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AN RÚNAÍOCHT ANGLA-ÉIREANNACH

BÉAL FEIRISTE

ANGLO-IRISH SECRETARIAT

BELFAST

3

Confidential

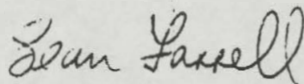
4 November, 1993

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

Dear Assistant Secretary,

I enclose a draft note of the Meeting of the Anglo-Irish
Conference which met in Belfast on 3 November, 1993.

Yours sincerely,



Sean Farrell

MEETING OF THE ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE
BELFAST, 3 NOVEMBER, 1993

Introduction

The 49th regular meeting of the Anglo-Irish Intergovernmental Conference was held in Belfast on 3 November 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., T.D., Mr. Noel Dorr, Mr. Tim Dalton, Mr. Sean O Buiginn, Mr. Caoimhin O Buiginn, Mr. David Donoghue, Mr. Pat Hennessy, Mr. Fergus Finlay, and, from the Secretariat, Mr. Declan O'Donovan, Mr. Sean Farrell and Mr. Michael Mallett.

On the British side, the Conference was attended by the Secretary of State for Northern Ireland, Sir Patrick Mayhew M.P., Minister of State Sir John Wheeler MP, Parliamentary Under-Secretary of State, Michael Ancram MP, Mr. John Chilcot, Mr. David Fell, Mr. Michael Legge, Mr. Quentin Thomas, Mr. Graham Archer, Mr. Jonathan Stevens, and, from the Secretariat, Mr. Martin Williams, Ms. Christine Collins, Mr. David Kyle and Mr. Clive Barbour.

Also present for discussion of security matters were Mr. Patrick Culligan, Commissioner, Garda Síochána and Mr. Hugh Annesley, Chief Constable of the RUC, accompanied by C.S. Sillary.

The Conference began at 9.45 a.m. with tete-a-tete which was followed by a Restricted Political Session from 10.15 a.m. to 11.10 a.m. and a Restricted Security Session (recorded separately) from 11.15 a.m. to 12.15 a.m. The Plenary Session ran from 12.20 p.m. to 13.25 p.m.

Items 1, 3 and 4 were dealt with in the Restricted Sessions.

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Meeting of the Anglo-Irish Conference
Belfast, 3 November, 1993

Agenda

- 09.15 Arrive at Aldergrove Airport
(bulk of party to transfer by helicopter)
- 09.45 Arrive Stormont Castle (photocall)
- 10.00 Tête-a-tête
- 10.30 Restricted Security Session
- 11.15 Plenary
1. Security Situation
 2. Confidence Issues
 - (a) Cross-Border Roads
 - (b) Accompaniment
 - (c) Allegations of harassment
 - (d) Lethal Force/Inquests
 - (e) Review of Marching Season
 3. Treatment of Fugitive Offenders (extradition /speciality)
 4. Political Matters
 - (a) Recent Developments
 - (b) Report of the Liaison Group
 - (c) Prospects for Political Talks
 5. Social and Economic Matters
 - (a) Broadcasting
 - (b) Disadvantaged Areas in general (inc MBW and Springvale Campus)
 - (d) International Fund for Ireland: EC funding
 6. Date of Next Conference
 7. Any other business
 - (a) Review of work of Conference
 - (b) Ballinamore-Ballyconnell Canal
- 13.15 Press Conferences
- 13.45 Lunch
- 14.45 Departure

(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.)

Report on Plenary Session

Mr. Mayhew: Well Tanaiste and Minister, may I now formally welcome you to the Plenary Session of this Conference. We have already had a number of special sessions. I would just like to say that it is a pleasure to see the two of you and all your other officials here again. To the officials I have to say that I am sorry that we have kept you waiting for such a long time. | Might I say that we have had particularly fruitful discussions in our preliminary meetings earlier this morning. Much of this has covered items which are scheduled for discussion also in Plenary. Since we have a long Agenda to get through we ought, therefore, to get into Plenary as soon as possible. I wonder, Tanaiste, whether in view of the discussions we have had earlier you might wish to indicate the depth and the scope of the discussions which you would wish to have on those items on security and on political developments which we have already covered.

