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ME/508/87/SW

cc PS/Secretary of State (L&B) BLIS
PS/Mr Stanley L&B) BLIS
1. PS/Sir Kenneth Bloomfield BLIS
Mr Stephens BLIS 18/8 AC2.
Mr Burns BLIS
Mr Chesterton BLIS
Mr Innes BLIS
Mr Spence BLIS
Mr Steele BLIS
Mr Bell BLIS
Mr Hewitt BLIS
Mr Kirk BLIS
Mr Wood BLIS
Principal Secretariat
Mr George, RID, FCO fax
HM Ambassador, Dublin fax

PS/PUS (L&B)

2. ~~18/8~~ folder.

INTERGOVERNMENTAL CONFERENCE, 21 OCTOBER 1987

I now submit the joint record of the last full meeting of the Conference, as agreed between the two sides of the Secretariat.

2. I apologise for the unconscionable delay; the Irish Department of Justice sat on our draft for weeks before agreeing to all that we asked of them.

[signed M ELLIOTT]

18 November 1987

508/SW

CONFIDENTIAL

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ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE

JOINT RECORD OF MEETING HELD ON 21 OCTOBER 1987

IN STORMONT CASTLE, BELFAST

| <u>Participants</u> | <u>British side</u> | <u>Irish side</u> |
|---------------------|---|--|
| Joint Chairmen | Mr King | Mr Lenihan |
| Ministerial | Mr Stanley | Mr Collins |
| Officials | Sir Robert Andrew Sir Kenneth Bloomfield Mr Stephens Mr Burns Mr Fenn | Mr Dorr Mr Mathews Mr Gallagher Mr Brosnan Mr O'Donovan Miss O'Hanrahan |
| Secretariat | Mr Elliott Mr Hewitt Miss Steele | Mr O hUiginn Mr Collins Mr Ryan |

Cross-Border Co-operation on Security Matters

1. Security issues were discussed at a private meeting between Ministers (attended for part of the time by the Chief Constable of

CONFIDENTIAL

the RUC, the Commissioner of the Garda Siochana, Mr Stephens and Mr Mathews). Areas covered included the joint threat assessment; home-made explosives; radio communication between British Army units and the Irish security forces; and the interviewing by the RUC of terrorist suspects held in Garda custody.

2. Both at the private meeting and subsequently at the full Conference meeting, there was an exchange of views about the extent of racketeering and other organised crime and its significance as a source of funds for terrorist groups. It was agreed that the cross-border aspects of this problem should be considered further by a joint group or groups of officials.

Legal Matters including the Administration of Justice

3. The Conference noted the reports submitted by the two legal working groups.

4. The British side repeated their commitment, as enshrined in the Agreement, to the search for measures which would enhance public confidence in the administration of justice in Northern Ireland. Although they had not been able to agree to the introduction of three-judge courts, they believed that significant progress had been achieved in other areas, related directly or indirectly to public confidence, partly as a result of the passage of the Emergency Provisions Act 1987. An informal note summarising these areas was handed over. The British Government would be willing to consider any other proposals on their intrinsic merits. However they doubted whether the minority community in Northern Ireland attached particular importance to three-judge courts, in the light of a number of recent indications to the contrary. The better direction to move was towards a gradual increase in the proportion of cases "certified out" for trial by jury.

5. The Irish side said that both sides were now familiar with the arguments put forward for 3-judge courts. This issue was an aspect

of the wider problem of the administration of justice which was in the forefront of the perceptions of the nationalist community and the Irish public generally. The changes made to date were perceived to be inadequate; this was a major political fact. Time and effort would be required to change this situation. The Irish side recalled an informal proposal by the British side to establish a top-level committee of jurists to report within a matter of months on the non-jury courts in both jurisdictions and to provide a factual basis for further discussion. The British side confirmed that they had put forward a suggestion of this kind and expressed the view that such a study, if it took place, should be undertaken as part of the continuing process of monitoring the administration of justice and not directly related in any way to progress on the extradition question. It was agreed that the proposal be examined further by each side separately and discussed again at the next Conference meeting.

Relations between the Security Forces and the Community

6. The British side confirmed that the new code of conduct was currently being circulated to members of the RUC. The Irish side urged the importance of early publication of the code and stressed their desire to be given a copy officially as soon as possible.

7. The Irish side said that they had been receiving an increasing number of complaints from the minority community about UDR patrols unaccompanied by a member of the RUC. This was an important issue for nationalists, the extent of whose concern was not adequately demonstrated by the procedure for registering individual complaints. They stressed the importance of demonstrable progress in this area and asked for a return to the system of producing statistics to enable a more accurate assessment of the implementation of the accompaniment policy to be made. The British side explained the difficulties of producing statistics, and the problems caused by other important demands on limited RUC resources. They repeated that the policy was for all Army patrols in sensitive areas liable to come into contact with the public to be accompanied

CONFIDENTIAL

and that this policy would be implemented to the fullest extent that resources permitted. They still believed that the registration of individual complaints was a better method of assessing progress. However they were prepared to reconsider the statistical approach.

8. The Irish side asked about the Stalker/Sampson enquiry into the RUC. The British side said that the papers were still with the Director of Public Prosecutions, but a statement on the "public interest" aspects could be expected soon.

Prisons Policy

9. The Irish side referred to their concerns about prison issues, in particular the situation at Magilligan, and also the extent and method of strip-searching. They stressed the importance of humane and sensitive treatment of these issues while acknowledging that some strip-searching remained unavoidable as reliable technical alternatives were not yet available. The British side said that they were aware of the sensitivities of these issues, including the campaign for segregation. It was their policy to keep strip-searching to the essential minimum.

Electoral matters

10. The Irish side expressed doubts about the likely practical effects of the proposals contained in the discussion paper "Elected Representatives and the Democratic Process in Northern Ireland". The British side said that they had taken no final decision on this question. The discussion paper was aimed at eliciting views from all interested parties.

Equality of Opportunity in Employment

11. The British side said that they wished to move ahead as quickly as possible with their proposed legislation and that they also hoped to bring employers to observe the standards laid down even before they became statutory. The Irish side reaffirmed the

CONFIDENTIAL

importance which they attached to the early introduction of effective new legislation.

Cross-Border Economic Co-operation

12. The conference noted the report submitted by the Secretariat and endorsed the proposals for the North-West study. It was agreed that a fuller note should be prepared for consideration at the next Conference and subsequent public dissemination. There was also some discussion of the importance of co-operation on tourism.

Public Appointments

13. The British side repeated their interest in receiving from the Irish side the names of suitably qualified candidates for appointments to public bodies, in particular the Police Authority and the new Police Complaints Commission.

Joint Statement

14. A joint statement was agreed and issued after the meeting.