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AN RÚNAÍOCHT ANGLA-ÉIREANNACH
BÉAL FEIRSTE

ANGLO-IRISH SECRETARIAT
BELFAST

SECRET

19 November, 1992

Mr. Sean O hUiginn
Assistant Secretary
Anglo-Irish Division
Department of Foreign Affairs
Dublin 2

Dear Assistant Secretary

I enclose a draft note on the meeting of the Anglo-Irish
Inter-Governmental Conference held in Dublin on 16th November
1992.

Yours sincerely

Sean Farrell

Sean Farrell

MEETING OF THE ANGLO-IRISH INTERGOVERNMENTAL CONFERENCEDUBLIN, 16 NOVEMBER 1992INTRODUCTION

The 43rd regular meeting of the Anglo-Irish Intergovernmental Conference was held in Dublin on 16 November 1992. The Conference was attended, on the Irish side, by the Minister for Foreign Affairs, Mr. David Andrews, T.D., the Minister for Justice, Mr. Padraig Flynn, T.D., Mr. Noel Dorris, Mr. Joe Brosnan, Mr. Sean O hUiginn, Mr. David Donoghue, Mr. Pat Hennessy, Mr. Sean Hughes and from the Secretariat, Mr. Declan O'Donovan, Mr. Sean Farrell, Mr. Tim Dalton and Mr. David Barry.

On the British side, the Conference was attended by the Secretary of State for Northern Ireland, Sir Patrick Mayhew, MP, the Minister of State, Mr. Michael Mates, MP, Mr. David Fell, Ambassador David Blatherwick, Mr. John Chilcott, Mr. John Ledlie, Mr. Quentin Thomas, Mr. Peter Bell, Mr. David Cooke, Mr. Graham Archer 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.

Mr. John Gillespie, Department of Energy and Mr. Bill Wright, DANI, were present for the discussion on forestry.

The Conference began at 10.30 a.m. with a tete-a-tete, which was followed by a Restricted Security Session (recorded separately) from 11.10 a.m. to 12.55 a.m. The Plenary Session ran from 1.15 p.m. to 3.00 p.m.

(The following account of proceedings is in the form of direct speech and is based on detailed notes taken during the meeting. It does not, however, purport to be a verbatim record nor is it necessarily exhaustive of all the exchanges.)

ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE
DUBLIN, 16 NOVEMBER 1992
DRAFT AGENDA

- 10.10 a.m. Tete-a-tete
- 10.30 a.m. Restricted Security Session
- 11.15 a.m. Plenary
1. Review of Political Talks
 2. Confidence Issues
 - (a) Lethal Force (Policy Review and individual cases)
 - (b) Cross Border Roads
 - (c) Carlingford Lough
 - (d) PVCF at Cloghogue
 - (e) Review ongoing official discussion of
 - (i) Accompaniment
 - (ii) Harassment
 - (iii) Holding Centres
 - (iv) Parades
 3. Extradition
 - (i) Legislation
 - (ii) Bail
 4. Economic and Social Matters
 - (a) Progress in disadvantages areas
 - (b) Cross-border Economic Cooperation
 - (i) Forestry
 - (ii) Government Purchasing
 - (iii) Du Pont Spillage
 - (iv) Electricity Interconnector
 5. Any other business
- 1.00 p.m. Lunch
6. Communique
- 2.30 p.m. Press Conference
- 3.00 p.m. Depart

PLENARYPOLITICAL TALKS

Mr. Andrews: May I, as host for this part of the Conference, welcome formally Sir Patrick and Michael Mates to Dublin. We have already gone through these formalities at the Restricted Session but I see no harm in repeating a welcome. After the very useful Session we have had I would hope that this part, this Session of the Conference, can be relatively brief. Before I begin however I would like to mention the departure of one for whom this will be the last Conference he attends, the British Joint Secretary, Mr. Robert Alston.

[Mr. Andrews and Mr. Mayhew then both paid tribute to Mr. Alston. Mr. Andrews presented Mr. Alston with a gift. Mr. Alston responded briefly.]

