

C O V E R I N G C O N F I D E N T I A L

FROM: DAVID KYLE
18 December 1991

DK/15308/91/HC

UNDER/ 554/12
SEC
18 DEC 1991
CENT SEC

cc PS/Min of State (B&L) B
PS/Mr Hanley (DANI&L) B
PS/PUS (B&L) B
PS/Mr Fell B
Mr Ledlie B
Mr Thomas B
Mr Hodges, DANI
Mr Alston B
Mr A P Wilson B
Mr Bell B
Mr Hamilton *MA* B
Mr Dillon, DANI B
Mr Wood (B&L) B
Mr Dodds
Mr Cooke B
Mr Leach B
Mr D J R Hill B
Mr D A Hill B
Mr Petch B
Mr Rickard B
Ms Lodge B
Dr Rosborough B
Mr Archer, RID B
HMA, Dublin B
Miss Neville-Jones, Cab Office
Mr Griggs, Cab Office
Mr Gowan, Cab Office
Mr Jonathan Powell, Washington
Chief Constable, RUCHQ

PS/SECRETARY OF STATE (L&B) - B

JOINT PLENARY RECORD OF THE INTERGOVERNMENTAL CONFERENCES HELD IN
BELFAST ON 13 SEPTEMBER 1991 IC(91)5

I now attach the final version of the Joint Plenary record of the
Intergovernmental Conference held in Belfast on 13 September 1991.

[Signed]

DAVID KYLE

C O V E R I N G C O N F I D E N T I A L

JOINT RECORD OF THE PLENARY SESSION OF THE
ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE
HELD IN BELFAST ON 13 SEPTEMBER 1991

Present:

British Side

Secretary of State
Lord Belstead
Mr Hanley
PUS
Mr Fell
Mr Thomas
Mr Ledlie
Ambassador Blatherwick
Mr Dillon
Mr Alston
Mr Bell
Mr Dodds
Deputy Chief Constable
Ms Lodge
Mr Maye

In Attendance

Mr Pawson
Mr Archer
Chief Supt Lewis

Irish Side

Minister Collins
Minister Burke
Mr O'Kennedy
Mr Dorr
Mr Brosnan
Mr Mockler
Mr O hUiginn
Garda Commissioner
Mr O'Donovan
Ms Anderson
Mr Dalton
Mr Nason
Mr Crowley
Mr Donoghue

In Attendance

Mr F O'Donnell

POLITICAL TALKS

The Conference noted the discussion in the Restricted Political Session.

CONFIDENCE ISSUES

2. Accompaniment

Following the discussion at the last Conference, the British side agreed that they had in the past provided information on

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unaccompanied patrols to the Irish side in the context of Dail PQs. The British side had decided to alter this practice in November 1990 when handing over the first set of accompaniment statistics. They remained ready to investigate any allegations of unaccompanied patrols, but only where there were associated allegations of misconduct on the part of the patrol.

3. The Irish side said that this change would lead to criticism in the Dail that a very important commitment under the Agreement was being ignored. The Irish side requested that the decision be reconsidered, given the limited number of PQ-related queries in the past and that the possibility be examined of making more information available to the public on overall rates of accompaniment.

4. The British side offered to brief the Dail member concerned directly or to provide a letter of explanation of the change in practice for communication to members of the Dail.

5. However the Irish side said that this would not adequately address the situation.

6. It was, therefore, agreed that the matter be taken forward in the Secretariat and discussed again at a future Conference.

7. Merger of UDR and RIR

The British side reported that details of the merger which would take effect in July 1992, were still being worked out. The merger of 4 and 6 battalions UDR and 2 and 11 battalions UDR would be effected in the current year.

8. The Irish side said that the opportunity should be seized to phase out the part-time element within the UDR and to ensure the most extensive possible rotation for all members of the Regiment as in other British Army regiments.

9. The British side said that the part-time element had been

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reducing as an overall percentage of the total complement and that it was intended that the UDR be better trained and closer to the Army as a whole.

10. Use of Lethal Force

The British side stated that the killing of an individual by the security forces was fully and promptly investigated and a report sent to the DPP, who, as in the case of Cullyhanna, could direct further investigations.

11. The Irish side expressed concern at the absence of a clear and binding legal definition of the circumstances in which the use of lethal force was justified, as well as the absence of charges appropriate to the circumstances of the killings as suggested by Lord Colville and by SACHR. An independent element should be introduced into investigation of these incidents and consideration given to removing personnel involved to other duties without prejudice to their position.

12. Allegations of Ill-Treatment

The Irish side expressed concern about the upsurge in allegations of ill-treatment of persons in custody at Castlereagh Holding Centre and in particular about the reports regarding Damien Austin. The Irish side continued to support the introduction of video-taping, the early appointment of an Independent Commissioner to monitor procedures at holding centres and the urgent need for a statutory code of practice under the EPA to cover detention of suspects and their treatment while in custody.

13. The British side said that under Section 61 of the EPA, informal guidance would be turned into a statutory code of practice and an undertaking had been given to appoint an Independent Commissioner. They did not favour the introduction of video taping at holding centres. The British side detailed the circumstances surrounding the arrest of Damien Austin.

14. Crossmaglen

The British side reported that they had concluded that the acquisition of land owned by the GAA beside the Crossmaglen Army base was necessary.

15. The Irish side indicated it would return to the matter.

LOCAL GOVERNMENT

16. The British side stated that preliminary proposals under Local Government Boundary Review had been published in a consultative paper. The Irish side expressed surprise at some of the provisional recommendations, particularly regarding Moyle. The British side indicated that the process was independent of Government and would result in final recommendations to Government in June 1992.

17. The Irish side noted that a meeting had taken place in the Secretariat to discuss the operation of District Councils in Northern Ireland and that a stocktaking paper was awaited from the British side

ECONOMIC AND SOCIAL ISSUES

18. Rural Development

The Conference welcomed the participation of the Ministers for Agriculture and the agreement to co-operate on a wide range of cross-border activities to promote rural development. It was agreed to establish a Joint Steering Committee comprising officials of the Rural Development Divisions of the Departments responsible, supplemented as appropriate by officials from other Departments and Agencies. In response to an understanding proposed by Mr O'Kennedy that the Secretariat would participate in the Steering Group, the British side indicated that they would wish to give further consideration to the matter.

19. Energy

The Conference noted that the final report of the Joint NIE-ESB Review Group on electricity interconnection had issued and was being considered by the respective Boards. The British side proposed that a security review of the previous interconnector be undertaken to determine whether its restoration would be the best option.

20. Gas

The Irish side stated that while the Irish Government had decided to proceed with the gas/pipeline project, for completion in 1993, they remained ready to accommodate a possible spur to supply gas to Northern Ireland.

21. The British side said that it was hoped that a possible outcome of the sale of Ballylumford power station would enable the development of a dual oil and gas burning facility which might make use of such a spur.

22. Inter-Reg

22. The Conference welcomed the European Commission's approval on 25 July of the joint Inter-Reg programme.

23. Hazardous Waste

The Conference noted that Du Pont would proceed with an environmental impact assessment and that both Governments were examining the Du Pont feasibility study.

TOPIC FOR NEXT CONFERENCE

24. It was agreed that Education Co-operation would be discussed at the October Conference.

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DATES OF NEXT CONFERENCE

25. It was agreed to hold the next Conference in London on 17 October and an informal meeting to discuss political development in Dublin in the first week of October.

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