Tanaiste: I'd like to thank you very much for your welcome and to say that I would be very glad to deal with the matter you just mentioned. We can leave the security situation since we've had a broad discussion on that. We have also had a detailed discussion on political matters and have done our work on those particular items as well and as fully as we could so I suggest that there is no need to discuss them again here.

Mr. Mayhew: I agree with what you say, Tanaiste, but perhaps that attitude might feel a little diffident from the point of view of the ranks of Tuscany here! Perhaps they would like to hear what we have been discussing so should we cover essentially the same ground again ?

Tanaiste: Since we are under time pressure perhaps it is not necessary on this occasion.

Mr. Mayhew: Thank you very much Tanaiste. Then I think the next item to which we should go on to is Cross-Border Roads.

CROSS-BORDER ROADS

Mr. Mayhew: Now, the position as I understand it is that an agreed report has become recently available, but only very recently, following lengthy discussions between the PPRU policy unit on our side and your Economic and Social Research Institute. Very valuable work has been done and the issues have been addressed in some detail and they are issues of some complexity. My suggestion, Tanaiste, is that this report should in the first instance be looked at by officials and then should be dealt with substantively at our next meeting.

Tanaiste: I agree that very valuable work has been done on the scoping report by the researchers on both sides. I agree with you that the issues should first of all be looked at by officials. May I say that I hope that the subject is ready for the next meeting and that we can go into it in some depth. I would add that the subject is one of concern to our side and that it is raised with us quite frequently. There is no doubt that the problems associated with closed Border Roads remain of concern to those affected.

ACCOMPANIMENT

Mr. Mayhew: Now we turn to accompaniment. Here I would like to ask Sir John Wheeler to say something.

Mr. Wheeler: During the six month period from October 1992 to March 1993, the overall level of accompaniment achieved rose from 65% to 70.5%. This represents the highest overall percentage figure for accompaniment since statistics were commenced in April 1990. Both BMS and the security forces remain very firmly committed to the principle of accompaniment. There has been no retreat from the commitment given to this in the Joint Communiqué that was published with the Agreement in 1985. This commitment is confirmed by the latest figures and by the high level of accompaniment, despite increases in terrorist violence since 1985, which has led to

increased patrolling. We will continue to strive to improve the figures.

Tánaiste: Thank you for that Sir John. The issue of accompaniment continues to be a matter of importance to our side. Certainly we have noted the improvement from 65% to 71% in the most recent set of figures you handed to us and may I say I hope that this improvement will continue. However, the problem of unaccompanied patrols continues. Can I repeat what we have said many times in the past, that what we want to do is to help to build up confidence in the security forces among the local population. That way we will achieve better security, which is, after all, what we all want. I recognise that there are continuing operational requirements which make the problem more difficult but can I repeat that it is our hope that the figures will continue to show an improvement until we get this item off the agenda. Can I add that, as with Border Roads, this is a subject that is continually raised in the Dail and also in the British-Irish Parliamentary tier and, for example, I have had three PQs on the issue within the last month.

Mr. Wheeler: Thank you Tánaiste. I am grateful for those remarks. Can I repeat that we are moving in the right direction and our aim is to continue to do so, subject only to public safety needs and operational difficulties (e.g. personnel).

Mr. Mayhew: Could I add a footnote to what has been said on this issue. Of course I look forward to the day to come when the only patrols are those by the RUC. But could I say as a footnote that, when I visited Greysteel after that appalling tragedy, I had, volunteered to me, compliments regarding the RIR and praise for the RIR in contrast to its predecessor, the UDR.

HARASSMENT

Mr. Mayhew: Again can I ask Sir John to take this.

Mr. Wheeler: I will be brief. The paper entitled harassment which was handed over by the Irish side in July of this year has now been studied by our officials and a response has been made in writing. I understand that it has been agreed between officials that a meeting would be held at official level to discuss the issue late in November.

Tanaiste: Certainly we have received your paper in response to ours. As we said in our paper, there are significant variations in harassment between areas and also in the approach of individual units, which can vary. This is obviously why we suggested it would be useful to examine the nature and scope of the problem in particular areas, to study the causes of these variations and, if we can, to identify practical ways and means as to how an improvement can come about. Obviously the next step now is for officials to discuss the issue and then return back to us. I see this issue as a particularly useful aspect of the Conference's work and again, consider it would be most helpful if we could minimise the differences between us.