Mr. Andrews: I spoke in the tete-a-tete regarding the way the Talks had fallen out and we more or less covered the issue there. I think it only remains to observe that the soft landing we all desired was not quite achieved. This was due to the regrettable remarks of Dr. Alderdice and also of course to the remarks of Dr. Paisley. However, I was greatly encouraged by the moderation shown by Jim Molyneaux in particular though I regret the finger pointing of Mr. McGinnis when he spoke in the Commons. We have exercised the utmost care in our interviews to avoid reoriminations. I would like to thank you personally, Patrick, for your efforts in the House of Commons and again yesterday to set the record straight in the interview you gave and in the tribute you paid to the contribution of the Irish Government team. Your remarks yesterday weren't highlighted enough, at least in our own news services. (Mr. Mayhew: It was good news. Mr. Andrews: Yes, exactly, good news.)

Mr. Andrews: I think we are now into the area of taking stock. If I'm asked, I will continue to stick to the idea that progress was made between the four constitutional parties, that relationships were established between us and that the work done will not be lost and can be built on in the future. We also agreed in the tete-a-tete what we would say if confronted with the type of horror story which suggests that, with the failure of the Talks, there is now a vacuum which could be exploited by men of violence both orange and green. There is a vacuum which must be addressed immediately. It is important that we get in before the men of violence. (The events of the last weekend show the danger). We have agreed to meet bilaterally before Christmas, not in IGC format and I think this is very important in view of some of the statements made last Tuesday. As I have said, it's unfortunate that some chose to indulge in recriminations and character assassinations.

Mr. Andrews: One question we need to address quickly is that of Sir Ninian Stephen. We need to consider his position. Could I suggest that the Taoiseach and Mr. Major write jointly to the Australian Prime Minister with the aim of:

- bringing him up-to-date on what has happened in the Talks;
- thanking him for the services of Sir Ninian; and
- asking that Sir Ninian might again be made available to us in the event that Talks resume in the reasonably near future on roughly the same basis as before.

If you agree, we would ask our officials to work on a draft to be put before the Heads of Government. I also understand that Sir Ninian may himself be writing to both Prime Ministers.

Perhaps we could coordinate a response which would express our appreciation and our hopes for resumed negotiations?

Mr. Mayhew: Yes, I agree with all that. I certainly agree with the sentiments that there should be a swift resumption of talks. Here we are getting into the area of language and Unionist theological reasoning. Apparently we shouldn't speak of a resumption of Talks. However, the language is not important as long as the talking continues. What we can take from the Talks is that all parties agreed on the necessity for dialogue to continue and bound themselves to conduct informal meetings. I agree with what you said about avoiding recriminations. I had a letter from Mr. Paisley over the weekend in which he picked up on a reference to an intermission in the talks. This highlights the importance of Unionist theology in the matter. What he said doesn't matter to us. Can I say that what I said in the Sunday Life was no less than I had said in the House of Commons. Irish Ministers have displayed great commitment to the Talks process with four Cabinet Ministers allocated to the Talks. I know I am going to be questioned continually in the House but all we need to say downstairs is that we have agreed to meet bilaterally before Christmas and look forward to further talks taking place.

Mr. Andrews: Do you have a formula concerning the resumption of talks?

Mr. Mayhew: We agree that Talks should take place as early as possible in the future between the two Governments with the aim of registering the importance of continuing the dialogue which has been established.

Mr. Andrews: And in that context say that we will meet informally?

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Mr. Mayhew: Yes. I know the Ulster Unionists want to talk to the SDLP. I think meetings of this sort are very important. I also agree with what you said concerning the positive elements of the Talks. There is much which is positive in the six months of Talks. Parties did emerge with a greater understanding of others position and with a consequent diminution of prejudice. Within the last weeks with bilateral meetings we were in the area where horses were being bought and sold.

Mr. Andrews: The committee mode did involve a lot of going around in circles. Perhaps a method involving bilateral meetings might work better. Maybe it should have been tried sooner.

Mr. Mayhew: With reference to Sir Ninian, I know, as you do, that he is prepared to serve again. What I visualise is a series of bilaterals which would get to the point where his involvement would be beneficial. Do we know what the position is with regard to George Thompson? I have heard that he might not be available, for personal reasons.

Mr. Andrews: Yes, you will recall that I made contact with his wife when I was in Australia.

Mr. Mayhew: I think that was very much appreciated.

CONFIDENCE ISSUES

LETHAL FORCE

Mr. Andrews: I think you are already quite familiar with our concerns in this area. We believe that there are three principal areas where change might be envisaged:

culpability between murder and manslaughter, but this a personal view and what the consequences would be I don't know. Some people believe that, if the only charge that can be brought is murder, then people should get off, while others believe that, provided there is an intention to kill, the proper charge is murder. The inter-departmental working group is to consider this among other matters as well as the views of bodies such as SACHR and the views put forward by the Irish Government.

