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MEETING OF THE ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE

DUBLIN, 25 MAY, 1993

Introduction

The 46th regular meeting of the Anglo-Irish Intergovernmental Conference was held in Dublin on 25 May 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. Dermot Cole and, from the Secretariat, Mr. Declan O'Donovan, Mr. Sean Farrell, Mr. Michael Mellett and Mr. Derek Feely.

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., Junior Minister Mr. Jeremy Hanley M.P., Ambassador David Blatherwick, Mr. David Fell, Mr. John Chilcot, Mr. John Ledlie, Mr. Quentin Thomas, Mr. Peter Bell, Mr. David Cooke, Mr. Graham Archer, and, from the Secretariat, Mr. Martin Williams, Mr. Marcus Dodds, Ms. Christine Collins 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 08.15 a.m. with a tete-a-tete, which was followed by a Restricted Security Session (recorded separately) from 9.00 a.m. to 9.50 a.m. The Plenary Session ran from 9.55 a.m. to 11.15 a.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).

Meeting of the Anglo-Irish Conference
Dublin
25 May 1993

Agenda

- 8.10 am Arrival at Iveagh House
- 8.15 Tête-à-tête
- 9.00 Restricted Security Session
- 9.55 Plenary
1. Political Matters
 - I. Review of Political Situation
 - II. Prospects for Political Talks
 2. Confidence Issues
 - (a) Cross Border Roads;
 - (b) Parades;
 - (c) Accompaniment;
 - (d) Lethal Force (Policy Review and individual cases);
 - (e) Police Complaints Procedures;
 - (f) Follow-up to Coalisland case.
 3. Bill of Rights
 4. Treatment of Fugitive offenders (including extradition and bail)
 5. Review of work of Conference: Paper from Secretariat.
 6. Date of next Conference
 7. Any other Business

Broadcasting
- 11.15 Press Conference

INTRODUCTION

Tanaiste: Well, now it is time to address the Plenary items on the Agenda. I understand we have a time problem. I would like to welcome you to Dublin, Sir Patrick, together with your team and I would like to express thanks to everybody concerned for making the effort in coming in to start early.

I think that perhaps it would be useful to start with a short discussion on the outcome of the local elections. I acknowledge that we have already discussed this matter in our tete-a-tete but I think it would do no harm to run over the ground again and to consider what are the options now, what is the outlook for a resumption of talks and how best we might proceed.

Mr. Mayhew: Thank you, Tanaiste, for the welcome. May I say many thanks to you and your colleagues for coming to my assistance when my schedule got into difficulties by agreeing to hold a meeting as early as this. I must say that I regret the fact that some of my colleagues at Westminster regard a three-line whip as a challenge to their virility! Simply nobody was allowed to find a pair. I think it would be useful to proceed along the way that you have suggested.

Turning first to the prospect for talks in the wake of last week's local election results. May I say that I am determined that we on our side shall not slacken in our efforts to ensure that there is a renewal in the talks process. I do not think this is a forlorn hope, despite the election results. An important point will be for us to emphasise publicly the continued importance which we attach to an early commencement of talks. This is so even bearing in mind the disappointing result for me personally of the vote secured by the DUP. Notwithstanding that, however, it should be remembered that 83% of those voting did vote for parties who are in favour of talks being resumed in one form or another.

I simply don't know yet what effect the outcome of the local elections will have on the talks prospects. I have discussed matters with both John Hume and John Alderdice and both of

those see no reason for not seeking an early resumption of talks. I think Jim Molyneaux is bruised by the outcome and I consider he is reflecting on precisely what to do next. I understand he is meeting with his party colleagues on Monday next and I understand he doesn't want to talk to me before then.

I consider we have got to keep on encouraging individually politicians whom we encounter and especially Jim Molyneaux. I consider that right now he holds the key. We have the spectacle of Dr. Paisley cavorting around and it is quite possible that he may not come in at the beginning of the talks process but might do so later on.

