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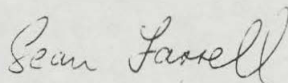
SECRET

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

Dear Assistant Secretary

I enclose a draft Note on the meeting of the Anglo-Irish
Conference which took place in London on 3 February 1993.

Yours sincerely



Sean Farrell

MEETING OF THE ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE
LONDON, 3 FEBRUARY 1993

INTRODUCTION

The 44th regular meeting of the Anglo-Irish Intergovernmental Conference was held in London on 3 February 1993. The Conference was attended, on the Irish side, by the Tanaiste and Minister for Foreign Affairs, Mr. Dick Spring T.D., the Minister for Justice, Mrs Maire Geoghegan-Quinn, T.D., Mr Noel Dorr, Mr Tim Dalton, Mr Sean O hUiginn, Mr Caoimhin O hUiginn, Mr David Donoghue, Mr Pat Hennessy, Mr. Fergus Finlay, Mr. Paul Hickey and, from the Secretariat, Mr Declan O'Donovan, Mr Sean Farrell, Mr Michael Mellett, Mr Bryan O'Brien and Mr Shane O Riordain.

On the British side, the Conference was attended by the Secretary of State for Northern Ireland, Sir Patrick Mayhew, M.P., the Minister of State, Mr Michael Mates, M.P., 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 Mr John Dowdall and from the Secretariat, Mr Martin Williams, 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 10.10 a.m. with a tete-a-tete, which was followed by a Restricted Security Session (recorded separately) from 10.43 a.m. to 11.35 a.m. The Plenary Session ran from 11.40 a.m. to 1.45 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 ConferenceAgendaLondon, 3 February 1993

- 10.00 Arrival followed by tete-a-tete
- 10.30 Restricted Security Session
- 11.15 Plenary
- (1) Review of Political talks
 - (2) Review of Work of Conference
 - (3) Security situation and Security Cooperation
 - (4) Confidence issues:
 - (a) Lethal Force (Policy Review and McElwaine Case)
 - (b) Cross Border Roads
 - (c) Accompaniment (new statistics)
 - (d) Appointment of the Assessor for Military Complaints Procedures and Commissioner for Holding Centres; Terms of Reference and Code of Conduct.
 - (e) Nelson case.
 - (5) Treatment of Fugitive offenders (including extradition)
 - (6) Public Appointments
 - (7) Economic and Social Matters
 - (a) Joint paper on approach to EC on Structural Funds
 - (b) Electricity Interconnector
 - (c) Joint Paper on Future Programme of topics
 - (8) Any other business
- 13.00 Lunch
- 14.00 Press Conference
- 14.30 Departure

MEETING OF THE ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE
LONDON, 3 FEBRUARY 1993

Mr. Mayhew: Just before we start, perhaps we could wait for a moment as Mr. Hanley is not with us. [Minister Hanley arrived at this point].

Mr. Mayhew: The first thing I would like to say, Tanaiste and Minister, is how welcome you are to this meeting, the first since the new Irish Government was formed. I would also like to say in the presence of my colleagues how welcome it is to see Mr. Dalton here and I would like to congratulate him on his appointment as Secretary of the Department of Justice. I'd like to welcome his successor and say how good it is to see him here together with so many familiar faces. I think this is a very propitious start to the cycle of Conferences. Now, we have an agenda, with item 1 entitled "The Review of Political Talks". I wonder if I could kick off with an account of developments as I see it in recent weeks and particularly since we had our informal meeting several weeks ago.

Tanaiste: Yes that would be excellent.

Mr. Mayhew: Can I say firstly that from the discussions I have had that I see no sign of any serious drawing back by any of the political parties from the document they signed together with the two Governments on 10 November last. They signed this document, together with the two Governments and the document stated that all signatories considered it necessary and desirable that the talks process would resume in the near future. It has to be said here that in the period since then an apparent problem has arisen with the leader of the DUP making aggressive noises and in effect giving the impression of upping the ante. However, the recent document published by the DUP does not set out a position significantly

different from the document signed by party leaders in November.

Since we met in Dublin I have done my best to contact the political parties with a view to hearing at first hand from them what their views were regarding resumption of the talks. I have said to them that there was everything to be gained from meeting you. Dr. Paisley, after listening carefully to what I had to say, has taken an unpromising position. However, there are others in his party who, I think, see no advantage in standing off. I think there is everything to be gained from approaching the DUP and seeking to arrange a meeting. It might be necessary that the meeting be low-key or confidential.

I have also met with the UUP. While they were more favourable, I found among them a sense of anxiety and apprehension. Already the forthcoming District Elections in May are casting their shadow over the political scene. The parties appear to be fighting it out now in every clearing. I think there is a risk that in these circumstances Ulster politicians might neglect the opportunities for addressing the bigger issues in NI and Ireland and be drawn into these partisan battles. If this happens it would be a tragedy.