Mr. Chilcott: I think I should point out that we have to cope with the body of laws throughout the United Kingdom and not just those in Northern Ireland. We have received your own very helpful paper. I frankly don't know how the group will turn out nor how much time it will need. I really can't say any more.

Mr. Andrews: I take it you will be keeping in touch with officials on this. Can I ask again regarding the terms of reference of the group?

Mr. Chilcott: These have not been promulgated and probably won't be.

Mr. Andrews: So the group will have no definite terms of reference?

Mr. Chilcott: None that will be published

Mr. Mayhew: At present we have 10 or 11 members of the security forces facing very serious charges indeed. I think President-elect Clinton might take this information on board when he is making comments about the "wanton use of force". All members of the Security Forces are required to operate with respect for the law and the charging of members of the security forces with murder clearly illustrates that there was

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- tighter rules on the circumstances in which troops may open fire;
- an independent element in the investigation of controversial incidents; and
- a wider range of offences in Lethal Force cases.

I understand that there is now in existence an inter-departmental committee which has begun a review of this whole area. However, I'm still unaware of its precise terms of reference or of its timetable for the completion of its work. We very much appreciate the complexities of the issues involved but hope that the Committee will be able to report comprehensively and in good time. We also note that 11 members of the security forces are currently awaiting trial in lethal force cases.

Mr. Mayhew: I would like to express my thanks for what you have said. Yes, an inter-departmental committee has been formed. The issues are complex. The rules which govern soldiers firing have been in force for a long time. They provide for a margin of safety in addition to what the law allows. The law in Northern Ireland is the same as in England and Wales. I think it is right that there should be such a margin of safety. Can I say that whenever a fatal shooting occurs an independent investigation is immediately begun - carried out by the RUC. Their independence can be judged by considering what happened in the case of the shooting of Peter McBride, after an altercation involving the Scots Guards. Within 21 hours the police had charged 2 soldiers. This is a salutary reminder of the independence of the RUC.

On the question of whether there should be a wider range of offences in lethal force cases, this is a very interesting point. I believe the law ought to recognise gradations of

no acquiescence of the investigating and prosecuting authorities in the use of lethal force.

Mr. Flynn: I appreciate this is a sensitive matter.

Mr. Mayhew: I don't think I have much to add. When I look at the soldiers, when I look at young men at 18 or 19 on duty at checkpoints - its possible to see clearly the nature of the problem they have to face. In a situation they have about one second to decide. If they choose one way they may face court martial. If they choose another they may face prosecution in the Courts. Another choice may leave them dead.

Mr. Flynn: I think that a lot will depend on the outcome of those individual cases when they come to trial. I would like to repeat my point about an outside, independent enquiry. I think such an enquiry in these cases often adds to credibility.

Mr. Mayhew: What do you mean by an independent inquiry?

Mr. Flynn: I am saying that an independent outside enquiry would be very useful.

Mr. Mayhew: We have that in the Police Complaints Authority and also the DPP. We have one case pending - Coalisland - where the trial will involve 5 paras and one junior officer. The Police Complaints Authority can direct the police to follow a certain line of enquiry.

Mr. Flynn: There can be a problem of the attitude of Nationalists to Court decisions.

Mr. Mayhew: I do not have any control over the decisions of judges, nor would you wish me to have.

BORDER ROADS

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Mr. Andrews: Turning to cross-border roads, again, I don't think there is much to be said here following our earlier discussion. I would like once more to draw attention to the wider economic and social effects of the policy of closing roads and the spectre of the negative influence on local communities. The development of industry and commerce in border areas is seriously impeded by the absence of adequate cross-border access. The effect of keeping roads closed is to produce a general resentment among the communities affected on both sides of the border, such as Clones.

Mr. Mayhew: Perhaps Michael can take this.

Mr. Mates: As you said we have already dealt with this in detail in the Restricted Session. We are delighted to consider this matter in the spirit of how the talks were taken forward by the Commissioner and the Chief Constable. The contributions you have made were very welcome indeed. What we were able to discuss is evidence of the willingness to reach an accommodation. We are conscious of the disruption which occurs to communities on both sides of the border as a result of road closures. We would be happy to facilitate less obtrusive arrangements.

Mr. Andrews: Do you see any use in undertaking a comprehensive enquiry into road closures generally?