Tanaiste: As I said at the tete-a-tete we need to reflect with relation to the timetable facing us. We should not forget that next year there will be European Parliamentary elections and if we don't get the momentum going soon with regard to talks people will start to look to these elections. With the local Government elections now over our excuse for inaction for not getting the parties around the table is no longer valid.

Mr. Mayhew: I agree with that, Tanaiste, warmly and have really nothing to add. You and I discussed in the tete-a-tete various ways by which the parties could be encouraged to return to the negotiating table. I needn't add that were Jim Molyneaux to come to a meeting at your invitation this would be a very good omen indeed. I would like to repeat at this time the praise I gave at the time for your March 5th speech. For those with eyes to see it represented an advance in your position and it is a pity that it was neglected. Would you consider repeating what you said in that speech, in public or in private? That could be beneficial in restarting the talks.

Tanaiste: What of the DUP? I note that you hope to speak to Molyneaux. I must ask the question, do we need the DUP in the talks process?

Mr. Mayhew: Well that is something on which we will have to wait and see, especially after we have had our talks. From my conversations with the Ulster Unionists they don't want the impression given that the DUP have been written off. It would have been a different proposition had the DUP done badly in the elections, in which case much more could be said for starting without them - but they didn't. There is another factor that I would like to mention, Tanaiste, which concerns the resumption of talks and that is the conversations which have been taking place between John Hume and Gerry Adams. I refer in particular to John Hume's statement of Friday last that he would continue these talks. The UUP have fastened on this as an obstacle to the resumption of talks and have suggested that the SDLP are a surrogate for Sinn Fein. I might add that I have taken exceptional care in the US and elsewhere not to condemn Mr. Hume for having those meetings. I leave that to his own judgement. I have to say personally that such discussions are not of assistance to the talks process.

Tanaiste: Can I turn now to the British Government paper which was discussed at last week's meeting of the Liaison Group? We have some reservations about the approach outlined to us. I consider that the two Governments have a good working relationship and that in the Anglo-Irish Agreement we have a good agreement which is being worked quite well. We consider that, if the existing agreement is to be replaced, it should be by something bigger. Maximum consultation is therefore, something we consider to be very important. I don't think that there is any question of going backwards and with regard to the broader picture I think there is a recognition that there can be no small scale solution and no internal solution to the problem of Northern Ireland. I would welcome your views, Sir Patrick.

Mr. Mayhew: As I have said before, we on the British side think it is important not to allow the UUs to take umbrage at what they might see as a joint paper cooked up by the two Governments. I have also come out against advance issue of the paper, which would require the various parties to react to it. Now I would like to recall what I said when last we met

here on 31 March and that was that I said what we were proposing was a British paper and I saw advantage for the Irish side in the fact that it would be a British paper. Sean O hUiginn asked whether there was anything in the paper which would take you by surprise. As we made clear in the Liaison discussion last week, **this paper won't take you by surprise.** I feel that while we can discuss the paper I must be able to say truthfully to the talks participants that it was not a joint paper but **one which rather has been shown and has the agreement of the Irish Government.**

Tanaiste: Is work on the paper proceeding ?

Mr. Mayhew: I would like to ask Mr. Thomas to speak on that.

Mr. Thomas: Well, at week's meeting of the Liaison Group we gave a fairly full account of the issues the paper would seek to cover. **It has not yet been brought to finality nor does it need to be until the talks are about to commence.** If the talks are some way off, then the finalisation of the paper will wait and we will continue to work on it and consult with you with a view to benefiting from our exchanges. **What we are striving for in the paper is convergence.**

Mr. Mayhew: My purpose has been as I described it to the press just before our meeting began. On the last occasion we were pushed constantly to produce a paper setting out our ideas lest the talks ended there and then. I was somewhat reluctant to do this as I hoped that the participants would have devised their own formula for going forward. But the pressure has been so great that I now believe it to be the time for the British Government to give the lead by suggesting a way forward. I would add that we on our side would be very grateful for any indication from you as to whether you will be putting forward ideas. I am anxious however, that the document not be seen as a joint paper.

