley's speech and agreed that it contained some good ideas.

Mr Needhan then spoke of his experience since coming to Northern Ireland in 1985. He said that there was a much greater willingness to cooperate, in his experience, and he felt that we should look at areas where we can co-operate more closely. He mentioned in particular, the excellent co-operation in the tourism industry and he also cited recent developments as regards the electricity interconnector in the North West. He also suggested that we should be looking at a

further interconnector in the Eastern part of the country. He felt that we should also make a real effort to get road and rail links improved as this would serve as a great example to the business community.

Mr Flynn asked what was the situation with the gas pipeline.

Mr Needham said in reply that they had agreed to sell the Ballylumford power station to British Gas. They would then bring a gas pipeline from Scotland to Ballylumford for the power station and that the delivery of N.I. gas supply from Scotland would be facilitated through part of the Irish pipeline in Scotland which would be the subject of negotiations with the Irish Gas Board. He suggested that this development could lead to a North/South pipeline. He also referred to the fact that the conversion of the power station to gas would allow them to meet EC regulations as regards pollution.

Mr Flynn pointed out that he had a particular interest in a North/South gas pipeline and hoped that at some stage it could be given further consideration.

#### Dublin-Belfast Rail Link

Mr Andrews then spoke of the Dublin-Belfast rail link. He said he knew that Mr Brooke wanted a conclusion of this matter at this Conference and he said that he was sorry that he could not give a decision today. He appreciated Mr Brooke's wish to have a final answer from us on this important cross-border project, but the situation was that the Government had not, as of yet, taken a decision on the matter. The relevant Government Memorandum setting out the proposed financial arrangements had now been circulated but the matter had not yet come before the Cabinet and he regretted therefore, that he was unable to make a definitive announcement about it today. He said he could, however, indicate in the Communiqué that we both attached importance to the project, that we had noted the progress which had been made in relation to it and that we hoped that a joint announcement about it could be made

in the very near future. He believed that it was just a question of good news being delayed.

Mr Andrews noted that the total cost of upgrading the Dublin-Belfast rail line over a five year period would be IR£73.15m involving IR£42.02m for the Southern side and IR£31.13m for the Northern side. The Northern Ireland Department of the Environment proposed to fund its side of the project on the basis of an EC grant of 75% with the balance coming from the British exchequer.

Mr Brooke then said he did not wish to introduce a note of discord into the discussions but that both sides were aware of the historical background to this particular issue. He said it was first raised back on 17 July 1990. At that point it was agreed that a further study was needed before decisions could be taken. He said the terms of the study were finalised in November 1990, it was discussed again in January, April, July, September and October of 1991. Mr Brooke said that he had hoped it would have been possible to announce the upgrading of the Belfast-Dublin line in the context of the Taoiseach's talks with Prime Minister Major recently. He was delighted to hear that we are on the point of making an announcement but regretted that it still was not possible to do so today. By way of comparison, he referred to the Ballinamore-Ballyconnell Canal item which we had reported to him as an issue of great importance to us. He said the British side had responded very positively and very quickly on that particular item having considered the initial proposal in May, 1990 and agreed the matter at the Conference in July, 1990. In relation to the rail line he said it had very important symbolic significance. Mr Andrews agreed that the rail link was symbolically very important. He thanked Mr. Brooke for the expeditious manner in which he dealt with the

Ballinamore/Ballyconnell canal issue and in relation to the rail line he said that in the end it would stand as a monument to his perseverance. Mr Flynn intervened to say that he had some part in the delay in approving the rail link plan. In his previous position as Minister for the Environment he had in fact secured most of the available funding for the expansion and improvement of roads and that he hoped for better news in the near future with regard to funding for the rail link. Mr O'Malley said that perhaps Mr. Brooke might take consolation from the fact that the present Taoiseach was not a sailor and furthermore that Mr Flynn was no longer responsible for roads. At this point Mr O'Malley left the Conference.