Before we move on could I raise one particular case to which we have previously drawn your attention. This is the case of Kevin Boylan, who claimed he has received death threats from the RIR. Seamus Mallon raised the case with us in August and it would be interesting to hear from your side if there has been any progress in the matter.

Mr. Mayhew: Could I ask the Chief Constable to say something on that.

Chief Constable: All I can say at the moment, Tanaiste, is that the matter is still under investigation.

Mr. Mayhew: I am well aware of the case of Mr. Boylan.

Tanaiste: We will refer back to this again.

LETHAL FORCE

Mr. Mayhew: Now we come to Lethal Force. The position is that the interdepartmental working group on the use of force by the security forces is to meet early next month for initial discussions on three detailed review papers which have been produced and which cover all aspects of the law and practice governing the use of Lethal Force. The message is, therefore, that we are pressing on with the matter. It is however a matter of an exceptionally difficult nature. Can I assure you, Tanaiste, that we well understand your concerns in this area and are striving to expedite matters.

Tanaiste: Thank you. I must say I had been hoping for some definite indications as to how the work of the group was proceeding. I was told some months ago that we could share an account of the group's preliminary findings by the end of the summer. I am disappointed that the matter appears to be travelling slowly. Can I ask you whether there is any timetable for the group to report ?

Mr. Mayhew: The group is pushing on as best they can but is not constrained by a timetable. One problem is that the staff involved are engaged in other duties also. We would like to have progressed by now but can I assure you, Tanaiste, that there is no dragging of feet on our side and that we understand and sympathise with you in the matter.

Tanaiste: You will appreciate our concern at the apparent lack of progress in this area, which is a sensitive one and which has been on our Agenda for some time.

Mr. Mayhew: Now we come to the Marching Season do we not ?

Mr. Wheeler: You have omitted Inquests.

INQUESTS

Mr. Mayhew: So I have. I must apologise.

Tanaiste: My understanding is that the Lord Chancellor is due to report to you on his review of inquest procedures.

Mr. Mayhew: Yes, sorry, it is the Lord Chancellor's job.

Tanaiste: My hope is that when his report appears we can discuss it.

Mr. Mayhew: Yes. We have not yet received the Lord Chancellor's review. I must make a note to find out where he's got to. We have received your paper.

REVIEW OF THE MARCHING SEASON

Mr. Mayhew: And so we come to a review of the Marching season.

[Tanaiste: We are half way between two Marching seasons !]

Mr. Mayhew: Can I ask the Chief Constable to report.

Chief Constable: Thank you Secretary of State. This year there were 2382 legal parades, no illegal parades, only 8 re-routes, only 3 cases where other conditions were imposed on the march and no bans. Only one march featured disorder. That was in Belfast and the incident was quite significant. A bomb was thrown and certain consequences followed as a result. We arrested the main trouble-makers. The incident led to a tense situation in Belfast but I felt we were making a statement. I take some solace from the fact that this year the RUC was criticised by all sides.

Could I add that there were also some significant Sinn Fein marches, including one to Belfast City centre. Sinn Fein had long been refused permission to march to the City centre but this year we saw no reason to maintain that ban and the march went ahead without trouble. Indeed, one burly Sinn Fein member kept asking an RUC officer as they got nearer and nearer the centre when were the RUC going to stop them ! We did refuse permission to Sinn Fein to march on another occasion to the centre of Cookstown, which was further than

they had marched before. My reasons for refusing permission for that march to proceed any further was that Martin McGuinness, who had just featured in the Cooke Report, was to lead the march and also that there had been trouble after a GAA match the previous week.

I think that an amalgamation of those incidents and figures will have shown what our policy is. I attribute this year's success to three factors:

- (a) the marchers were policed by RUC officers;
- (b) nothing was hyped by the media; and
- (c) there was give and take both by the police and the local people which prevented ugly incidents developing.

It was also possible this year for the RUC not to wear riot gear when policing a number of marches. I continue to consider the incremental approach to controlling marches is best, even though I regret the manpower (and womanpower) which it is necessary to deploy to enforce that policy.