However, there is another factor and that is something from which great strength can be drawn for our joint purpose. That is the burgeoning public will that the politicians should get together and produce something better. My reading is that ordinary people are saying to the politicians that we accept that you all have tremendous litanies and positions but what we want from you is that you produce a better Northern Ireland, a better way of living together. I accept that it is difficult for people who have lived in a partisan atmosphere for a long time to set aside their battle cries and the urgings of their partisans and heave to the deeply felt views

of the people. Difficult but not impossible. It is important that we don't let the talks process die in the water.

I have also spoken to the leaders of both the Alliance and the SDLP. Both are anxious that the talks process should be resumed. Dr. Alderdice, it has to be said, took a turn for the worse, (laughter) which I found surprising, given that he is a remarkably sane psychiatrist (laughter). I think he had a rush of blood to the head in view of the Coleraine speech, not unconnected with the May 19 elections, but we have since had constructive talks. So, to sum up, there is great anxiety among the political leaders as the increasing shadows of the local elections gather. However, there is no sign that they have departed from the principles they signed up to in November. It lies with us, therefore, to do all we sensibly can to achieve progress. In the first instance I think all the parties should do this in a bilateral mood, through bilateral meetings. In this connection I warmly applaud your stated willingness to reach out to the local parties and would urge most strongly that you make a signal. I have to say that they regard as a prime sticking point the fact that there is no movement on Articles 2 and 3 by the Irish Government. I hope that in reaching out to the Unionists you will seek to show an understanding of their anxieties, while, of course not abandoning your own concern about those at home.

Tanaiste: I'd like to thank you for your warm words of welcome and to state that we for our part look forward to working constructively within the Anglo-Irish Conference with you. As you are aware, this Government has made clear that one of its objectives is to seek an urgent resumption of the political dialogue in NI and I know you share with us the desire to keep the momentum going and to avoid in particular the development of any vacuum. Our position is that we regard the resumption of the talks not as a "whether" but as a "when". I am very grateful for the account you have given of your contacts. I certainly, for my part, will want to push

ahead and intend to take an opportunity to reach out to those with difficulties. We've studied carefully the statements made and see some hopes especially in the position adopted by Mr. Molyneux which I consider did not cut off the options. We want to avoid a vacuum and are determined to do all we can to do so. It is very important that people do not make new preconditions. I don't feel that we should allow the local elections to stand in our way. As I have said I will take an opportunity to reach out before the next Conference to assuage the fears and anxieties of the Unionists. I think it is important at this stage to get to talk to them. I want to hear their views at first hand. In view of the security situation, it is imperative for all politicians to sit round the table. It will be an impediment to the process if they don't talk to us. I certainly will set out to offer the hand of friendship and hope we get a response, whether publicly or privately. I know there are risks on all sides. Perhaps, before we meet again, we can both feed the reactions we receive from these contacts into the Liaison Group. I think it is important also that we give a clear signal to all concerned that the work of the Conference goes on. (But I believe it is well known from decisions taken last year that generosity would be available in regard to suspensions).

Mr. Mayhew: With all of that we are in agreement. With regard to the Conference I entirely agree and would suggest that the next one takes place in about six weeks or two months. This is not to close off the possibility of a further gap in Conference meetings if formal talks are in a position to resume. I don't fully understand the theology on the Unionist side on this point. I would like to ask Jeremy (Hanley) for his views. We all know that the leaders of the political parties are very frightened of getting too far ahead of the more extreme of their adherents. There is some historical evidence to support the danger of this. I personally don't find this atmosphere in the streets when I go out and meet the public. Nor did I find support for the more

alarmist reactions to the Coleraine speech. I had a walk-about in Banbridge yesterday. No one attacked me and accused me of betraying Ulster over my Coleraine speech. I think that what we must do is to give time for public opinion to percolate up, so to speak, so that it reaches the politicians.

Both Governments should keep in close touch about this.

Jeremy.

Mr. Hanley: I really have nothing to add. I think we have covered this topic comprehensively. I think there is no doubt that there are two sides within the UUP and there is a sense that the two sides are gearing up for a leadership battle. On the hard side there is Willy Ross, if they decide to play it that way. On the other side there is Ken Maginnis, who is on the more liberal wing. Against this background Jim Molyneux is playing the only game he can play, making constructive contacts, proceeding in a very quiet and private fashion, not accompanied by any coups de theatre. I think you should maximise your willingness to listen to them. I feel that if they see any movement, this could help with further contacts.

Mr. Mayhew: Can I ask if there are any other contributions ?

Mr. Chilcott: One problem is how one can sustain what may be low key, private dialogue with the need to reassure the community at large that contacts are ongoing.

Mr. Hanley: Well, people such as Maginnis will not be too private about the contacts they have (Mr. Spring: I'll take that as a warning). I think the idea of a speech is a good one. If the UUP come out of their contacts feeling that their courage has been justified they may work to continue the contacts so that they can avail of opportunities before the local elections to gain the confidence of the public.

Tánaiste: I think that the problem raised by Mr. Chilcott is not insurmountable. Our meetings are clearly high profile

ones. But some meetings will have to be low key. We can do both.

Mr. Hanley: While this process is going on there will be statements made for public consumption which will cause upset. We must treat them with understanding in the context of the local elections. As the SOS has said, once these are out of the way, we can resume formal contacts, perhaps quite quickly.

