

C O N F I D E N T I A L

PLenary RECORD OF THE INTERGOVERNMENTAL CONFERENCE HELD AT IVEAGH HOUSE, DUBLIN ON 12 MARCH 1997

PRESENT

BRITISH SIDE

SIR PATRICK MAYHEW
MICHAEL ANCRAM
BARONESS DENTON

OFFICIALS

SIR JOHN CHILCOT
SIR DAVID FELL
CHIEF CONSTABLE RONNIE FLANAGAN
MR JOHN STEELE
MR QUENTIN THOMAS
HMA VERONICA SUTHERLAND
MR JONATHON STEPHENS
MR KEN LINDSAY
MR ALAN WHYSALL
MR BRIANT

SECRETARIAT

MR PETER BELL
MR JOHN FISHER

IN ATTENDANCE

CHIEF SUPT GERRY SILLERY

IRISH SIDE

MR DICK SPRING
MRS NORA OWEN
MR ENDA KENNY

OFFICIALS

MR PADRAIC MACKERNAN
MR TIM DALTON
MR SEAN O'HUIGINN
GARDA COMMISSIONER PAT BYRNE
MR DAVID COONEY
MR COLM O FLOINN
MR PAUL HICKEY
MS LINDA O'SHEA FARREN
MR VAL O'DONNELL
MS AGNES AYLWARD

SECRETARIAT

MR DAVID DONOGHUE
MR STEVE MAGNER
MR KIERAN DOWLING

IN ATTENDANCE

MR MAIRTIN O FAININ
MR SHANE O'NEILL
MR OLIVER GROGAN
MR JOE HACKETT

THE CONFERENCE COMMENCED WITH A TETE A TETE OVER LUNCH FOLLOWED BY THE RESTRICTED SECURITY SESSION, RECORDED SEPARATELY. THE PLENARY SESSION COMMENCED WITH POLITICAL MATTERS (ALSO INVOLVING RESTRICTED NUMBERS) AND THEN CONFIDENCE ISSUES. DISCUSSION ON OTHER AGENDA ITEMS PUBLIC APPOINTMENTS, TRADE AND TOURISM AND FISHERIES) FOLLOWED FAIRLY SWIFTLY. THE IGC ENDED WITH SEPARATE PRESS INTERVIEWS.

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POLITICAL MATTERS

1. OPENING DISCUSSION, THE TÁNAISTE RECORDED THE IRISH SIDE'S PERCEPTION THAT THE TALKS "SOFT LANDING" HAD BEEN WELL MANAGED THE PREVIOUS WEEK; CREDIT WAS DUE TO OFFICIALS. THE IRISH SIDE LOOKED FORWARD TO THE RESUMPTION OF NEGOTIATIONS ON 3 JUNE AND RECORDED THE INTENTION TO REPEAT AT EVERY OPPORTUNITY THE NEED FOR ROUND TABLE TALKS BY THE PARTIES. THE IRISH SIDE HAD TAKEN NOTE OF COMMENTS BY THE UNIONISTS ON THE FRAMEWORK DOCUMENT. THE TÁNAISTE IDENTIFIED AS ISSUES FOR DISCUSSION AT THE CONFERENCE THE SUSPENSION OF THE FORUM; THE INTENTIONS OF SINN FÉIN IN RELATION TO THE TALKS; THE STATE OF CONTACTS BETWEEN HMG AND JOHN HUME; AND HMG'S PROPOSALS IN RESPECT OF THE NORTHERN IRELAND GRAND COMMITTEE, ESPECIALLY THE QUORUM OF MEMBERS WHICH WOULD REGULATE ITS PROCEEDINGS.