Mr. Mates: This is already being done by the RUC on an ongoing basis. The position is that we have no policy to close roads. When we close a road we do it for security reasons. There are a number of factors involved, including the presence close to the border of isolated Protestant communities who feel under threat.

Mr. Andrews: But when you close a road for those reasons you are accepting the judgement of the security chiefs. The wishes of the Army and the RUC are not necessarily those of

the local community. It's important that we don't give paramilitaries a chance to exploit situations.

Mr. Flynn: It was interesting to note, when we were talking "in another place", that there was general agreement that with regard to commerce, industry and tourism, everyone wanted to get the best for the island as a whole. I would like to think that there was an ongoing review of the whole issue of border roads and that the factors taken into account were not just related to security.

CARLINGFORD LOUGH

Mr. Andrews: The next item is Carlingford Lough. While one can appreciate the need for appropriate measures to prevent the Lough from being used for violent purposes, we are a little disappointed that you cannot "fine tune" your operational practice so as to minimise the friction with members of the public using the Lough for legitimate recreational purposes. We believe that the patrols should be conducted with tact and sensitivity in line with the guidelines set out in the note from the British Embassy of 1972 and that they should react only when vessels are acting suspiciously. Unfortunately, there appears to be a new random method of stopping and boarding of vessels, introduced on the basis of revised guidelines which represent a radical departure from the earlier norms and have the potential for generating conflict with legitimate Lough users. While there have been thankfully few particular complaints this summer there should be no doubt but that the continuing random stopping and boarding of vessels is greatly resented by local people. Our concern is increased by the fact that even a single incident generates media interest and bad feeling in the area and could lead to a spill over of resentment which could possibly assist paramilitaries.

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Mr. Mates: I have to say we are aware of the sensitivities here. I must say that in seven months in the job I have received no complaints regarding Carlingford Lough. My understanding is that there have been talks at official level to produce an agreed note. It would be helpful to get the problem stated in terms of specific complaints. Perhaps I could ask the Chief Constable if he agrees with that?

Mr. Annesley: Yes, Minister.

Mr. Mayhew: Should we allow the process begun by officials in October to develop?

Mr. O hUiginn: With regard to Mr. Mates' statement there were a number of conspicuous incidents this year. Our point is that the new regulations make such incidents more likely to occur in the future.

Mr. Mates: If this is the case there has been no evidence to date to suggest that such incidents were happening. I suggest we leave this to officials to continue.

CLOGHOGE

Mr. Andrews: Again, this is a subject which we have gone over in detail in the Restricted Session. However, I must tell you that there is tremendous local resentment at what has happened. I met a group down from the area yesterday, including Seamus Mallon, Frank Feely, the local schoolmaster, Mr. O'Reilly, the Chairwoman of the local residents association and representatives of the local community and all were very vehement in their reaction to what is going on. They see it as something imposed on them by the Army without the slightest concern to meet local wishes. They don't feel that any of this is aimed at their security. The local school has been closed down and 300 children are being bussed daily. They are searched quite often during this operation. There is

a feeling of dislocation and harassment in consequence. There are very persistent accounts of harassment, including even the local curate. The residents feel that their homes have lost much of their value and this applies also to businesses in the area. There has been no offer of compensation for the serious losses they are facing in consequence of the building of this monstrosity. They consider it will make no difference to the IRA in terms of their effectiveness. I wanted to give you Patrick an assessment of the situation not in security terms. Maybe when the building is finished and some time has passed things will settle down.

Mr. Mayhew: I am grateful for that account David, and I would like to express my thanks. So the people there don't want a PVCP on their patch? Who does? Ministers have got to take decisions on the basis of security advice. All I can say is that the road in question is the A1, a major arterial, which has remained open. The new PVCP is far less intrusive than the former one, destroyed by the IRA. The operations are controlled remotely with only one or two soldiers on the ground. We have been over this. I think it is enough for this Session to repeat the importance, which we recognise, of keeping the local population on side. I have been down there twice. Minister Mates has been there three times. There is a permanent RUC inspector there to handle complaints as well as a military liaison officer. Nobody likes to live near a PVCP but the responsibility for its need is the work of PIRA. I am sure there will be an improvement in a short period of time.

Mr. Andrews: There are a number of other points I would like to make. Firstly, I indicated to the delegation I met yesterday that I would visit Cloghoge. You thought that would be a good idea. Also I would like to raise the question of compensation for those people affected.