Tanaiste: Thank you very much for that Sir Patrick. Our assessment here is that the 1993 Marching season passed off satisfactorily. As I have said before we understand the dilemmas and challenges facing the RUC in a difficult policing situation. I was glad to see that the highly contentious mini-Twelfth march along the Lower Ormeau was re-routed and I noted that most of the Unionist community appeared to accept this with equanimity. We know there are sensitivities involved. We are also aware that, where the demographics of an area have changed, this gives a whole new focus to whether a parade is welcome or not and we continue to believe that parades should not take place along routes where they are not welcome. Finally could I flag a particular flashpoint of concern which involves parades along Duncairn Gardens. I hope this will be looked at with a view to possible re-routing. I feel that with sensitivity and cooperation, difficulties with regard to marching can be avoided.

Mr. Mayhew: Could I add another footnote here and its with regard to the march of the mini-twelfth, which caused problems in Castleward, at which the incident the Chief Constable referred to occurred. I was on my way to the Opera when I was asked for comments. I haven't been to the Opera since. (Laughter). I've learned not to make comments on the way to the Opera.

Tánaiste: I heard about that.

BROADCASTING

Mr. Mayhew: I think that concludes matters on the security front so I think the security people can leave us at this point. We appear to be now down to Broadcasting, do we not? I would like to ask Michael Ancram to take this one.

Mr. Ancram: Thank you. We agreed to pass the matter to officials for examination with regard to the technical issues involved. These are quite complex. I understand that officials are proceeding with their examination of all aspects of the matter. I understand there is to be another meeting next week and I hope we will be able to hear a full report by the next meeting.

Tánaiste: I am very glad to hear of this. As you know we feel the issue is one which has a direct bearing on the political and cultural identity of the minority in Northern Ireland. I feel that improvements in the reception of RTE would be a most useful development. More access to T.V. is better for everyone, enabling other points of view to be heard. We can share a lot. I'd like to think we can make progress on this.

Mr. Ancram: Yes. As I said, I understand that various issues of a highly technical nature are involved and my information is that various approaches to the problem are being considered by officials. Some solutions are less difficult than others.

Tánaiste: I hope that we can be in a position to examine a paper setting out the various options at our next meeting.

DISADVANTAGED AREAS

Mr. Mayhew: Now we turn to disadvantaged areas. I wonder, Tanaiste, whether you would like to make some points on this or whether you would like us to set out briefly our approach.

Tanaiste: I'd be very interested in hearing what you have to say on the subject.

Mr. Mayhew: I would like to state that the problem of disadvantaged areas is one which is very high in our order of priorities in public spending. Disadvantage can affect the morale of a community and influence potential support for paramilitaries. Indeed, I am very much criticised in Protestant circles for not acknowledging that disadvantage is to be found also in Protestant areas. I have no doubt that more disadvantage is to be found in Catholic areas, but it is also found in Protestant areas.

Making Belfast Work is the umbrella for much of what we do in this regard. We think that it is a very good programme, which has been a substantial success. I am afraid I cannot give an estimate of the amount which will be available for MBW for next year. I can only give you a commitment that it will have a high priority but I don't know how much can be allocated until the final out-turn of the financial survey. This year will be an absolute stinker in terms of financial constraints. We are running a budget deficit of £1bn per week and something has to be done about it. I am afraid I am going to get it in the neck this year because the basis of the block will be that of comparability. While previously this worked in our favour, this year it looks as if it will work against us, since it will be calculated on a head count rather than on the basis of need. This looks like giving us a pretty rough time. However, I want to continue to see these areas addressed and I will continue to the best of my ability to strive to get as much as possible for Northern Ireland.

I know you want to say something about the proposal of the UU to establish a campus in Springvale in West Belfast. The beauty of the proposal is that it would be-stride the dividing

line, provide access for both communities and would help the local economy. However, I must make the point that the story broke prematurely and that the proposal emanated from the University. It is, at this stage, much too early to give a firm comment though, I know, for example, that Michael Ancram and his officials are very excited about the proposal. We need to see if money for it is available. It will have to come from other educational areas each of which have their own priorities. Proposals are being worked up at the moment.