Tanaiste: I understand your point with regard to a joint paper. Nevertheless, I consider that it is of absolute importance that we the Irish side have an input, a serious input, to get the balance in the paper right and acceptable to

both sides. It would not look good if the talks process started off with the two Governments in disagreement. I would like to bring Mr. O hUiginn in on this.

Mr. S. O hUiginn: I think that the concept of convergence as you define it is not as neutral as it might at first appear. If by convergence is meant three against one, then this is nothing like a convergence. Our conclusion in the Liaison Group was that a **least common denominator approach would probably fall between all the stools by not providing sufficient for each party to fight for, but providing enough to cause rows.** As the Tanaiste has said, it is important to get the basis correct. Moreover the attitude of the British Government is a pivotal one, firstly, because of the preponderant position of the British Government; secondly, because it at once defines the limits of the position of the Unionists. **If a paper gave a particular leaning, which was seen to be a reflection of the British Government position, then Unionists would see this as a watermark and certainly go no further than that.** Even a humdrum paper therefore gives a signal and is a capital political fact. **Either the two Governments agree in advance or they disagree.** If they disagree then we favour intergovernmental negotiations with the two Governments together using their combined efforts to approach the parties.

Mr. Mayhew: Thank you very much. I'd like to make two points. Firstly, **we consider it very desirable that the paper be agreed in the sense that there is nothing of substance in it with which the Irish side does not agree.** Secondly, how this is achieved is important. I acknowledge the point made by Sean O hUiginn with regard to the notion of the least common denominator. **I think it would be very helpful if we had the Irish side's ideas on what would be acceptable in the paper by reference to your criteria.** I very much agree in any event that the issues discussed in the paper ought to be debated between us. The Liaison Group has been doing this.

Mr. Hanley: Could I make a point. The proceedings in Strand One last year did produce an element of agreement, albeit with strong reservations. During the deliberations all four

parties demonstrated considerable movement. The proposed British paper does not focus on a purely three party agenda. If we speak of the theology of the talks then negotiation in advance by the two Governments on Strand One would cause great problems.

Tanaiste: Notwithstanding that, we have generated expectations and these would be disappointed if we fail to get the parties back to talks. Whether the paper is ultimately a document of the two Governments or not, it is extremely important that the two Governments should be seen to be ad idem.

Mr. Mayhew: Can there be 100% agreement on everything? I hope it will be a paper which reflects agreement between the two Governments. But I cannot give a commitment that any paper would be one on which the two Governments agreed. As I said it would have to be put forward as a British paper. If the paper was finally to be just a mouse then this wouldn't be a tolerable position. I do think the immediate thing is to discuss further the contents of the paper. It is important that we get your views.

Tanaiste: We'll prepare for that and get back to the Liaison Group as soon as possible.

Mr. Mayhew: On Strands Two and Three.

Mr. Thomas: Whenever you are ready.

Mr. Mayhew: One area where I think the views of the Irish Government could be useful is with regard to the Ulster Unionist paper of 9 November. They tabled this just before the talks finished and to date they say they have received no response, from the SDLP or the Irish Government. That might be an opening?

Tanaiste: Perhaps I could invite Mr. Molyneaux to come down and discuss it here with me.

Mr. Hanley: Our paper is anything but an internal settlement. We think it will cover the totality of relationships. I think it would be very helpful if the Irish side could indicate in the Liaison Group where you think something has been omitted from the paper.

Mr. O hUiginn: In relation to the Irish Government putting forward proposals, the Joint Programme for Government is the bed rock upon which we rest. That speaks of the need for constitutional balance. With regard to the details which were given to us at the Liaison Group there seem to be differences in the treatment of each Strand of the process. Proposals with regard to Strand One were given in detail. What we were told about Strand Two had less clarity, however, and did not address the constitutional balance issue. This is one area of major difference between us.

Mr. Hanley: There is no intention to give weight to any particular Strand of the process.