Mr. Spring: We can live with descriptions like "evil and wicked".

REVIEW OF WORK OF CONFERENCE

Mr. Mayhew: I think we can now move on to Item 2 on the agenda which is the "Review of the work of the Conference". I think this item was put on by your side, Tanaiste, so perhaps I could ask you to introduce the item.

Tanaiste: Thank you. Well, as you are aware, we represent a new team and in the context of our new arrival on the scene I thought it would be useful for us to review the progress of the Anglo-Irish Conference to date and consider how we could make further progress. As you know I was closely involved in the negotiation of the Agreement back in 1985 and I have followed its progress closely ever since. Obviously the machinery of the Conference and the day to day arrangements in the Secretariat provides us with a process of continuous cooperation between the two Governments in relation to NI which I believe to be invaluable. Over the period of its existence the Conference has had an impressive record of achievement in certain areas of the agenda which we drew up for it in 1985. It's important that we build on these successes.

There have been significant advances, for example, in a number of areas relating to security cooperation and public confidence in the security forces and in the administration of justice. Many of these relate to the RUC, such as the introduction of the Code of Conduct and improvements in the handling of the marching season. The Independent Commissioner for police complaints has been established and we will be discussing later further measures to strengthen the safeguards which have been taken in recent months with the appointment of the Independent Commissioner for the Holding Centres and the Assessor of Military Complaints procedures. Obviously the ending of the super-grass trials and the amalgamation of the UDR and RIR are also worth noting as progress. I also welcome the contribution made by the Conference which has gone a long way with regard to the recognition of the two traditions in NI, as well as the protection of human rights and the prevention of economic and social discrimination. These are impressive working areas of the Conference. I also greatly welcome the activity of the Conference in recent years in promoting and developing economic and social cooperation between North and South. This has proved a very fruitful area of cooperation and has considerable potential. It will be extremely beneficial to the island in the European context if we can demonstrate that North and South can cooperate in these areas. The International Fund for Ireland has also been another success story for the Agreement and has had a beneficial impact.

I welcome also the crisis management facility which the Conference and the Secretariat have developed over the years. Given the fact that there are paramilitaries on both sides doing their utmost to exploit the potential of conflict and given that there are obviously continuing problems to be addressed it's important that we continue to use the mechanisms that are in place to help the two Governments, as far as possible, to manage controversy and defuse tension. I would, of course, wish to minimize the necessity for such

management. Nevertheless, the Conference provides a good opportunity to keep in contact. I think that now is a good time for taking stock and for seeking to get the Conference back on the rails and to give it a further programme of work. We will be able to see where mistakes have been made and to work forward for the future.

Mr. Mayhew: We share that view. The Conference and the Secretariat has provided a means where the "rubbing points" can be dealt with so that there need be no recourse to contact by megaphone. I think that it would be useful to have a look at current areas of cooperation and how we might carry the work forward. I think that cooperation can be very usefully developed with a view to approaches to the European Commission. We will come to this aspect later on in our agenda. However, I feel that the time is not appropriate for a root and branch review of the Conference and I would suggest that there is merit in asking officials to review the work done. Again, we need to use our officials and not to use the Conference to make speeches at each other. Reviewing the way the Conference has evolved, I think perhaps we have put too much into the tete-a-tete and consider that for the future we should seek to spend more time with officials present. This would be an orderly and better use of our time.

Tanaiste: I wonder would it be worthwhile if we asked the Secretariat to look at the work done to date ?

Mr. Mayhew: I agree, yes, the Secretariat should do that.

Mr. O'Donovan: Could I just intrude to suggest that, given what the Tanaiste said about the importance of the Conference being seen to have a programme of work, the Secretariat might be also asked to look at future topics for the work of the Conference. That would also be useful for our internal discussions in the Secretariat.

Mr. Mayhew: Yes. We should keep within the bounds of the Anglo-Irish Agreement.

Does anyone else wish to comment ? Shall we move on ?

SECURITY SITUATION AND SECURITY COOPERATION

Mr. Mayhew: Well we've had reports from the Garda Commissioner and the Chief Constable at our Restricted Session. This has underlined the close level of cooperation that exists between the two forces and the two Chief Constables. For our part this is very important. It is essential that the two Governments take a firm stand with regard to terrorism and the maintenance of law and order. Reviewing the situation today, I think it could be described that we are passing through a worse stage of a bad story. I feel there should be a place in Plenary for a discussion on security. We feel that the concept of confidence is central to the fight against terrorists. This involves confidence in the security forces. It is very important that we do cooperate and that we make no distinction between the colour of the terrorists whom we face. I can only say, of last night's revolting murder, that it was pure sectarianism. There were also the two incendiary attacks on the homes of SDLP Councillors for which the UFF have claimed responsibility. I think the Chief Constable has the text of a statement from the UFF which he has just received and which I will ask him to read out.

Mr. Annesley: Yes. The statement reads as follows: "On the eve of the first meeting of the Undemocratic Anglo-Irish Conference, the UFF last night sent out the bomb squad to place small incendiaries at the homes of the pan-nationalist front members Alastair McDonnell and Dorita Field. This was a small reminder of their party's brother-in-arms stance with Sinn Fein which has not gone unnoticed".