Mr. Mates: We have an agency dealing with compensation which has its own clear rules for damage suffered or land taken.

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However, it does not extend to loss of earnings from a business.

Mr. Andrews: Can I ask whether any land was taken compulsorily.

Mr. Mayhew: I think one piece. I think the house next door to the school, the home of the family making the most noise owing to the disruption caused by the building work.

Mr. Mates: I would point out that, with regard to loss of earnings and compensation, there is also an opportunity for people to appeal against their rateable valuation.

Mr. Andrews: Thank you. Following the heated discussion we had yesterday I undertook to the delegation that I would report back to the delegation and that I would pay a visit there to see the situation for myself.

Mr. Mayhew: I believe you will be genuinely surprised by the nature of improvements in the area.

Mr. Mates: I would be happy to welcome you.

Mr. Andrews: After November 25th [laughter].

ACCOMPANIMENT AND HARASSMENT

Mr. Andrews: Now I wish to turn to accompaniment, which remains a very serious problem. I must continue to urge you to implement the commitment to RUC accompaniment of the Army, especially the RIR, "save in the most exceptional circumstances". The issue remains a major irritant in relations between the nationalist community and the security forces. I understand that the latest figures furnished by you show that up to 25,000 unaccompanied patrols were logged. While I appreciate that operational requirements can pose

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dilemmas in individual cases what I believe is that an adequate level of resources should be provided to allow the policy of accompaniment be implemented. We have previously suggested that a joint review of how accompaniment operates in practice in a small number of locations in Northern Ireland would be helpful and I would really appeal to you to have another look at this suggestion. I am not speaking generally but only of a number of sample areas.

The failure to provide accompaniment gives rise to a belief that people are more likely to be harassed. The problem of harassment continues to cause us great concern. In places such as West Belfast and East Tyrone the harassment problem is endemic and causes huge resentment. The popular perception is that young males in these areas are being harassed continually, exacerbating relations between the community and the security forces and giving the paramilitaries an opportunity to benefit, at a time when the community is becoming increasingly disenchanted with the Provisional IRA. We see the current policy as frankly not working, on account of the number of strong representations which we receive.

Mr. Mates: I am very glad this matter has been raised. We fully understand the issues. With reference to the latest figures on accompaniment that we supplied, which were for a six month period, one month (February) was quite exceptional. It has to be borne in mind that this was the month after the Teebane bombing and the Ormeau Road shootings, when the police and army had had to deploy on an emergency basis. Two general points I want to make about the figures are that a) they show that patrolling was up (by 10%) and b) they show that, nevertheless, accompaniment was also up. It is essential that the Chief Constable and the Army are able to deploy in areas where there is most need. The RUC have been deployed in the areas where there is most sensitivity. Thus in West Belfast, the rate of accompaniment was 100% in four months, 98% in one month and 63% in February; in South Armagh

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the average level of accompaniment was 87%. Given that the security threat is much higher, the next set of figures will show a higher incidence of patrolling. However I can assure you that our aim is at getting 100% accompaniment in as far we can in areas of maximum sensitivity.

Mr. Andrews: You can appreciate the position in nationalist areas over the RIR.

Mr. Mates: That is why there is so much emphasis on getting accompaniment right in Belfast. On harassment I think the situation is now much better. I have spoken to Fr. Paul and he feels that Coalisland marked an important turning point in the behaviour of the security forces. One now hears members of the minority community stating that they would prefer policing by the RUC to the paramilitaries. But, of course, increased patrolling does carry with it its own problems. Being stopped four times in 20 miles rather than once in 20 miles can be regarded as harassment by those affected. The current high level of threat, however, means that it is important that the security forces do their utmost to prevent the movement of explosives.

Mr. Andrews: As you know the confidence in the military and in the system for monitoring complaints is at a low ebb among Catholics (I don't like that name). In addition the ICPC is not held in high regard either.

Mr. Mates: I can tell you that we shall be in a position to announce very shortly the appointment of an independent assessor for military complaints who will deal with matters falling short of any criminal act. In cases of a criminal nature the RUC will undertake the investigation. I hope you will welcome this when it is announced in a week or two.

Mr. Andrews: We will be willing to respond positively. We will support anything which increases confidence in the military forces.

HOLDING CENTRES

Mr. Andrews: Can I now turn to Holding Centres and enquire whether the appointment of the Independent Commissioner for Holding Centres is imminent?