Mr. Mayhew: Can I say that I noted and appreciated that the Tanaiste's 5 March speech omitted the line regarding the Government of Ireland Act. This was helpful as Unionists had become fixated with Irish reference to the Act. Now, with regard to Strand Two, we envisage new North/South institutions, having a parliamentary tier with heads of Departments meeting on a regular basis with their opposite numbers. There would also be administrative support structures. There would be the possibilities of creating new joint institutions, mandating North/South bodies to oversee particular functions; or executive co-ordination subject to necessary endorsements of the Assembly and the Dail. Again we would be interested in hearing your views on the nature of such institutions. There are clearly some questions to be considered regarding the powers of such institutions. Would they be subordinate institutions to the Dail and the Assembly? We would also expect that any institution set up would have the dynamic capacity to evolve and develop.

In relation to Strand Three we would propose to build on our paper of 9 October. We envisage that there would be a

successor to the current IGC which would continue to be serviced by a Secretariat. There would be an early discussion of the residual powers that rested with the Secretary of State after devolution and possibly a provision for attendance by NI representatives. We would propose leaving open the link with Strand Two. With regard to the constitutional issue we would be seeking an unambiguous consensus in relation to the constitutional issue. We would like to see the claim made aspirational. We favour a maintenance of the balance in Article 1 of the current Agreement but in a less ambiguous form.

With regard to Strand One, we would envisage a development of the 10 June paper from the sub-committee. This will be set out in the paper and would be something which participants could get their teeth into.

Tanaiste: I think we should go back in the Liaison Group where we can respond on each position e.g. on Strand II we could examine the proposals with regard to new North/South institutions and tease out how they might work.

Mr. Thomas: While we have no objection to teasing out can I ask if the Irish side will have proposals to put ?

Tanaiste: Yes, we will come back to you on that basis.

Mr. Mayhew: That's very helpful.

Tanaiste: With regard to the question of a gap between Conferences to facilitate talks I think it's probably too early to consider this matter.

Mr. Mayhew: Yes I think so too.

Tanaiste: It's just too early at this stage to be envisaging a gap.

Mr. Mayhew: I agree.

Tanaiste: With regard to presentation, we had a word about this earlier. I think we should, when addressing the media, concentrate on the efforts we will be making to get the talks resumed. We could mention the prospect of the party leaders talking to us.

CONFIDENCE ISSUES

Tanaiste: I think we can now move on to confidence issues. The first of these concerns closed cross-Border roads.

(a) Cross-Border Roads

Tanaiste: I understand since our discussion at the last Conference that discussions have been taking place among officials.

Mr. Mates: Yes, that is true. We are still in the planning stage as you know, and as has been discussed at meetings between our two sides at Maryfield. The position as we see it now is that the first stage is to consider the scope of the research to be done and probably the way forward after would be to employ consultants. I would hope that we could press ahead very quickly once we have determined what the size and the scope of the study will be. We will be keeping in close contact with you through Maryfield. There is a lot of information available in Northern Ireland which we need to take on board. We will be keeping in touch with you. As I said it looks in the end that we will be involving independent consultants. We shall then be bringing forward proposals and seeing how we can cooperate with you.

Mr. O'Donovan: May I say at this point that we have put in a paper suggesting draft terms of reference to cover the study. We would be keen to have a meeting to discuss matters in the Secretariat as soon as possible.

Mr. Mates: Yes, we have just received the paper. One thing I would point out is that the security situation is not mentioned at all in the draft terms of reference as proposed by you. This is a central issue for us.

Mr. O'Donovan: I understood that the purpose of the study was to focus on the economic and social factors and not on security factors, which are a matter for the two police Chiefs. We recognise that obviously the security situation will be a factor but not at this stage.

Mr. Mates: We plan to hold a meeting with you when we have given the matter some further thought. However, I would emphasise that security will have to be mentioned somewhere. This whole issue is one where we will be glad to have your cooperation.

Tanaiste: Indeed, that's the point of joint cooperation. Now, can I mention something else and that is the delays that occurred at Aughnacloy PVCP on the Sunday before last involving Donegal supporters. Not only was it bad enough losing to Dublin but they had to put up with long delays when they reached the checkpoint! I understand we have already raised this matter through the Secretariat but the issue has been raised in the Dail.