Mr. Mayhew: Well that is a measure of the evil that we face. I think I have demonstrated the importance that I attach to security cooperation and if I go on I'll fall into the trap I mentioned earlier of making speeches at each other. However, I would say that there is a sense in which, in considering confidence, there is an overlap between this item and the first item on our agenda. If, therefore, you can find an opportunity to reach out to the Unionists and in which you also condemn terrorism then I feel that would meet the fears and anxieties in the Unionist community. I don't have any more to say on this. We will be coming to confidence issues later on in the agenda. Could I just say, generally, that there is a continuing need for improved intelligence and it is somewhat of a paradox that the trial of Nelson (which was very important from our point of view in demonstrating that everyone must be subject to the law) has impacted negatively on our knowledge of what is going on among the Loyalist paramilitaries. But this was the price that had to be paid.

Tanaiste: Thank you Secretary of State. I would just like to make some brief remarks. I will take every opportunity to highlight my disdain for terrorism. It will receive no quarter in the South. Violence does not settle any dispute or argument. I deplore the murder yesterday as well as the tragic suicide of a young girl for which the paramilitaries must also take the blame. With regard to the content of a note which the Chief Constable read out, I would have some concern about the safety of members of the SDLP. The SDLP is a constitutional party. There is a need to defend them and it's important that they be distinguished from other groups.

Mr. Mayhew: of course.

Mr. Mayhew: The Chief Constable wants to say a word.

Mr. Annesley: Thank you and thank you for not going back over what we discussed earlier. I suggest that each side look at the content of the note as it is something that is quite

likely to be raised at the Press Conferences. There seems little doubt that the cruel and wanton attacks of the Loyalist paramilitaries will continue. They are still building up and there is a tranche among them who regard anybody on what they regard as the pan-Nationalist side as fair game. Their views are odious and are not shared by anyone outside their own organisation. However, while the IRA remains a significantly bigger security threat, the Loyalists now have the bit between their teeth. They will attempt to retaliate on every occasion. If no so called legitimate target, such as an ex-prisoner, presents itself, then they will attack Catholics just because they are Catholics. Intelligence is being built up on them and I can assure you that anything we learn with regard to the Republic of Ireland will be passed on to the Garda Commissioner.

Mr. Mayhew: If there is nothing else we can move on to confidence issues.

CONFIDENCE ISSUES

Mr. Mayhew: Could I respond at the outset to the remarks you made somewhat earlier. Firstly, there has already been reference made to the appointment of the Independent Commissioner for Holding Centres. I consider Sir Louis Blom-Cooper to be an excellent candidate with a well disciplined mind. You mentioned also the Assessor of Military Complaints and the other steps we have taken. I might mention in this connection that we have introduced a system of patrol identification in the form of a card which soldiers on patrol will carry and which they can produce if requested to do so by members of the public. I hope that these and other measures which we have taken will help to overcome much of the problem of confidence in the security forces in certain areas. I have no doubt also that there are other ways that we can improve. Can I express the hope that we can always use the Conference

as a forum for an open and honest discussion on confidence issues. We can have a more productive discussion here.

Tanaiste: Thank you Secretary of State. I agree, I believe in putting things on the table as a means of resolving rather than exacerbating problems. Can I begin with Lethal Force ?

Lethal Force

As you are aware the use of Lethal Force by the security forces is an issue of particular and continuous concern to us since it relates to the vital issue of their accountability. I know that you have spoken out strongly in this area but you will appreciate that individual cases continue to generate controversy and have a serious effect on confidence.

I am aware that you have recently established an inter-departmental working group to examine the whole question of Lethal Force and I would like to hear more about it. I hope it will tackle the issue in a comprehensive and urgent manner. In this regard it would be helpful to know if the group has as yet got precise terms of reference. It would also be helpful if you could indicate when you expect its report to be available. Details of any progress in this group could be passed on through the Secretariat.

The verdict in the McElwaine inquest last month made the issue of Lethal Force the subject of much attention and raised yet again serious and troubling questions. I understand the DPP has asked the RUC to prepare a full report in the light of the evidence submitted to the inquest. Any information you can supply on this matter would be most helpful.

Mr. Mayhew: I'll begin with the working group. The Working Group is chaired by the Home Office, and its membership comprises MOD, the Law Officers' Dept, and the Scottish Office, as well as the NIO. It has commissioned a number of

papers covering various aspects of the issue, including legal, confidence, operational and other related matters. Work on these papers has now begun. The issues involved, as we are all aware, are exceptionally difficult and complex ones.

The type of issues raised in the helpful Irish paper handed over last year are amongst those that the Working Group will be considering. The Irish paper will be made available to the Working Group. I am afraid I can't say when the Working Group will report. I am conscious you feel we are dragging our feet on this but I must assure you we are not. The Group has no formal terms of reference. They have been told, essentially, to get on with consideration of the topics. I am following it closely and you may recall that at the British/Irish Association in 1991 I indicated that I had a personal interest in the issue.