#### Political Talks

Mr Andrews then introduced Item 1 on the agenda, the political talks. He said the matter had already been discussed earlier that morning and he wished to reiterate that we were as committed as ever to the political talks process. He welcomed the fact that the parties were to resume talks and he noted the constructive comments made in the House of Commons the previous day and payed a warm tribute to Mr. Brooke's committed efforts in this respect. He said Mr Brooke had achieved a great deal to date. The Minister said that he readily agreed that today's Conference should launch the gap required to permit talks to begin on the basis agreed on 26th March last year. Once the election was called, the gap would end. The mechanisms of the Agreement would be operating fully and normally during and after the election campaign. He could make a commitment now to a very early Conference after the election to fix a new gap, the precise details of the new gap to be fixed at that later Conference, perhaps in the light of contacts at official level on the issue in the meantime, so

that we would not now unnecessarily limit our general flexibility.

If, of course, an election was called within a matter of days of the talks recommencing, there might be time only for the plenary session on Monday and one or two procedural meetings.

He assumed we were completely in agreement that all the various ground-rules and understandings that were agreed last summer will stand on this occasion as well. In particular he presumed that the work of the Secretariat would continue without interruption during this and any future gap.

Mr Andrews then said that he discussed the question of the political talks process with the Taoiseach that morning and that the Taoiseach had asked him to convey to Mr. Brooke his thanks for his efforts to date in this area and he had a specific request he wanted put to the Secretary of State which was in relation to the timespan from the polling date of the British Election to the calling of the next Anglo-Irish Conference. The Taoiseach had a strong preference that the Conference after the British Election should be within two to three weeks of the polling day. This concern for a very prompt meeting of the Conference after the Election was a measure of the Taoiseach's sense of urgency in dealing with the Northern Ireland situation. This concern he felt was also shared by Prime Minister Major as well and Mr Andrews asked Mr. Brooke to take this idea on board. Mr. Brooke in referring to the talks said he would not rehearse at length the structure that had been put together for the talks and announced on 26 March last year. A structure was in place and reflected the views of everybody associated with the talks process and in particular that nothing would be decided until everything was decided. Mr Brooke made the point that he was



very struck by comments recently made by Mr. Molyneux to the effect that there was a structure in place and that he looked forward to taking part in meetings with all those concerned in due course. Mr. Brooke then outlined the particular issues which need to be addressed in the immediate future and the choices which seemed to him were available. The issues to be dealt with were, firstly, the effect of the election and the necessity for a gap to allow the talks process to proceed. Secondly, the role of the Secretariat and specifically the idea that the Secretariat would not work on the business of the Conference while the talks process was proceeding. Mr. Brooke emphasised that the Secretariat would be available to do its normal business but would not be involved in the preparation of meetings of the Conference. The 26 March arrangement reflected only work by the Secretariat in relation to meetings of the Conference and not the normal business transactions between the two Governments which was carried out through the Secretariat. Mr. Brooke said, on a personal basis, he would agree to a very prompt Conference. He said one needed to make assumptions about the outcome of the election and the future Cabinet but he felt personally there were very good grounds for wishing to maintain the momentum and to sustain the talks process he felt it was necessary to have a very early Conference. As regards the talks process he said the fundamentals established in the 26 March agreement remained the same. Mr. Brooke then suggested it was necessary to spend time on how to handle the gap after the post election Conference. He said that, assuming there is agreement that there will not be another meeting of the Conference until the election, in effect there will be a pause in the process until that post-election Conference. Talks could go on until the end of June or two months after the election, whichever was the later. In terms of the arrangements being discussed last December he remarked that we had already lost some ground in

that respect. Mr. Brooke was anxious to clarify what could be said today after the Conference and what he could discuss with the party leaders. In July last year it was determined that, come what may, a meeting of the Conference would take place after a very specific period of time. This fixed gap was perceived as necessary for fear of efforts by Unionist politicians to sideline the agreement by delaying the talks. He also indicated that there was a desire on all sides for a definitive period of gap and that the options he felt were available to us now were to rework the timetable fixed in January or to offer a larger gap for talks after the election until perhaps the end of September allowing for a Summer break. This would allow Ministerial meetings to be held but not formal meetings of the Conference. A third option was to indicate that in the gap after the election allowance could be made for exceptional reasons (e.g. another UK General Election a illness of one of the Principals) which could hamper talks. He referred to comments by Paisley to the effect that he did not want the talks process stopped because a set period of time had elapsed if all four parties agreed to it and that there were genuine reasons for some "additional injury time" to facilitate the completion of the talks process. A fourth suggestion made by Mr. Brooke related to the talks process going on during the month of August. He felt that it was unlikely the political talks would be carried on during the holiday period in August. At that point he felt we could hold a Conference in August and decide how much time more was needed to get the completion of the talks. Having outlined these possibilities and options, Mr. Brooke asked for feedback from our side.