Mr. O'Donovan: I think the idea has been mentioned that it might be helpful if we were to supply dates on which GAA games of particular interest were being played. In that connection I would like to mention that in Newry next Sunday Down will be playing Derry. This is a match that always attracts a certain amount of interest and is likely to attract more than usual this time in that Down were very recent all-Ireland champions.

Mr. Mayhew: Yes, well, I would like to bring in the Chief Constable on this. I would just have to mention, of course, that South Armagh is a very dangerous place.

Chief Constable, Mr. Annesley: Well the RUC is aware of these occasions and we shall do what we can at all times to ensure that the delay and disruption caused to the travelling public is kept to a minimum. While I am not telepathic I know instinctively that Gerry Sillery here behind me is jotting down all the details which have been given including with regard to the coming Sunday.

(b) Parades

Tanaiste: I thought it would be useful, before the Summer marching season gets fully underway, to reflect on the sensitive question of parades. I think we would all wish to acknowledge the efforts of the RUC in recent years to police parades in a fair and even-handed way. Obviously we are all very conscious of the potential for serious disturbances which exists as long as parades are permitted to pass through areas where they are not welcome. Just last year the Orange mini-12th march down the Lower Ormeau Road, on which you commented most forthrightly, is an obvious example. I think we might recall the joint statement with regard to parades which was made at the Conference of 27 April last year which reiterated the twin principles which should apply in the marching season and which proved to be very helpful, i.e. "the right to demonstrate should be exercised with respect for the rights and sensitivities of others and with regard for the maintenance of public order". That is really the bottom line.

I understand that our officials will meet shortly together with the RUC to review the likely schedule of events and anticipate where trouble might arise. This has been very helpful in the past. This is an issue on which we should remain in close contact through the Secretariat in the weeks ahead.

Mr. Mayhew: Yes, thank you very much. I think that the best way to proceed is to leave parades to the RUC with regard to how to handle them. They are in a position to assess the merits of each one. I might add that I was astonished, on coming to Northern Ireland, at discovering the importance that parades play in the political life of the Province. I wish they didn't. Can I say also that funnily enough some Catholics appear to regard the 12th as a good holiday and a good day for going out and having picnics. In any event the marching season is clearly important.

Tanaiste: Yes, we want it to pass without incident.

Mr. Mayhew: Chief Constable, is there anything you wish to say ?

Mr. Annesley: I would like to express many thanks for the words of appreciation from you Tanaiste. I should stress my personal antipathy to any marching event which is used for the wrong purposes. Can I say, however, that out of 2,500 parades last year only one caused difficulties. I would also add that last year's marching season required the RUC to fire the smallest number of plastic bullets fired since they were introduced. With regard to the parade that caused trouble, that on the Ormeau Road, we acted decisively and ensured that arrangements were made to redirect the second march away from the area on its return home. I wish to assure everyone here that the RUC will take every effort to prevent situations developing. We are in negotiation already in those areas where we see a potential problem. Finally I would like to suggest that the policy that we have adopted, year on year, of incremental improvements is the correct way forward.

(c) Accompaniment

Tanaiste: The accompaniment issue obviously remains the subject of concern to our side. As you know, I recently had to answer questions in the Dail relating to the presence of unaccompanied patrols in the Dungannon area. I understand also that members of the British/Irish inter-parliamentary body have it on their agenda.

Mr. Mates: It's been on their agenda already, as I know to my cost. (laughter)

Tanaiste: The actions by the Parachute Regiment in Coalisland also showed the importance of an effective accompaniment policy. I must continue to urge you that from our point of view, it is important that you implement as speedily as possible the commitment given at Hillsborough to RUC accompaniment of the Army save in the most exceptional circumstances. This would be to everyone's benefit so I sincerely hope that progress towards implementation of the Hillsborough commitment will be maintained and increased.