With regard to McElwaine, I can confirm that the DPP did ask for all the papers. Unfortunately the case is now 7 years old because of the requests by the family for judicial review at various times. With regard to coroners, I can only state that they are a law to themselves. I quite agree with you that the verdict raises questions. I can only assure you that the DPP is quite independent and can be relied upon to examine the matter carefully.

Tanaiste: Do you see any point in examining at this point the limitations with regard to the present inquest arrangements in NI ?

Mr. Mayhew: Yes. I've had it in for coroners for some time. As you are no doubt aware, a coroner can be either a solicitor or a doctor and the Coroners court is quite an inadequate forum for investigation. The jury is precluded from making findings of criminal culpability. We are very open on suggestions for reform of the law relating to coroners. Indeed SACHR has made recommendations in this area and the

Lord Chancellor is currently considering the matter, as the Courts are his responsibility.

Tanaiste: The Coroners Courts, both North and South, are somewhat antiquated. We might end up examining the whole procedures on all issues. We will await the result of the Lord Chancellor's findings.

BORDER ROADS

Mrs. Geoghegan-Quinn: I've said a lot about this subject in the Restricted Session.

Tanaiste: I'll restrict myself here to talking about the generalities. In a nutshell, this is a subject that has been discussed many times. I wish to refer again to the political opportunities which road closures provide for Sinn Fein and PIRA. As long as the more significant crossings in areas such as North Leitrim, Clones, or Clogher remain closed, moderate politicians on both sides of the border will continue to come under severe criticism. I'd like to have a look at the subject in general and to see where we could be of mutual assistance and how obstacles could be removed. Perhaps the Secretariat could undertake a review of the situation ?

Mr. Mayhew: Yes. I think we could conduct a survey of those crossings which are subject to closure orders. Speaking personally, I'd like to have the whole lot open. However, it's important to realise why closure orders were put in place. It is a long border with, in many places, not all, soft targets on the Northern side. They pressed for closure of particular roads and they continue to press for retention of the closure orders. This is a good illustration of cooperation between the two police forces as this matter has been under discussion by the RUC and Garda. I think it is a very constructive suggestion to have officials look at the situation and report back. I know the Chief Constable doesn't

want a single road to be closed. Could I add that I appreciate greatly the cooperation we received from your side in connection with Operation Loren. It was very helpful indeed. I think anyone who examines the situation now with regard to PVCs will find that there has been a very beneficial change. They have been made more user friendly, have definite operational advantages and in one or two instances have permitted the reopening of minor closed roads. I'd like to ask the Chief Constable to come in on this. We want to open roads but we do not want to take any risks with peoples lives.

Mr. Annesley: I feel as if a wheel has turned full circle. I have been tasked before to review border crossing points with the Commissioner. I share the view of the SOS that it would be better if there were no closure orders and that the PVCs were not there. However, it has to be said that we believe that the border is significant in security terms. It is used cunningly and carefully by the PIRA and now faces a similar use by Loyalist paramilitaries. I think also that I should make clear that a closed BCP is not something that is done in isolation, but is part of a pattern designed for prevention and reassurance. I would recall that, but for certain closed BCPs, we would not have had the incident in which a 3,000 lbs. PIRA bomb on a tractor became bogged down in a field and was defused successfully. Without roads being closed the Army felt they were sitting ducks. There are now much more sophisticated systems for checking cars off roads. The new PVCs are much more sophisticated in terms of their construction. The down-side to this is that the whole of the RUC along the Border remains a target, in places such as Roslea, Clogher and Belcoo. If there were no Army installations in the form of PVCs we would left in the front line with no protection. The PVCs are not just static posts checking traffic; they are also forward patrol bases. To those who criticise their introduction I can only state that the very high murder level in Fermanagh prior to their

introduction has been reduced to a very low murder level since. There has been a massive improvement. I very much regret the impact which these have had on ordinary people but would stress again that without them the Army and RUC would be at high risk and I would not be giving advice of this sort to the SOS if I did not believe this to be the case.

ACCOMPANIMENT

Mr. Mayhew: I would like to begin by emphasising that we remain entirely loyal to the Agreement and its commitment on accompaniment. We have passed over the latest available statistics. It has not proved possible to deliver 100%. I can only state that the recent statistics demonstrate our honest best.

Tanaiste: As I recall this was also discussed at the British/Irish Conference. It's an important area and a fundamental part of the Anglo-Irish Agreement and, while I acknowledge what has been done, the situation still remains disappointing from our point of view. I must stress that while we appreciate that operational requirements can pose problems in specific cases, it is important that an adequate level of resources should be provided to allow the policy commitment to be implemented. I think there was a suggestion that there should be a joint review of how accompaniment works in practice at a number of locations. Perhaps we can look at this suggestion again. Progress in this area would be of major significance.