Mr. Andrews responded with appreciation for Mr. Brooke's agreement to the Taoiseach's time-frame for a meeting of the Conference after the next British election. In relation to

the options outlined by Mr. Brooke he said he would have to have an opportunity to examine them and would come back to him at the next Conference. Mr. Brooke pointed out, however, that the next Conference would have to make decisions about the gap and the political talks process and that for this purpose he would need to have our views before then to enable the Conference to take decisions at that particular meeting. Mr. Brooke and Mr Andrews then agreed that they could have talks in the meantime, that it did not necessarily have to be a meeting of the Conference but rather an informal meeting between the two Chairmen to enable Mr Andrews to respond on the options put to him.

Mr. Brooke referred to the fact that there was a precedent for such meetings and that they could be relatively easily accommodated.

Mr. Brooke then sought some general consensus on what might be said in relation to the gap in response to journalists' questions today. Mr Mawhinney suggested the form of words to the effect that "the Secretary of State will take the mind of party leaders when they meet next week and will then have further discussions with his Irish counterpart". Mr. Brooke also suggested that there was a need to make a joint approach to Sir Ninian Stephen about the chairing of Strand Two of the talks. This was agreed. Mr Andrews then spoke about a brief adjournment of the Conference to enable officials to arrive at a form of words which would enable Ministers to respond to press queries about the gap. Mr O hUiginn suggested that the next Conference could decide a suitable gap for talks to take place. The interval would be a suitable one, two months as a minimum, and in response to press queries he suggested that the Chairmen respond with a simple statement that the post-election Conference would in effect decide the length of the

gap. In the meantime the two Co-Chairmen could decide between themselves the precise details of the gap. Mr Mawhinney emphasised again the need to "take the minds of the party leaders". He said it was very important to dispel any suspicion that the discussions within the Conference had already decided the issue in advance. Mr O hUiginn suggested that he would have no objection to that approach provided that it was clearly understood that the party leaders are not left under the impression that they had control over the issue. Mr Dorr added that we would want the benefit of the party leaders views. Mr Mawhinney said that in his discussions with the party leaders, it was being assumed by them that a three to four month gap was necessary for political talks. He saw some value, however, in pressing the party leaders to have a more considered view on this and he felt the option should be given them. Mr Thomas then enquired in a general way how party leaders might react to such language. Mr O hUiginn again said that the gap could be fixed at the Conference after the election. The precise details would be fixed by the Co-Chairmen taking account of the views of the party leaders. He also said that if the talks process was going well he felt everyone would readily agree to whatever extension was necessary to bring it to a satisfactory conclusion. If, however, the talks went limp we would not want an excessive gap resulting in a Conference not being held for a long time. Mr Thomas then proposed that the two Governments could review the length of the gap at the end of June if the political talks process seemed to be progressing well. Mr. Brooke proposed that he have the freedom to say to the political parties that we envisaged a gap of no less than that agreed in January to which suggestion Mr Andrews agreed. Mr Brooke suggested that at the next Conference we would announce the length of the gap. He agreed that we did not want to give

grounds for suspicion that these matters are being determined without consultation with the political party leaders.