Mr. Mates: Yes, but not as imminent as the appointment of the assessor for military complaints. It is important to ensure that we get right type of person to command respect in this important post.

Mr. Andrews: I would like to state that we on our side would be happy to offer comments on the Commissioner's draft codes of practice when they are made available to us. I would also like to raise the question of video taping of interviews of people in custody. Do I understand that you are not going to introduce video taping?

Mr. Mates: You will get sight of the codes of practice in due course.

Mr. Mayhew: On video taping, we have received a lot of strong advice from the police, the RUC, from those charged with administering procedures to the effect that the introduction of a permanent record would seriously jeopardise the flow of information to the security forces from the holding centres. We have allowed the watching of interviews on t.v. but have no plans to allow recording. I would ask the Chief Constable to speak on this. Do you provide for video recording in the South?

Mr. Andrews: We are planning to do so (supported by Mr. Flynn).

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Mr. Annesley: First I would like to say that up to 23rd September 1992 there has overall been a decrease in complaints against the RUC this year, with a 30% decrease in the case of Castlereagh though the throughput increased by 15%. With regard to video taping of interviews, I would repeat what I have said to your predecessors. While the introduction of video taping seemed logical, its introduction would not end allegations against the police. It would merely shift the focus of such allegations from the interview room to the corridor outside, from the corridor to police vehicles or any location outside the monitoring process.

In addition to this there is the factor that we do get importance intelligence from interviewing suspects and informers will only speak where they are assured no recording is being made. Accordingly, I fear that the introduction of video taping could result in a reduction in the amount of intelligence gathered and would also inevitably demonstrate where information was being given voluntarily. The body language between the accused and the police on the video would show that (e.g. the passing of cigarettes, letters). Yet another reason is that others might want to speak to the suspect besides the arresting officer. Were such people to be recorded on video then clearly they would be identified as special branch members since they would not be in Court. I should add that it is sometimes wrongly suggested that hardened terrorists were not likely to pass on information in holding centres but I can recall a case in Fermanagh where a top terrorist had been interrogated four times and on the fifth occasion started to give information.

Mr. Brosnan: Just to clarify the position in our jurisdiction. A committee was set up to examine the matter and has reported advocating video recording. We are in the process of introducing it and plan to begin with a pilot scheme. We did have a debate about applying it to Section 30

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cases (this is the Section used to bring charges in terrorist and the more serious non-terrorist criminal cases). What we decided was that Section 30 cases would not be included initially but that the Committee which will monitor the pilot scheme will review the case for allowing video recording in Section 30 cases also and recommend how that should operate in practice.

PARADES

Mr. Andrews: On the subject of parades I would like to note that while the 1992 marching season passed off reasonably satisfactorily, there were some problems which I feel should be looked at well in advance of next year's marching season, in particular the rerouting of parades away from the Lr. Ormeau Road. I understand that the demographic balance in the area has changed and it's now mainly nationalist so we can expect further problems next year. Demographic change has also meant that Duncairn Gardens has also become in effect a nationalist area in North Belfast. I would urge that this be borne in mind when reviewing plans for next year.

Mr. Mayhew: I consider that the fact that the marching season this year went off with little trouble is a tribute to the sensitivity and professionalism of the RUC. One or two disgraceful incidents did occur on which I commented at the time. These remarks I can assure you came from the heart. I was outraged at the behaviour on the Ormeau Road. Chief Constable?

Mr. Annesley: The improvements year to year have been modest but dramatic representing the success of the incremental approach which I have been trying. With regard to the incidents which did occur, my personal views are identical to those of the Secretary of State. I was enraged at what happened on the Ormeau Road.

EXTRADITION

Mr. Andrews: Can I now turn to extradition.

Mr. Flynn: We have already talked about this. In particular I would like to mention the Hughes and O'Neill cases where there were successful prosecutions under the Criminal Law Jurisdiction Act and where a sentence of 12 years was handed down. All I want to say is that this is clearly an effective piece of legislation.

Mr. Mayhew: I indicated when I was Attorney General that we would be prepared to use this act whenever we deemed it appropriate, which means accepting its use except in cases where the crime committed was so serious that we felt it should be tried in the region of where the crime was committed. Examples of this would be the Brighton bombing and the bombing of the Horse-guards in Hyde Park. It is reasonable in such cases to expect that the extradition procedures should operate. However, I have nothing but admiration for the legislation and indeed your judges appear to hand down tougher sentences under it than ours do for similar offences.