Mr. Mates: With regard to the recent statistics, I am happy to state that the situation is getting better. The level of accompaniment is up despite the fact that the numbers of patrols are also up. There are two extra infantry units now operating in NI, but it takes time to put new RUC men through Sir Hugh's sausage machine. With regard to the latest statistics I think that we have been very successful in the

green areas in Belfast, where accompaniment reached 100%. I can only give a wry smile when I hear people like Austin Currie talking on this subject. He goes out on his motor bike and finds an unaccompanied patrol. Across the Province the percentage in green areas rose from 86 to 95%. Overall, by maximizing accompaniment in sensitive areas, the percentage was up slightly to 65%. Wherever we can we are progressing. In the Southern area the percentage is up from 57 to 61. In the Northern area the proportion is remaining steady. I might add that I am very aware of how sensitive an item this is for the Irish side.

Tanaiste: Yes questions are and will continue to be asked of the Minister and I would like to be able to say that the level of accompaniment is increasing and that the goal is being pursued.

Mr. Mates: The day I have to come and report that we are sliding back will be an unhappy day for me.

Mr. Mayhew: I heard the words "a joint review". This would cause us great difficulties.

Tanaiste: I think it would be helpful if your people come back to our people with figures. They could examine and discuss them.

ASSESSOR OF MILITARY COMPLAINTS PROCEDURES
AND COMMISSIONER FOR THE HOLDING CENTRES

Mr. Mayhew: We did discuss this already in the Restricted Session.

Tanaiste: I look forward to the work being undertaken by this Assessor. Let me say at the outset that I welcome the appointment of the Assessor and the Independent Commissioner, as well as the recent circulation of the Draft Codes of

Practice, as useful advances in relation to the application of the emergency legislation.

Mr. Mayhew: I saw Sir Louis yesterday. I recognise the significance of both appointments in confidence terms and particularly that of the Commissioner in view of the Diplock Court arrangements in Northern Ireland.

Mr. Annesley: There has been much talk about the difficulties associated with the Holding Centres. In the present climate of terrorism, where people are reluctant to give direct evidence and, therefore, many cases depend on forensic science and confessions, the information coming through the Holding Centres, especially Castlereagh, is of paramount importance. I would point out that in the most recent yearly period, while there was an increase of 5½% in persons processed, there was a 37% decrease in complaints received. This trend is the same right across the Province. The RUC are conscious of the effects of adverse publicity in this area.

NELSON

Mr. Mayhew: Finally there is Nelson, which we have discussed in Restricted Session. I don't want to foreclose on Nelson here.

TREATMENT OF FUGITIVE OFFENDERS INCLUDING EXTRADITION

Mr. Mayhew: In the early days this was a very torrid topic indeed. I am very grateful for the efforts of successive Attorney Generals, John Murray and Harry Whelehan, to improve matters. I feel there is now nothing between us in terms of policy aims. You want to see the loophole of political offence closed and you have undertaken to legislate to fill that gap up. We, for our part, undertook to put into law the speciality arrangements which have always been applied. This is now almost through and is in the House of Lords. I think

we are anxious to see you to report on the action taken and to find out from you what the position is on your side. In at least one extradition case, the British authorities took no action as they considered this would have been a fruitless exercise.

Mrs. Geoghegan-Quinn: You will most recently be aware of the Magee case. Joseph Magee was arrested in Limerick. Contact was made with the Derbyshire police and an extradition order was granted by a District Court in Limerick on 14 January. It is now the subject of a High Court appeal. There is a similar situation in the case of Angelo Fusco. You will be aware also of the successful prosecutions of O'Neill and Hughes under the Criminal Law Jurisdiction Act. Finally, with regard to legislation, a commitment was made by the previous Government and I can confirm that we intend to go ahead with amending legislation.

Mr. Mayhew: A slightly more delicate question is that of bail. We recognise that it is a matter for the judiciary rather than the Executive. We know that it causes you major problems because of the Constitutional right to bail but it is a source of anxiety for us that where bail was granted in certain cases, in two or three instances those bailed have absconded. I wonder have you anything to say on this.

Tanaiste: Yes there is a Constitutional issue. This is a subject that has been debated in the Dail over a number of years. It remains something that is "under constant review". But yes, it is a subject which is fraught with difficulty. There is the question of balancing rights.

Mr. Mates: Part of the difficulty for us is the public perception in Britain that bail is granted to people who have already escaped from custody elsewhere and there has been one case recently which is of particular concern.

Mrs. Geoghegan-Quinn: I can only repeat that there is a Constitutional right to bail. Our Courts are independent and in cases such as those to which you refer, bail will be opposed by the State. I would like to acknowledge the cooperation between the police forces North and South in putting together the cases opposing the granting of bail.

PUBLIC APPOINTMENTS

Mr. Mayhew: I know this is an area that causes sadness and irritation and even, perhaps, suspicion on your part. I wish to give you my personal assurance that there is absolutely nothing under-hand in our approach on this matter. The intention is always to go for the best person. I think matters would be greatly helped if we could have a list provided by you, well in advance, of people whom you think suitable for nomination to Public Appointments. Others can be nominated as need be. However, I would stress that the perception is not all one way. Dr. Paisley, when I met him recently, asked me whether or not a decision had been taken to issue a statement that all the appointments of Chairmen to public bodies were henceforth to be Catholics. I laughed at him.