Tánaiste: Thank you for that Sir Patrick. With regard to Making Belfast Work, we consider this to be a very important project and hope that the programme will be continued. We regard the Springvale proposal as an exciting and imaginative one which addresses the educational needs of sections of both communities and which would also contribute greatly to the economic regeneration of both West and North Belfast. We are glad that the proposal appears to have attracted support from various quarters. I am confident also that you and Michael Ancram will be able to secure the necessary funds for the project to go ahead without doing so at the expense of other measures aimed at assisting the disadvantaged.

Mr. Mayhew: Perhaps you can give us some of your cheques (Laughter).

Tánaiste: I wish you well on securing the necessary funds! On Targeting Social Need, can I enquire what is the position with regard to the paper which Minister Atkins told us was in preparation.

Mr. Mayhew: After 18 months in my job here I now appreciate the value of the various programmes under this scheme and of the social issues addressed and I would like to express the wish that they won't suffer. Quite small groups are doing much good work with small amounts of money, but there are a lot of them! We are, however, very much up against uncertainty arising from the public expenditure survey.

Tánaiste: Yes. A lot can be done at the coal face for relatively small amounts of money. I note what you say, that

there is a difficulty in securing sufficient funds to continue expenditure but I hope a satisfactory solution can be reached.

Mr. Mayhew: Lady Mayhew is much involved in this field.

INTERNATIONAL FUND FOR IRELAND

Mr. Mayhew: Now we turn to the International Fund for Ireland. Can I say that, in a word, we are for it. (Laughter). Could I ask you, Tanaiste, for your views on how we can proceed with the matter of securing additional funding from the EC after the current allocation expires.

Tanaiste: With regard to the Fund we are doubly for it ! (Laughter). It has impacted on both communities up here, particularly in areas which have suffered most from the strife, deprivation and destruction of two decades. We consider that it is important that the Fund continue and we should be looking to where we can go forward together with regard to securing future commitments. While it is obviously very important that we continue to secure US funds, it is timely that we make a joint approach to Europe for the continuation of EC funding. This is important from both a practical and political point of view. A possible way of proceeding would be the sending of joint letters to President Delors by me and the Foreign Secretary, expressing the strong support of the two Governments for continued EC funding and with the two Permanent Representatives following up.

Mr. Mayhew: I agree with that. I remember discussing the Fund with President Delors when he was here several months ago and when he was particularly perceptive of the need to assist the situation. I agree that we should make a joint approach. I do think that would be very sensible, not at once but certainly early in the next budgetary cycle. I very much endorse your views on the valuable work done by the Fund (I don't know how the Chairman manages to do so much and run "Fruit of the Loom" as well). The EC component remains very valuable.

Tanaiste: We might also give some consideration to approaching other EC member States with a view, to advising them of our desire that the EC make a further contribution to the Fund.

Mr. Mayhew: That is worth considering. I understand that 1994 is the last year for which EC funding is guaranteed at present. Everyone has budgetary problems.

Tanaiste: I understand that the Chairman of the Fund is willing to travel to Brussels at the right time to put the Fund's case for continued contributions. I feel we should encourage him in this.

Mr. Mayhew: Yes, but I am warned that both the Treasury and the Permanent Representative see problems ahead.

SHANNON ERNE WATERWAY

Mr. Mayhew: Now we come to the date of the next Conference ?

Tanaiste: No, we still have the Shannon-Erne waterway. This is a flagship project and one we want to get right. The problem between us concerns the nature of the body to manage the project.

Mr. Mayhew: I agree entirely regarding the project's importance. However, with regard to the management structure, which is the point at issue, on our side we don't think that it warrants the setting up of a company, which we believe would be unnecessarily expensive. There is need for necessary control but we consider that the job can be done adequately and in a less expensive way by a joint committee. We are not aware of any function that a company could do which a committee cannot. Naturally, therefore, we don't want to spend extra money at this time.