Mr. Mates: I can assure the Tanaiste that we are pursuing the policy of accompaniment wherever possible. Can I just add on one point that the Coalisland patrol was accompanied. The latest figures show a 65% overall rate for accompaniment and that in fact masks a figure of 100% in West Belfast, 90% accompaniment of the RIR in Green areas and 80% all over in Green areas throughout the Province. This demonstrates a remarkable skewing of RUC and Army resources to ensure accompaniment in those places where there are sensitivities. I know you are not all that concerned for example about what happens in North Antrim. Another point I would like to add is that the addition of two extra battalions over the past year, comprising 1,600 troops, has made the job of adequate patrolling by the security forces in Northern Ireland a lot easier. However, it has not necessarily made things easier for the RUC with regard to accompaniment since many patrols are sent out at very short notice.

Tanaiste: Thank you. I just have a query with regard to figures. I think the latest we got relate to the period to last October. Can I ask when the next figures will be available, those for the period October to March of this year.

Mr. Mates: We should be able to let you have them in June or July.

Tanaiste: Thank you very much. This is a subject that we will obviously keep under review.

(d) Lethal Force

Mr. Mayhew: The Working Group continues its deliberations. As I have already indicated it deals with confidence aspects of the subject, operational aspects, possible legal changes as well as non legislative reforms and finally the Group is examining follow-up procedures. The Working Group is giving serious attention to presentations made by various groups, including the views of the Irish Government, and that is only right. Our fundamental position is that all security forces should be bound by the rule of law. However, the balance is a

delicate one, there is after all tremendous pressure on the security forces at present but again it's important that the security forces be bound by the law.

Tanaiste: Thank you. I think you know of our continuing interest in progress with regard to the review of Lethal Force which is being conducted by you. At the last Conference you indicated that work was proceeding on papers concerning four main areas. We would be very interested to know how far this has advanced. On that occasion your side thought a meeting in the Secretariat might be a help to review the completed papers in early Summer. I hope that we can at least stick to that timetable. Could I enquire about the timing of a meeting in the Secretariat ?

Mr. Mayhew: Perhaps Mr. Ledlie will say something on this.

Mr. Ledlie: We are continuing to have internal meetings on the various aspects of the matter. The work of the group is proceeding as the Secretary of State has indicated. We will keep you informed as things turn out and I would hope that we can give you our preliminary view at the end of the Summer.

Mr. O'Donovan: That seems rather a long time for a preliminary view. You have previously indicated that you would be in a position to meet with us in the early Summer.

(e) Inquests

Tanaiste: We recently handed over a paper on reform of the inquest system in the context of the related review being undertaken by the Lord Chancellor in this area. I understand also that our officials are to have an early meeting on the question of public interest immunity certificates as they apply to inquests. Perhaps you could let us have an up-date on where we stand at present.

Mr. Mayhew: Well the issue is currently under consideration by the Lord Chancellor. I think that he has recently circulated a paper and is considering the responses given.

Mr. Ledlie: That's correct Secretary of State. The Lord Chancellor has written to you and others. He is currently considering the responses received together with the Irish paper. When our mind is clear on this matter, we will talk again to the Irish side of the Secretariat.

Mr. Mayhew: Yes. Now with regard to the PIIC's I would just like to explain that the law in Northern Ireland is the same as elsewhere, in England or in Wales. Under it Ministers may claim that on a particular matter they discern an important public interest which outweighs in their opinion making public all material in a Court of Law. This judgment is then put to the Judge in the case. So as you can see the matter is one on which the Courts decide. Sometimes the case is an open and shut one. Sometimes that is far from the case.

Tanaiste: I note that officials in the Secretariat are due to have a briefing on this in the near future.

(f) Police Complaints Procedure

Tanaiste: The question of procedures for handling complaints against the police is relevant at the present time by reason of the recent appearance of the report of the Independent Commission for Police Complaints. I think that the disappointment felt by the Commission's Chairman was clearly expressed in the report that you did not accept a number of important recommendations made by the ICPC in the triennial review, particularly those which would have broadened the Commission's mandate and given the Commission greater powers to initiate investigations on matters of major public interest affecting the police. Given what we know, including from survey evidence, of the lack of confidence on the part of many Nationalists in the complaints machinery this is clearly an area which requires very careful attention. I appreciate that other recommendations were accepted but frankly those rejected were central to countering the widespread image of the present machinery as ineffectual. Mr. Grew also made clear that there was a need for increased resources to allow the Commission to do its work. Maybe you would like to comment also on this? Finally, I understand from recent discussions with your side

between officials that you may be open to looking again at the ICPCs recommendations and at the question of resources. I would encourage you to do so if at all possible.