Tanaiste: Thank you. Most of the case I wish to make has been made in your remarks. Firstly, I think there is obvious room for improvement but I see some dangers in the idea of a talent bank though we can look at it. We have approached people on an individual basis and frequently have to go to some length to persuade people to go forward for appointment. I feel the Secretariat should look further at the procedures with a view to improving the success rate of Irish nominations.

Mr. Chilcott: I just have one sentence to add. The system in Whitehall is of self nomination or nomination by others. In some cases persons remain on the list for years without being

approached. But it does provide for a wider range of candidates and as a system it's much better.

Mr. Mayhew: Yes. We are very willing to consider any changes to improve the situation.

Mr. O hUiginn: We have somewhat of a Catch-22 situation here. On the one hand we are being asked to widen the base for our candidates by participating in a pool arrangement. On the other hand there is some quite delicate political contact involved in nominating people. There is some embarrassment for all concerned if it becomes known that a person failed to get the post for which we nominated him. There has also been a suggestion that candidates of particular interest to the Tanaiste be flagged.

Mr. Fell: I understand that we hand over, well in advance, a six-month list of forthcoming vacancies. There may be some scope for combining our list and your ability to influence people to go forward.

Mr. O'Donovan: I have one suggestion to make. Much can be resolved at official level. But there will be cases where you Secretary of State or one of the Ministers decide to appoint someone with a different profile to that proposed by officials or because of some other reason. In such cases, could I suggest that you send us a message in time to allow us a last comment or proposal. This could help to save embarrassment to our Ministers.

Mr. Mayhew: Yes. There ought to be time to do that.

Mr. Chilcott: This could be looked at in the modalities discussion.

Mr. Mayhew: That would be in cases where there was a change of job description only. For example, there could be

difficulties in explaining to Mr. X or Mrs. Y that they were not suitable or not the best available.

ECONOMIC AND SOCIAL MATTERS

Mr. Mayhew: This brings us to Item 7 on the agenda, Economic and Social matters, under which there are three topics. Perhaps, Tanaiste, you could introduce them.

Tanaiste: Yes. We will take them seriatim and quickly. First there is the joint paper on an approach to the EC on Structural Funds.

JOINT PAPER ON APPROACH TO EC ON STRUCTURAL FUNDS

Tanaiste: It is important that we are seen to be interested in Economic and social matters and it seems right and logical to include a strong Cross-Border element in our plans so that we can identify areas where joint approach or parallel actions can be beneficial. Such a demonstrable type of cooperation will certainly commend itself to the Commission and should help turn the goodwill that exists for us in Europe into further concrete support for our efforts to develop the economy of the island. It should also give encouragement to business and private sector interests North and South to undertake further Cross-Border cooperation and the linkages required in the Single European Market context. I am pleased to note that the joint paper has identified some of those areas where the potential within the island through a joint effort is greater than the potential on both sides acting alone. I hope that the proposed joint chapter will set out as comprehensively as possible all that is necessary by way of the various elements and measures lending themselves to implementation on a joint or a complementary basis.

This approach should also apply to the sectoral programmes of the two plans and the related operational programmes. It

should go beyond simply highlighting areas where there are similar benefits between the work being assisted by the Structural Funds on each side of the Border. The focus should be on the full range of programmes and projects where there is complementarity in the work being undertaken on both sides. North and South should also undertake close consultation in the coming months with regard to the content and shape of the INTERREG II programme. We should give a clear signal in our discussions with the EC Commission.

Mr. Mates: This is music to our ears. I was reflecting on this because I was due to go to Brussels next month to talk about the very matters you mentioned. (I have responsibility also in this area). I think it would be enormously beneficial if someone from your side could accompany me. I would be delighted to go accompanied. Perhaps we would get a better deal if we went together.

Tánaiste: As the discussion progresses we can look at the idea of going together.

Mr. O'Donovan: Can I point out that this idea is something which has been identified in the joint paper. The possibility of a joint presentation to the Commission is being examined.

Mr. Mates: I will be frank about it. There are certain things on which we can cooperate. There are other things, frankly, about which we are in competition.

Mr. Mayhew: Can I note the two conclusions from the joint paper?: "There will be close liaison between the two administrations in the preparation of the Development Plans, including a common chapter on cross-border co-operation; and a further INTERREG programme. The two administrations should explore the opportunities for joint discussions with the European Commission in relation to the next round of the Structural Funds".

Tanaiste: I'd like to endorse those remarks.

Mr. Mayhew: We don't benefit, of course, from the Cohesion Funds though we wish we did.

ELECTRICITY INTERCONNECTOR

Mr. Mayhew: Can I say that we very much hope that through Bruce Millan we'll get European support for the Interconnector. Inter alia, it will introduce an element of competition. We are currently too dependent on oil. While it's true that we are planning to introduce gas as a result of joint cooperation between us, even if we get the green light from the Commission, we face a fight from South-West Scotland on environmental grounds. With regard to the North/South Electricity Interconnector, we had a discussion at the last Conference. The problem is that the old Interconnector was blown up 15 years ago in the last of a series of times. I am afraid hope was lost. I very much hope now that consideration can be given to the Connector being restored.