Tanaiste: This is a very important project. We have both committed ourselves to this flagship process involving spending large amounts of money and I feel that it is very important that we get it right. Its clearly of the highest

importance that this joint asset should be protected and developed to its full potential. We need to make it into a major tourist attraction. We feel therefore that there is a need for a continuous "hands on" approach, particularly at the beginning. We feel the first year will be critical. Hence we concluded that a joint company would be the ideal solution. We consider also that there should be early agreement on the appointment of a Chief Executive. We need one as soon as possible with skills to market and to manage the project. We think it important that the launching and promotion of the waterway be handled properly. Perhaps we might ask our officials to look at the costings involved in the two options and also to look at the terms of reference of the Chief Executive ?

Mr. Wheeler: Our position is based on the fact that we think that a joint company would cost a lot of money to launch and that, in the nature of things, its sphere of operation would expand. We want to get on with it. We feel that the necessary coordination and strategic guidance can be provided in a cost effective way by a joint coordinating committee including all the relevant agencies and the three local Councils. We believe we should press forward urgently on the establishment of the new body so that it can give maximum support to the Marketing Manager.

Tanaiste: There is another point I'd like to add and that is that I consider it absolutely vital that an early agreement be secured so that there is no conflict between us as the opening date approaches. I suggest therefore that we get officials to look urgently at (a) the appointment and functions of the Chief Executive and (b) the type of management structure to be preferred. It may be clear from the role of the Chief Executive what should be the structure of the body to which he/she would be answerable.

Mr. Mayhew: We share your wish to see this project work efficiently. However, we don't wish to create another quango or indeed anything more elaborate than is necessary for the success of the project. It seems to me that there is only a

very small issue involved before we can reach agreement at official level.

Tanaiste: Do you think that if we can't solve it then officials will? I repeat that I consider that we must resolve any issues between us well in advance of the opening.

Mr. Mayhew: We must solve it - indeed I understand that I have a ship in Lough Erne which I didn't know about. May we leave it like that?

Tanaiste: We must resolve it in the future. Let's refer it back to officials.

DATE OF THE NEXT CONFERENCE

Tanaiste: I think we must bear in mind the forthcoming Summit when we are considering the date for the next Conference. I would not envisage the necessity to have anything before 3 December but it may be necessary to hold an informal meeting after that, perhaps just you and I, rather than a full Conference.

Mr. Mayhew: I agree we don't need one before 3 December.

Tanaiste: If anything emerges from the Summit then we could find a date in mid-December. Let's keep a date in mid-December in reserve and then decide on whether it is an informal meeting or a Conference.

Mr. Mayhew: Should we leave this to officials to work out? I think it unlikely that we shall have anything before early January.

ANY OTHER BUSINESS

Mr. O'Donovan: Could I mention that there is one other item on the Agenda and that concerns the future programme of work of the Conference. Under this item Ministers might wish to charge the Secretariat to look ahead, say, for the next six

months to examine what sort of subjects they would wish to address (the Conference agreed).

Mr. Williams: Might I ask what is the position concerning Arts and Culture? Should we schedule it for the next Conference? We have already been obliged to remove it from the Agenda twice.

Tanaiste: Perhaps there could be a bilateral meeting between the Ministers concerned.

Mr. O'Donovan: A lot of work has been done in preparing the joint report and it is desirable that Ministers take it up as soon as possible. If the present fraught circumstances continue, we may have to drop it again which would be unfortunate. It might be best, therefore, if there was a meeting of the Ministers on the understanding that a report on the meeting would go back to a future Conference.

Tanaiste: Before I come to the Communique I understand that this is Christine Collins' last Conference and I'd like to express our thanks for the valuable work she has done.
(Further compliments followed).

COMMUNIQUE

Discussion then turned to the Communique. A number of amendments were made by Ministers to the draft presented by the Joint Secretaries. Of particular note was the discussion with regard to allegations of harassment, which the British side wished to replace (on the grounds of sensitivity to the security forces at the present time) with a call for trust in the security forces. It was agreed eventually that the Communique should include a separate reference to the importance that both Governments attached to relations between the security forces and the community. Ministers also agreed, at the request of the British side, to include a phrase in the paragraph on disadvantaged areas to the effect that these were

to be found on both sides of the community. Finally, the paragraph on Fugitive Offenders was amended to include the reference to the current Daily session.

The Plenary session then adjourned at 1.25p.m.