Mr. Mayhew: I'll deal with the question of resources first. The position is that one additional member day per week was given to the ICPC earlier this year. An application for four additional member days per week together with one new case worker is currently under consideration. Its acceptance is likely to depend on the public expenditure round and I need hardly tell you that this will be a terribly tight year with a need to make economies all round, something from which Northern Ireland cannot be exempt. Let me say that I see very great strength in the ICPC procedure and in its independence. With regard to the recommendations made in the triennial review, I should just like to state that I accepted six of the nine. There has been an opportunity to discuss the other three recently. I will be consulting the relevant people with regard to new disciplinary procedures. I think that the legislation relating to public interest cases under Article 8 that gives powers to the Chief Constable, the PANI and the SoS is right and correct. But I can't promise, I am afraid, to pass as yet more of the recommendations made by the ICPC.

Tánaiste: We would certainly like to have talks with you and welcome a briefing on the review of police disciplinary procedures in general. I understand that the intention is to conduct a review of police disciplinary procedures along the lines of that carried out by the Home Secretary in England and Wales. I am particularly interested in the thinking behind the idea of moving away from the criminal standard of proof as the basis on which disciplinary proceedings should be pursued.

(g) Coalisland

Mr. Mates: Can I begin by stating that we expect the highest standards of behaviour both of our police and of our soldiers. With regard to the actual case, all I can state is that the Court considered the case and dismissed the charges. This is a matter of fact on which we don't comment. The Magistrate is known to be fair and reasonable. We recognise that the issue

had not helped raise the level of confidence in the security forces in the area but I do believe that the atmosphere there has improved since. I consider it was not a happy incident but one that should now be put behind us.

Tanaiste: The outcome of the recent trial in Coalisland of the six member of the Parachute Regiment is an ambiguous and unsatisfactory one. While the Magistrate dismissed the charges, essentially, I understand, because he could not identify individual culprits, he was unhappy with the result as was shown by his reported remarks and his decision to order five of the defendants to be bound over for two years. The outcome of the trial has been a negative public reaction and this will undoubtedly have a negative affect on Nationalist perceptions of the accountability of the security forces and indeed has already had a electoral impact. This is doubly unfortunate in Coalisland where some progress in the area has been achieved since the departure of the paras. I would be grateful if you could tell me what disciplinary action will be taken by the Army regarding these soldiers. I think we can possibly leave it at that though you will not be surprised if I also point to the case as further confirmation of our view that the Parachute Regiment, by virtue of its training and ethos, is unsuitable for deployment in Northern Ireland and particularly in areas such as Coalisland.

Mr. Mates: There are two views of the Parachute Regiment. I should explain that it is made up of three battalions. One of these battalions, Two Para, has been in Northern Ireland for almost two years and is stationed at Palace Barracks. Not a single incident of infringement of the law has been reported in respect of this battalion. Can I also state that the battalion sent to Coalisland was one which was sent over at relatively short notice so that it was not possible to give the soldiers the normal preparatory training which is given to soldiers coming here. The two extra battalions which were introduced last year will make it possible in future for all battalions coming here to receive that preparatory training.

Mr. Mayhew: Can I endorse what Michael has said regarding the Parachute Regiment ? Two Para has been in Northern Ireland

for two years. There have been no complaints about it. It is working hard within the community. Can I say that members of the Parachute Regiment are good soldiers and by good I mean disciplined soldiers. Can I add that I am convinced that there is no justification whatsoever for suggesting that the training and ethos of the Parachute Regiment renders its members unsuitable for service in Northern Ireland. Can I add that the battalion responsible for Coalisland will not be back before October 1995 at the latest. (Mr. Mates "At the earliest").

Tanaiste: I agree with you that discipline is most important with regard to soldiers.