### Confidence Issues

#### Lethal Force

Mr Andrews then proposed that they move on to deal with the Confidence Issues starting with Lethal Force. Mr Mawhinney said it was important that we say repeatedly, as he had said in the Commons the other day, that we see the importance of all the community having confidence in the security forces. It was central to their security policy and this policy was not divorced from political/economic/social policies pursued by the Government. He said if security policy caused distress and mistrust in a community it would not in turn give its support to the security forces. It would be, therefore, counterproductive. He was seized of the inter-relation between these two areas. He also said that confidence was not a veneer to a tough security policy. He said it was at the heart of what they were trying to do. He recognised that the nationalist community had historic reservations about political structures and the role of the security forces in Northern Ireland. In similar ways the Unionist community had got to have confidence in the way security was carried out, that the effectiveness of security was not diminished for political reasons. He referred in particular to comments from the Unionist community to the effect that the shackles should be removed from security policy. Mr Mawhinney confirmed that there were no shackles. Such shackles as did exist related to the fact that the security forces had to operate within the law. He said most of the security forces carried out their duties in an even-handed way and he said if we were not careful we could create an impression that the security forces were untrustworthy. Such an impression would fuel the terrorist campaign and would have the effect of giving them a

renewed standing in their communities. It was, therefore, necessary to balance the dangers involved. He would like to see an unequivocal commitment from all political opinion in Northern Ireland to the security forces. That would be a considerable step forward but he recognised that there was some way to go yet towards achieving this. Mr Mawhinney said he made these comments to assure us of the centrality of confidence to their security policy. Mr Andrews in response said he appreciated his remarks and knew how well motivated they were. He said, nevertheless, there are still items where we saw a difficulty in the operation of security policy and that the matters which he was now about to raise, not in a spirit to undermine the stated policy, but in the hope of achieving a better balance. In relation to lethal force, Mr Andrews said that he understood they were considering the use of lethal force by the security forces in Northern Ireland including the legal provisions which govern it and he asked to be brought up to date on this. Mr Mawhinney confirmed that they had been looking at this issue, that they had made progress but that they had not come to a judgement yet on it. He did not wish it to appear that they seemed to be tardy in this respect but the issues involved were lengthy and complicated. Mr Mawhinney also remarked that a joint paper was in the final stages of preparation by officials on both sides. Mr Andrews express disappointment that there had been no substantial progress and he indicated that the issue remained a matter of the highest priority for us. He also said he hoped to return to it at the next Conference.

- Coalisland

In relation to the Coalisland shooting, Mr Andrews said that we had asked for a report on these shootings through the Secretariat and he asked if he could be briefed as fully as possible on the circumstances surrounding the incident. Mr



Mawhinney said he had difficulty in responding to this question because the case is sub judice. He said they had taken a view that such cases could not be dealt with while the matter was still before the courts. The only aspect of the case he felt he could comment on was the fact that compensation for damage to the church was being processed as expeditiously as possible.

- **McGovern Shootings**

In relation to the McGovern shootings, Mr Mawhinney said that the investigations had revealed that Kevin McGovern was not involved in any terrorist activity. An investigation overseen by the Independent Commission for Police Complaints had been completed and a report had been passed to the DPP. Mr Andrews suggested that the McGovern family were unhappy with the investigation of this matter. Mr. Brooke said that he thought that the McGovern family were unhappy that the inquiry was conducted under the supervision of the ICPC rather than some independent body or individual.

- **Whiterock Shooting**

Mr. Andrews asked for an update on Whiterock Road Shootings. The Chief Constable spoke in relation to an allegation that had been made about the investigation. He said the DPP had asked for certain people to be interviewed again and this had been carried out. On 6 February this year the DPP still felt that there was insufficient evidence to bring any charges. He also said that a female witness who had been speculated about, had not been produced.

- **Gerald Maginn**

In response to Minister Andrew's inquiries about the Gerald Maginn shooting, the Chief Constable said that enquiries were

continuing and that full reports are not yet available in this case.

- **Brian Nelson Case**

Mr Andrews said that "he noted that following completion of the case it was announced that the British Government is considering what lessons are to be learned from this case and they will be applying them". He said that we were interested in knowing the intended scope of the review, by whom it was to be undertaken and when it was likely to be completed. He referred to the fact that his predecessor had put on record the serious concern of the Irish Government at this case and the many disturbing questions it raised. It was important in terms of confidence in the security forces that steps should be taken to prevent any recurrence of what we perceived to be the abuses which occurred. He also said he would like to know whether it was intended to take legal action or disciplinary action against any of the members of the security forces associated with the illegal activities undertaken by Mr. Nelson. Mr. Brooke said he wanted to reassure us that lessons were to be learned from this particular case. It gave rise to substantial ramifications for them and that he would report back to us when they had completed their review of it. Mr. Brooke said that he was not going to say how soon or by what method they are going to look at the Nelson case but that he would report back when they had fully considered it. In response to Mr Andrews question as to whether they were investigating the totality of the case, Mr. Brooke replied they were.