2. TAKING THE LAST SUBJECT FIRST, THE SECRETARY OF STATE EXPLAINED THAT THE PURPOSE OF THE GRAND COMMITTEE WAS TO ENHANCE ACCOUNTABILITY IN LINE WITH PRESENT ARRANGEMENTS FOR SCOTLAND AND WALES. THE COMMITTEE WOULD NOT HAVE A LEGISLATIVE ROLE BUT PROVIDE A WELCOME OPPORTUNITY FOR MINISTERS TO MAKE STATEMENTS AND TAKE QUESTIONS. AS MICHAEL ANCRAM POINTED OUT, MATTERS TO BE DISCUSSED AT THE COMMITTEE WOULD BE DECIDED BY THE GOVERNMENT AND THE PROPOSALS SIMPLY REPLICATED ARRANGEMENTS FOR SCOTLAND, AND WERE A 'CONTROL EXERCISE'. THE SECRETARY OF STATE SAID THAT IT WAS APPARENT THAT THE SDLP HAD MISUNDERSTOOD WHAT WAS PROPOSED; THERE WAS NO "MALIGN PURPOSE" TO THE PROPOSALS. HE WAS HOWEVER READY TO "TAKE ON BOARD" IRISH SIDE CONCERNS OVER THE QUORUM ARRANGEMENTS FOR THE COMMITTEE AND WHAT MIGHT BE SAID IN THIS RESPECT BY THE SDLP AT THE MEETING SCHEDULED TO BE HELD WITH MR MCGRADY ON 18 MARCH. IF NECESSARY, AMENDMENT COULD BE MADE TO THE MOTION ALREADY DOWN BEFORE THE HOUSE OF COMMONS.

3. AS TO CONTACTS WITH JOHN HUME, THE SECRETARY OF STATE EXPLAINED THAT HE WOULD BE RESPONDING SHORTLY TO QUESTIONS PUT BY HIM, AND WOULD ENSURE THAT THE IRISH SIDE WERE FULLY BRIEFED. IT WAS IN THE INTERESTS OF BOTH SIDES TO MAXIMISE ANY OPPORTUNITY TO SECURE A FURTHER CEASEFIRE.

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ON THE FORUM, THE SECRETARY OF STATE RECALLED HIS LEGAL OBLIGATION TO TAKE OUT OF EFFECT THE PROVISIONS ESTABLISHING IT IF THE TALKS WERE SUSPENDED. AFTER SOME THOUGHT HE HAD CONCLUDED THAT THERE WAS AN UNARGUABLE DISTINCTION BETWEEN ADJOURNMENTS TO TAKE ACCOUNT OF HOLIDAYS AND THE LIKE, AND THAT IN THIS CASE, WHERE THE PERIOD OF ADJOURNMENT WAS 3 MONTHS, AND THERE HAD BEEN A RECOGNITION THAT PROGRESS WAS UNLIKELY FOR THE PRESENT. HE HAD CONSEQUENTLY CONCLUDED THE TALKS WERE SUSPENDED, AND PUT DOWN A DRAFT ORDER SUSPENDING THE FORUM. IT HAD BEEN CONSIDERED BY THE JOINT COMMITTEE ON STATUTORY INSTRUMENTS THE PREVIOUS DAY, AND WOULD BE DEBATED THE FOLLOWING WEEK, TO BE MADE PROBABLY ON THURSDAY 20 MARCH, THOUGH POSSIBLY THE FOLLOWING DAY. HE HAD SAID PUBLICLY THAT A NEW CONSERVATIVE GOVERNMENT WOULD RESTORE THE FORUM AT A DATE AS CLOSE AS POSSIBLE TO 3 JUNE; AND DR MOWLAM HAD SAID SOMETHING SIMILAR IN RESPECT OF A FUTURE LABOUR GOVERNMENT.

5. HE TURNED TO THE SUGGESTIONS EMANATING FROM SOME PARTS OF THE UUP ABOUT A "NEW APPROACH". THESE HAD HAD NO ENCOURAGEMENT FROM HMG; THE GOVERNMENT FIRMLY BELIEVED THAT THE BEST PROSPECTS LAY IN KEEPING THE PARTIES AROUND THE TABLE ON THE BASIS OF THE COMPROMISE SUGGESTED BY MITCHELL. MICHAEL ANCRAM ADDED THAT UNIONISTS HAD TOLD HIM THAT THE APPROACH SET OUT IN THEIR RECENT PAPER WAS INTENDED TO BE COMPLEMENTARY TO THE TALKS; AND IF ANY ISSUES SUGGESTED BY THEM IN FACT CAME WITHIN THE REMIT OF THE STRANDS, THAT WAS WHERE THEY SHOULD BE DEALT WITH. HE DID DETECT A TENDENCY AMONG SOME UNIONISTS TO SEEK AN ESCAPE FROM THE THREE-STRANDED PROCESS; BUT THEY WOULD NOT, HE BELIEVED, SACRIFICE THE TALKS PROCESS IN PURSUIT OF THAT OBJECTIVE.