Mr. Mayhew: May I just add that the Irish Guards have just completed a tour in Co. Fermanagh. They have received very few complaints for the time that they have been there and have in fact been receiving rave reviews both from the civilian reps and from the police regarding their behaviour there. Can I mention also that with regard to this regiment I recently received a letter praising this regiment and the good relations it has with the community from a person whom I would term a regular complainer in other circumstances.

(h) Extradition

Tanaiste: I am getting very conscious of time so perhaps we should seek to move on at speed.

Mrs. Geoghegan-Quinn: I indicated at the last Conference that the preparation of early legislation was a priority for the Government. Since then I am happy to be able to report that the draft legislation has been completed and I have most recently circulated it among my colleagues for any observations they might wish to make. I will shortly be taking the matter to Government. Our expectation is, depending on the Government decision, that the legislation will be in place before the end of the current session. Obviously I can't give any details of what will be in the legislation because that would be interfering with the prerogatives of the Government and of the Dail. With regard

to the request for another meeting of Working Group II I feel that the Group can meet as soon as the Government has finished with its deliberations on the issue.

Mr. Mayhew: Thank you, I am very grateful for that news. I understand perfectly the point of parliamentary privilege that is involved. At the heart of our concerns, as of yours, are certain aspects relating to the concept of political offence exceptions. I am very pleased to hear what you said. I hope that our side will be able to see the draft legislation as soon as possible and that it will clarify the already existing law where there are grey areas.

Can I hope also that the question of bail might be revisited. I understand that there are constitutional implications, of course, but nevertheless would like to say that we were pleased about Quinlivan, but there was a certain unhappiness over the decisions regarding Fusco and Magee.

Mrs. Geoghegan-Quinn: Can I just ask you, with regard to the speciality legislation which is currently going through Parliament, whether this could be delayed in view of the decision last week to alter the legislation governing fines on a points system.

Mr. Mayhew: Well my understanding is the speciality legislation has gone through the Lords and is now back in the Commons. As the Home Secretary's proposals on fines are popular I wouldn't anticipate that there will be delay! No.

Mrs. Geoghegan-Quinn: Now could I ask the Garda Commissioner to give you some details of the most recent find of arms and explosives by our Gardai.

Mr. Culligan: Well the Gardai have found a considerable amount of material in Manorcunningham, Co. Donegal, including two Mark-15 launch tubes with mortar shells. There were also all the accoutrements of a bomb making factory (detonators, beer barrels etc. as well as the other ancillary working materials needed to manufacture bombs).

Mr. Mayhew: Can I say how pleased we are to get this information (Mr. Mates, Here, here). Have any arrests being made ?

Mr. Culligan: Yes, one but he is not a known name.

BILL OF RIGHTS

Mr. Spring: Can we turn now to the question of a Bill of Rights ? I think that in view of the pressure on time we should simply agree to defer consideration of this until another time. The next item on the Agenda is the Review of the Conference. Again I think we will just agree to take note of the document prepared in the Secretariat. This brings me then to Agenda item 6 which is the date of the next Conference.

DATE OF NEXT CONFERENCE

Mr. Mayhew: Well, on the assumption that it would have been possible to get to talks quickly we had wanted to have a Conference in the first half of June. Now, of course, the situation has changed somewhat.

Tanaiste: Could we say sometime in the second half of June and leave the matter to officials ?

Mr. O hUiginn: I think Tanaiste, you will have a real problem with the second half of June. May be we could suggest the first week of July.

Tanaiste: Well let's leave it to officials to agree on a mutually suitable date. However if necessary we can agree to hold a Conference on an earlier date.

Mr. Mayhew: All right.

COMMUNIQUE

Some brief discussion regarding the text of the draft Communique then ensued, with minor amendments agreed.

BROADCASTING

Tanaiste: Secretary of State, just before we adjourn could I just mention Broadcasting. It appears that we are awaiting technical reports from experts in the matter and the matter will be discussed at a later date.

Mr. Mayhew: Yes, that's right.

Tanaiste: Well, I would like to thank you very much and we'll now adjourn the meeting.

Mr. Mayhew: I think it's very important that we keep in touch with each other on matters as they develop.