Mr. Flynn: It works well and we won't be reluctant to use it.

Mr. Mayhew: There are one or two cases involving extradition.

Mr. Flynn: There is Fusco (a Maze escaper) who is appealing his extradition to Northern Ireland. He has sacked his legal team and this has delayed matters.

Turning to speciality, I would like to thank you Sir Patrick for indicating that you are making statutory provision for the application of speciality rules to extradition between our two jurisdictions. You won't think ill of me if I make the point

that the Bill was introduced without any consultation with us, although it has direct implications for our law.

Mr. Mayhew: I'm surprised that you say this. We have put this part of the legislation in enabling form so that it will be relatively easy to introduce an order, and mirror developments on the Irish side.

Mr. Flynn: What you have done will have implications for our law. There was a high level of consultation in 1987. We are now awaiting your response to the paper we handed over recently.

Mr. Mayhew: As I said, the legislation is in enabling form. I had to work very hard for its inclusion in the Bill. I wish to assure you there was absolutely no monkey business at all in our approach. And this could have been discussed at a meeting of Working Group Two, which was cancelled at your request.

Mr. Flynn: We will continue to process our legislation and, as I said, we would like to see that the questions we have raised are addressed. A considerable amount of work has already been done and I hope the matter can be dealt with by the next Dail. [jocular remarks about the election]

ECONOMIC AND SOCIAL MATTERS

Mr. Flynn: I would now like to turn to economic and social matters. We have done a lot of talking about this in recent months, between ourselves and during the Talks. I would like to begin with the proposed expenditure cuts in your budget next year and want to congratulate you on your magnificent effort in getting the North's contribution actually increased. At the same time I hope that the very useful programmes such as "Making Belfast Work" and the Targeting Social Needs Programmes are maintained and don't suffer.

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Mr. Mayhew: I think we can shorten this. We are at one on these matters. These are socially and economically targeted areas. It is right, in its own right, that assistance should be given as these are deprived areas, in addition to other considerations. I would like to thank you for your congratulations but I have to say that although I have got more money than last year 5.6% this has not relieved us of the need to take hard decisions. The fact is that we have more disadvantaged per thousand of the population than any other part of the United Kingdom by way of the needs for disabled people, special education requirements and facilities to help those suffering from ill health. But you should address your remarks on this to Michael. This is a man who will be having bilateral contacts with our Ministerial colleagues in the coming weeks to discuss how the money is apportioned.

Mr. Flynn: Blood on the floor is not unknown in those circumstances [laughter].

Now, you know we produced a study earlier in the year entitled "Ireland in Europe" which lists areas for enhanced cooperation. I would like to enquire whether we can move the process of economic cooperation a step forward before there is a final solution in other areas. In the recent talks the UUP submitted a helpful paper in cross-border economic cooperation. Could North\South economic cooperation be taken forward? Even at official level could the matter be looked into to see how it might be taken forward?

Mr. Mayhew: I agree with regard to all practical measures. But could I return for a moment to the issue of Extradition and Bail.

EXTRADITION AND BAIL

Mr. Mayhew: I should begin by saying that I am aware that the granting of bail is a matter for your Courts. There is no question of partiality among your judges in extradition cases. However, there is a concern that there have been cases where bail has been granted in extradition cases and the defendant then absconded. There is not much point in having splendid extradition arrangements if bail is then granted and the subject absconds. This, as I have said, causes concern for us. I assume that your legislation is similar to ours in that it carries a presumption to bail.

Mr. Flynn: I see your concern and have to tell you that the State strongly opposes bail in these and many other cases. It is, however, a matter for the Court to decide in each case - to change the current situation would require a constitutional amendment. The question of an amendment has been talked about but no action has been taken to date. What is involved are individual rights. Earlier processing of applications on your side would of course have had a beneficial effect in some of the cases which subsequently gave cause for concern on the bail front.

Mr. Mayhew: It's really the practice of issuing bail to persons challenging extradition that concerns us.

Mr. Andrews: There is a case, the O'Callaghan case, which sets out the parameters for bail. The result of this and other Supreme Court cases is that bail will be granted unless the Court is satisfied that the accused, if bailed will abscond or interfere with witnesses. I am in agreement with the Minister for Justice on this however. There is a perception that bail is something associated with gangsters and there is a strong under-current calling for something to be done.

Mr. Mayhew: I am happy to leave it there.