- **Prisons**

Mr Andrews said that he understood that they were accepting Lord Colville's report and intended to give effect to his recommendations. He said he noted that while the Secretary of

State had accepted the conclusion on remand, he had indicated in the Commons that further reflection on how this can be given effect was required. In this context Mr Andrews asked what his reaction to Lord Colville's suggestion of using the powers in Section 8 of the 1991 EPA. Mr. Brooke said that following the bomb explosion in Belfast Prison on 24 November last in which two prisoners died, Lord Colville was invited to view the operational policy for the management of prisoners. He said he had accepted the four recommendations made by Colville. Firstly, that prisoners should not be segregated. Secondly, the numbers in A Wing should be reduced. Thirdly, that visits for those prisoners should be separate and fourthly that measures should be taken to reduce the time spent on remand on awaiting trial. In relation to the first three of the recommendations, Mr. Brooke confirmed that these were being implemented immediately. With regard to the fourth recommendation, he said that while it had been accepted by them it would take longer to put into practice as there were other agencies involved such as the numbers of forensic laboratory staff, the numbers of judges etc.

#### - Accompaniment

Mr Andrews said that the subject of accompaniment raised its head in Dail questions quite regularly. He signalled the type of question raised by way of an example, Austin Currie's PQs of 27 February. Given the level of Dail interest in this issue he said that where individual cases are brought to his attention he would, of course, continue to put on record our view that anything which falls short of the commitment in the Hillsborough Communique cannot be regarded as satisfactory. As a first step he expressed the hope that the decrease in the level of accompaniment identified in the statistics for the period to September 1991 would be reversed in the current six month period. He had drawn attention, through the

Secretariat, to reports of unaccompanied UDR patrols in nationalist areas of Belfast such as the Markets area. Their presence was inevitably viewed by the local community as a provocation and urged that the UDR be kept out of West Belfast and other sensitive nationalist areas. He said he would appreciate it also if Mr. Brooke would confirm that it remained their policy to ensure 100% accompaniment of the UDR in Belfast and that we attached particular importance to the renewed assurances on this point which we were given last November. Mr Andrews also said that there obviously continued to be widespread unease within the Nationalist community at the role of the UDR. The conviction only this week of two UDR members for the murder of Loughlin Maginn in 1989 showed that the problems in the force to which we had long drawn attention remain very much with us and that it was all the more important, therefore, that issues such as areas of deployment, the role of the part-time element and of course accompaniment itself continued to be handled with the necessary sensitivity including the forthcoming merger with the Royal Irish Rangers. Mr. Brooke reiterated the commitment to accompaniment set out in the Hillsborough Communique. He then spoke at some length outlining the nature of this issue. He said that in the autumn of 1989 we did not have a statistical basis on which to assess accompaniment. Out of a study conducted in the winter of 1989/90 and a subsequent presentation by the RUC on accompaniment, we arrived at a sound basis on which to assess accompaniment. He said there were all sorts of reasons why the RUC cannot accompany each and every patrol. He cited incidents of army patrols which operated in rural areas and which were away from their base for perhaps more than 24 hours at a time. It was virtually impossible to assure accompaniment of such patrols. Mr. Brooke said they had gone to some lengths to set up a system of statistics and that these provided the basis for comparison and benefitted all of