6. ON THE FRAMEWORK DOCUMENTS, THE SECRETARY OF STATE WAS NOT SURE OF ANY CHANGE IN THE UNIONIST POSITION. THEY WRONGLY TOOK IT TO BE A BLUE PRINT, INTENDED FOR IMPOSITION; WHEREAS IN FACT IT WAS A RESPONSE TO A REQUEST OF A NUMBER OF PARTIES FOR THE GOVERNMENTS TO SET OUT PROPOSALS THAT MIGHT BE WIDELY ACCEPTABLE. HE HAD NEVER UNDERSTOOD THE UNIONIST FRENZY ABOUT THE DOCUMENTS, THOUGH THE TENDENTIOUS LEAKING OF EXTRACTS BEFORE PUBLICATION HAD MUCH TO DO

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WITH IT. MICHAEL ANCRAM ADDED THAT THE TAOISEACH WAS RIGHT TO SUGGEST THAT THE OPPOSITION REVOLVED AROUND THE NAME OF "FRAMEWORKS"; IF SOMETHING LIKE THE SUBSTANCE OF IT WERE AGREED BY THE TALKS PROCESS ITSELF, IT MIGHT WELL BE ACCEPTABLE.

7. THE SECRETARY OF STATE BELIEVED THAT THE KEY TO THE FUTURE OF THE TALKS PROCESS LAY IN PARTICIPANTS DEVELOPING CONFIDENCE. PEOPLE OUTSIDE WISHED TO SEE THEM TALKING; THERE WOULD HAVE BEEN DEEP DISMAY IF THE PROCESS HAD BROKEN UP WITHOUT AN UNDERTAKING TO RESUME. IT WOULD BE IMPORTANT TO ENCOURAGE THE DEVELOPMENT OF SUCH CONFIDENCE.

8. MICHAEL ANCRAM WAS CONCERNED AT CURRENT ALLIANCE ATTITUDES: LORD ALDERDICE HAD SPOKEN PRIVATELY OF THE TALKS AS A DEAD END. IT WOULD BE DANGEROUS, AND LIABLE TO GIVE SUCCOUR TO THE LIKES OF THE UKUP, IF HE SPOKE PUBLICLY IN THAT SENSE. IT WOULD BE IMPORTANT TO TRY TO DIVERT HIM. THE TÁNAISTE, WHILST UNDERSTANDING ALLIANCE FRUSTRATIONS, AGREED IT WOULD BE UNHELPFUL IF LORD ALDERDICE EXPRESSED HIMSELF AGAINST THE TALKS, AND THAT STEPS SHOULD BE TAKEN TO CONVINCE HIM OF THIS. THE SECRETARY OF STATE AGREED.

9. THE SECRETARY OF STATE TURNED TO THE LOYALISTS: THE PUP AND UDP HAD MADE SOME IMPRESSIVE CONTRIBUTIONS IN THE TALKS, AND HE BELIEVED THEM WHOLLY COMMITTED TO DEMOCRATIC AND PEACEFUL METHODS. HMG HAD TRIED TO SUPPORT THEM, WHILST POINTING OUT THE SELF-DEFEATING FOLLY OF LOYALIST RESPONSES TO IRA ACTIONS. THE MONAGHAN BOMB APPEARED FAIRLY CLEARLY THE WORK OF THE UVF: BUT WE SHOULD GO ON USING ALL THE INFLUENCE WE COULD TO PREVENT LOYALIST VIOLENCE. THE TÁNAISTE, AGREEING, SAID THAT THE IRISH MAINTAINED A HIGH LEVEL OF CONTACT WITH THE LOYALIST PARTIES, THOUGH CIRCUMSPECT ABOUT IT PUBLICLY. THE GOVERNMENTS SHOULD DO ALL WE COULD TO KEEP THEM IN THE PROCESS. MRS OWEN WAS HEARTENED THAT THERE HAD BEEN NO SUGGESTION LAST WEEK THAT THEY SHOULD NOT REMAIN IN THE TALKS.