GROSS-BORDER ECONOMIC COOPERATION

Mr. Flynn: Can we take up again how we might advance this?

Mr. Chilcott: I suggest that officials be tasked to examine the issue and to report back to the next Conference.
(Agreed).

FORESTRY

Mr. Flynn: We don't have the responsible Minister present. I think perhaps we can leave that for another occasion. We have proposed a cross-border liaison group.

Mr. Mayhew: We have forestry experts with us today and should ask them to speak. Forestry is a natural area for cross-border cooperation.

Mr. Flynn: Of course.

Mr. Wright: I would just like to say that there is good ongoing cooperation between officials of the two Departments North and South. We have agreed at official level that we would set up a joint liaison group subject only to the provision that it would not interfere with the holding of ad hoc meetings between officials when these were required. I suggest that the Conference welcomes the idea of setting up a joint liaison group.

Mr. Flynn: I have here our forestry expert Mr. Gillespie.

Mr. Gillespie: I agree with what Mr. Elliott has said. There has been good cooperation between us in the past. Forestry has an important role to play. We are agreeable to the setting up of the proposed liaison group.

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Mr. Mayhew: I think that this is something we can leave to the men with the trees.

Mr. Flynn: We would be happy to set up the liaison group to meet twice a year. We can discuss forestry at another meeting.

Mr. Andrews: Does that conclude the meeting?

Mr. Mayhew: I think it does. No, there is the Electricity Inter-Connector.

ELECTRICITY INTER-CONNECTOR

Mr. Mayhew: I wish to raise the matter of the electricity inter-connector between North and South which was blown up about 15 years ago on your side. I think that it would be enormously beneficial and of great advantage to both sides if it could be restored. I understand however that the Garda have reservations about whether it's security could be guaranteed.

Mr. Flynn: What exactly do you want me to do?

Mr. Mayhew: I would like a decision in the matter next time we meet.

Mr. Mates: It's important that it be restored in a way that will not allow the PIRA to blow it up. It should be done in a way that, if it is blown up, the PIRA will be blamed.

Mr. Flynn: We will talk about this again next time. In the meantime I will consult with the Garda Commissioner. It is certainly worth thinking about.

DU PONT SPILLAGE

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Mr. Flynn: I would like to raise also the question of the recent spillage from Du Pont into Lough Foyle. It is quite a serious matter. While there was contact between our two Departments of the Environment we are concerned about the long delay on the part of Du Pont in detecting and notifying the leak. I understand that an environmental audit is to be conducted of Du Pont in the light of the spillage. Can I ask that we be kept informed of developments?

Mr. Mates: I was on duty that weekend. I consider that all the emergency services on both sides cooperated well. I am currently looking to see how this performance could be bettered. I might add that Du Pont are one the best firms in terms of their environmental record and they are very disappointed that this has occurred.

Mr. Flynn: I agree. I had previous contact with them in connection with an incinerator. It could have worked then but not now.

Mr. Andrews: The fact remains that there was a spillage of 1.25 tons. You will be aware that confidence has been lost among fishermen.

Mr. Mayhew: It was not actually harmful to marine life (Mr. Flynn referred humorously to luminous oysters).

Mr. Flynn: Du Pont have had a great reputation. They do things Right. This must have been awful for them. We can return to this when the audit results are known.

PUBLIC PURCHASING

Mr. Mayhew: Could I mention public purchasing and say that I would like to raise it at our next meeting. Earlier in the year there were meetings between officials and a paper was

prepared outlining an initiative to ensure that both North and South took maximum advantage in this field in the EC context.

Mr. Matesi: The issue is about a joint group to coordinate public purchasing. It has been agreed at official level. Officials have been meeting with the aim of developing central registers for public sector tenders. It's a big issue - there is more than £1 billion involved in Northern Ireland and £2 and a quarter billion in the South. We might agree next time. Can we agree that this be taken forward by the establishment of a joint group?

Mr. O hUiginn: Would this be a North\South committee which could bring in experts from bodies such as the CII, CBI?

Mr. Andrews: Definitely.

Mr. Flynn: Could this be an expansion of the existing cross-border group?

Mr. Fell: Officials agreed on a permanent, free standing group.

Brief exchanges on the type of group followed during discussion of the relevant section of the Communique.

A.O.B. [none]

COMMUNIQUE

The draft Communique was agreed subject to certain minor amendments.

Mr. Andrews: I declare the meeting closed.