Tanaiste: I remember the topic from my time as Minister for Energy. I hope it can be restored. Can we have an update on the Security implications ?

Mr. Annesley: We would still regard it as a target, but it is just like the railway. We should not continue to do without just because it could be a target. Even as a standby it is potentially attractive.

Tanaiste: It probably won't attract it until it is built.

Mr. Annesley: It will be well publicised and also become a Loyalist target.

Mr. Fell: There is an energy case as well as the Security dimension.

Tanaiste: Perhaps we could get the electricity boards to look at the matter.

Mr. Mates: It's already encouraging that we have the Derry/Donegal link, which is successful.

Mr. Mayhew: I don't think there is any problem regarding the matter. I think there is a good economic case for restoring the link. I think it was last blown up on your side. Is that correct? (Voices: No). Very well then. Let us record, if you agree, that we do see it as desirable to restore the link and that officials will examine the modalities.

Tanaiste: And that we agree not to highlight it as a target.

JOINT PAPER ON FUTURE PROGRAMME OF TOPICS

Mr. Mayhew: At our last Conference we saw some merit in seeking to look forward and plan ahead for discussion of future topics at the Conference. Officials have now drawn up a joint paper setting out a programme of future work. Can I state that we are not altogether persuaded that Broadcasting, mentioned in Conference No. 8, belongs in this setting. It is normally dealt with in a different forum and has previously been discussed in the AIIC. What I'd like to suggest is that officials be asked to look further at the matter, without prejudice, and to suggest therefore that it not be included in the paper in view of our reservations. If you are agreeable to this then we can go ahead and ask the various Ministers to draw up papers covering the existing levels of Cross-Border cooperation and where they might be improved.

Tanaiste: The paper gives an indication of the economic and social business which we can discuss at future Conferences. I agree that it is very important that we give indications of intent with regard to future work. Perhaps I understand your reserve on Broadcasting?

Mr. Chilcott: The difference is that Ministerial responsibility in the area of Broadcasting is not a matter for the SOS NI, but is dealt with on a UK wide basis. We are, therefore, hamstrung in the matter.

Mr. Dorr: Could we, perhaps, bring in the appropriate DTI Minister to attend the Conference.

Mr. Chilcott: Ministers from UK Departments operate within the AIIC.

Mr. O hUiginn: We have discussed extradition and prisons without the attendance of the Attorney General and the Home Secretary.

Mr. Chilcott: Yes, that is true, but there the SOS has jurisdiction within NI. He does not with Broadcasting.

Mr. O hUiginn: Nevertheless, the Agreement is designed to deal with substantive issues in the North/South context and Broadcasting is one such issue.

Mr. Chilcott: The problem is that we have an existing axis.

Mr. O'Donovan: The difficulty we have is that the issue has been within the AIIC axis for more than 10 years. The issue of people in NI not being able to receive RTE has got nowhere on an East/West basis, perhaps because the technical question has not been given sufficient attention by the people dealing with East/West and International issues who have their own concerns and priorities. If we decide to again consign it to the AIIC there is every possibility that there will be no action for the next 10 years. The matter is requiring political attention and I think it will only be solved if Ministers in the Conference who actually deal with Northern Ireland get together with their technical Ministers and work something out.

Mrs. Geoghegan-Quinn: I support what Mr. O'Donovan has said. From my time as Minister for Communications I can recall that the matter of RTE reception in NI was a bone of contention continuously. Can we see whether there could be a discussion at the Conference level.

Mr. Fell: I wonder whether we might not remit this to the Group reviewing the work of the Conference ?

Mr. O'Donovan: No. A political decision is required.

Mr. Mayhew: I am afraid we shall have to put this one back. Can we leave it that I will take it up with my responsible Ministerial colleague. I see your point, but I cannot undertake a response on something not within my area of responsibility and where there is an already established forum. I can't give you any assurances.

Tanaiste: I agree. I think it is a good offer.

Mr. Hanley: I have just one small problem with the envisaged programme of work. My only comment is that the way the list of topics is structured will mean that, for NI Ministers, there will be three blocks, with one Minister handling the topics in March, April and May, another in July and September and a third in October and November. Could we change this order somewhat to avoid this result ?

Tanaiste: I am sure we can ?

Mr O'Donovan: We'll work on that. I understand that the Tanaiste wants the discussion on the Arts brought forward.

Mr. O'hUiginn: And Education.

ANY OTHER BUSINESS

Mr. Mayhew: Can we agree on a date for the next Conference ?
I would have thought six to eight weeks the right period.

Mr. Williams: Six weeks from today is 17 March.

Mr. Mayhew: As someone who was introduced recently, as St. Patrick, I would have no problem with that date (laughter).

Tanaiste: I think we should keep it to six weeks rather than eight and if possible hold it even before 17 March.

Mr. Mayhew: I agree. Indeed we might even be able to agree on a Gap at that time if sufficient progress has been made.

COMMUNIQUE

The meeting then (1.28p.m.) gave consideration to the text of the Communique on the basis of the draft prepared by the Joint Secretaries. Agreement was reached on this after some discussion on various points and the meeting adjourned at 1.47p.m.