us. With regard to the six monthly figures, Mr. Brooke suggested that there will be seasonal differences. He said it was possible to have larger numbers of patrols in one period as compared with another. He also said that it was not possible for him to control the oscillations in the pattern of violence and consequentially the number of patrols sent out. After the recent escalation in violence the number of patrols had to be dramatically increased and this inevitably was reflected in the statistics in due course. With regard to UDR patrols in the Markets area of Belfast, he said there was absolutely no change in their policy in this respect. Mr. Brooke described the pattern in which the patrol of ten or twelve soldiers were deployed and which would be accompanied by one RUC man. Given the manner in which the patrol might be dispersed it was conceivable that a witness might see some members of the patrol and not necessarily associate the RUC man who might at that time be with other members of the patrol some distance away. As regards the allegation that there was an unaccompanied UDR patrol in the Markets area, Mr. Brooke said that the UDR would not have been there without a police presence. Mr. Brooke said that the murder of Loughlin Maginn and the missing montages from Dunmurray RUC Station were a watershed. There was profound regret at the death in the Maginn case but that the events which occurred stimulated the Stevens Inquiry which led in turn to great improvements in the quality of the UDR and in the vetting procedures for its members.

- **Cross-Border Roads**

The Co-Chairmen agreed that the item in relation to border roads had been satisfactorily dealt with in the restricted security session.

- **Carlingford Lough**

Mr Andrews then spoke in relation to Carlingford Lough. He said that the British side would be aware of our formal position with regard to the Lough and that the present discussions of the patrolling issue in the Secretariat were proceeding without prejudice to our position. He said that regardless of the legal position we understood the necessity to ensure that the Lough was not used by paramilitaries for their operations. It was a regrettable fact that there continued to be unnecessary friction between the patrols and people who used the Lough for completely innocent purposes. Our understanding was that most of these incidents could be avoided if the patrols acted with tact and sensitivity. In his view, the note which the British had given setting out new proposed guidelines for patrolling the Lough would do nothing to prevent further incidents and allowed the patrols much greater latitude than the situation required. It represented a sharp departure from the British Government's position as set out formally in its 1972 note. Any proposal to change the long-established ground rules, even if British Law might be deemed so to permit, clearly raised a very difficult question and he asked, therefore, that they reconsider the matter to see if any further practical measures could be taken which would minimise the inconvenience caused to legitimate users of the Lough and reduce the potential for further damaging incidents which because of the publicity received have a substantial knock-on effect. He said that we would be happy to continue discussion of this matter in the Secretariat with a view to clarifying the issue hopefully before this year's sailing season got underway. Mr. Brooke said he fully realised the sensitivity of Carlingford Lough and noted that when an incident occurred it invariably appeared in the Conference. He said that they received very few complaints and in fact there were only three incidents last year. The small number of incidents did, in fact, reflect the



sensitivity with which they operated in the Lough. Mr. Brooke said that he was personally very familiar with the operation of the Royal Marines in Carlingford Lough and had himself sat down looking at the charts for the Lough and the locations of these incidents. He reaffirmed that the basic principles of boarding only where there was a suspicion, restricting patrolling to the Northern part of the Lough and conducting the operation with sensitivity remained the basis for their operations there.

#### Extradition

Mr Flynn said that he gave a very high priority to matters relating to extradition. However, he said the issue of speciality was crucial and that he would be depending on their assistance in this respect. He referred to the Aide Memoire on these matters which the British side had handed over and he said it was extremely helpful and he undertook to hand over the follow-up paper shortly.

He emphasised the importance which we attached to speciality and said that while he didn't want to appear to sound too blunt about the matter, it was politically impossible to pursue this matter without a clear understanding from the British side. He cited the Ellis case and the fact that provision existed for speciality to be on a statutory footing. He said he would like to see both these matters, the new amending legislation and speciality, being taken forward at the same time. He said he wanted to proceed but not in a way which would create difficulty for the British side.

Mr Brooke said that the previous Minister for Justice had indicated that he would give a date when speciality could be brought in. Mr Brooke said he understood our opposition very

well. He understood the need to get over the incompatibility in the legislation and he understood our position very clearly. He looked forward to receiving a paper from us setting out where we stood on this matter and on details of the proposed new bill. Mr Brooke pointed out that the legislation in this respect was primarily for the Home Secretary and until he had a view of our paper setting out the substance of our difficulty it was impossible to say how it could be taken forward.

Mr Flynn, in conclusion, mentioned the importance he attached to the continued use of extra-territorial prosecutions and his commitment to the "mixed" approach of extradition arrangements and the extra-territorial conditions of the existing legislation.

The plenary session concluded at 4.30 pm.