CONFIDENCE ISSUES

10. THE TÁNAISTE NOTED THAT THERE HAD BEEN AN INCREASE IN PATROLLING LEVELS, BUT APPARENTLY NO RISE IN COMPLAINTS, A SITUATION

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HE HOPED WOULD CONTINUE. HE WAS CONCERNED ABOUT THE FORTHCOMING DEPLOYMENT OF A BATTALION OF THE PARACHUTE REGIMENT IN EAST TYRONE. THERE WERE BAD MEMORIES OF THE REGIMENT FROM 1992; AND A FEELING THAT THE PARAS HAD A TENDENCY TO BE PRO-ACTIVE. HE UNDERSTOOD, HOWEVER, THAT THE BRITISH SIDE BELIEVED RECENT TOURS BY THE REGIMENT HAD GONE WELL; HE MERELY POINTED OUT THE SENSITIVITY.

11. THE TÁNAISTE TURNED TO THE PROBLEMS IN THE CHESTNUT GROVE AREA OF NEW ASSOCIATED WITH NEW SECURITY MEASURES FOR THE PROTECTION OF THE POLICE STATION AT ARDMORE. HE NOTED THAT MR MALLON WAS WORRIED ABOUT THE MEASURES, AND HE WOULD BE CONCERNED IF MODERATE NATIONALIST OPINION WAS UPSET. HE WONDERED IF THE RATIONALE OF THE SECURITY MEASURES HAD CHANGED.

12. AS TO SECURITY MEASURES AT BESSBROOK, THE TANAISTE UNDERSTOOD THE NEED TO LOOK AT THE POSITION AFTER THE TRAGEDY OF LANCE BOMBARDIER RESTORICK; BUT IT WAS IMPORTANT TO KEEP THE LOCAL COMMUNITY ON SIDE.

13. THE SECRETARY OF STATE, IN RESPONSE, DEALT FIRST WITH THE PARAS. HE UNDERSTOOD THE FEELINGS AROUSED BY THE NEW POSTING, BUT DID NOT ENDORSE THEIR JUSTIFICATION. ONE OF THE THREE PARACHUTE REGIMENT BATTALIONS HAD BEEN IN NORTHERN IRELAND ALMOST CONTINUALLY SINCE 1992. THE SECOND BATTALION HAD SERVED SIX MONTHS' ROULEMENT IN ARMAGH; AND IT HAD NO COMPLAINTS, INDEED SATISFACTION HAD BEEN EXPRESSED; HE HAD VISITED THEM, AND FOUND A HIGH LEVEL OF RESPONSIBILITY IN ALL RANKS. THEY HAD BEEN VERY SUCCESSFUL IN INVOLVEMENT WITH THE COMMUNITY ON THE PREVIOUS POSTING. HE COULD NOT LEND HIMSELF TO THE THESIS THAT ANY REGIMENT COULD NOT BE TRUSTED.

14. ON CHESTNUT GROVE, THE CHIEF CONSTABLE OUTLINED THE TWO THREATS AT ARDMORE RUC STATION; MORTAR ATTACK, AND ATTACKS AGAINST MEMBERS OF THE SECURITY FORCES PROTECTING THE STATION. THE RISK OF MORTARS HAD MEANT THAT FREQUENT STATIC STOPS HAD HAD TO BE APPLIED IN THE SURROUNDING AREA; BUT THEY HAD THE DRAW-BACK OF PRESENTING

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REGULAR TARGETS, AND, WITH MUCH RELUCTANCE, THE POLICE HAD FELT OBLIGED TO INSTALL A STATIC OBSTRUCTION. HE REALISED THE DIFFICULTY TO RESIDENTS, WHO HAD HOWEVER BEEN CONSULTED; ONLY ONE RESIDENT HAD COMPLAINED; THERE HAD BEEN NO REACTION IN ANOTHER NEIGHBOURING LOCATION ALSO AFFECTED. THE OBSTRUCTIONS WOULD REMAIN NO LONGER THAN NECESSARY.

15. AS TO BESSBROOK, AGAIN THE DIFFICULTIES CREATED BY RECENT MEASURES WERE UNDERSTOOD; THERE HAD BEEN CONSULTATION; THE PROVISION OF A GATE, INSTEAD OF BOLLARDS, WAS A SIGN THAT THE MEASURES WERE NOT PERMANENT, AND HE BELIEVED THE POPULATION SHOWED AN UNDERSTANDING OF THEIR NECESSITY.

16. THE SECRETARY OF STATE REMARKED THAT ON A VISIT TO LANCE BOMBARDIER RESTORICK'S UNIT, HE HAD BEEN STRUCK BY THE DEGREE OF EXPOSURE OF SECURITY FORCE PERSONNEL IN FIXED POSITIONS; THEIR PROTECTION WAS CLEARLY A NECESSITY.

PARADES

17. THE TÁNAISTE RECALLED THAT THERE HAD BEEN PREVIOUS DISCUSSIONS ON THE NORTH REPORT RECOMMENDATIONS, AND HE WOULD NOT RECITE AGAIN IRISH DISAPPOINTMENT AT SOME DECISIONS THAT HAD BEEN MADE. HE SOUGHT AN UPDATE ON DEVELOPMENTS. WAS THERE A PROSPECT OF MEDIATION IN THE NEAR FUTURE? A MAJOR PARADE WAS DUE, HE UNDERSTOOD, ON EASTER MONDAY IN THE LOWER ORMEAU ROAD: IT WAS CLEARLY DESIRABLE THERE SHOULD BE CONSULTATION NOT CONFRONTATION; AND ANY PROSPECT OF A REPEAT OF LAST YEAR'S MARCHING SEASON WAS WORRYING.

18. THE SECRETARY OF STATE REPORTED A DISTURBING HARDENING OF POSITIONS. HE HAD SEEN THE GARVAGHY ROAD RESIDENTS WITH MR HUME AND MRS RODGERS: AND HE MUCH WELCOMED MR HUME'S ENGAGEMENT; BUT HE HAD GAINED NO INDICATION OF WILLINGNESS TO MOVE FROM THE PRINCIPLE OF "NO ORANGE FEET ON THE GARVAGHY ROAD". THE DISTRICT LODGES WHO HAD COME TO SEE HIM RECENTLY WITH THE REVEREND BINGHAM AND MR DENIS WATSON, THE COUNTY GRAND MASTER, WERE NO LESS ADAMANT THAT THEY

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WOULD BE THERE. REV BINGHAM AND MR WATSON WERE TRYING, GENUINELY AND HARD, TO FIND A COMPROMISE; THEY FEARED A REPEAT OF DRUMCREE AND ITS IMPLICATIONS FOR THE ORANGE ORDER. BUT THE DISTRICT LODGES REGARDED THEMSELVES AS VIRTUALLY AUTONOMOUS, AND THERE WAS LITTLE SIGN OF GIVE IN THEIR ATTITUDES. THERE WAS CONCENTRATED ACTIVITY TO FIND A WAY FORWARD. THE ARCHBISHOP WAS ENGAGED WITH THE ORANGE LEADERS, AND A MEDIATION NETWORK TEAM WAS ACTIVE. BUT THERE WAS NO REASON AT THE MOMENT TO FEEL MORE CHEERED.

19. THERE WAS SOME PROSPECT OF PROGRESS AT DUNLOY IN THE NEAR FUTURE, THANKS TO THE MEDIATION NETWORK: THEIR EFFORTS HAD NOT BEEN HELPED BY DR PAISLEY, WHO 'HAD HIS OWN FISH TO FRY'.

20. AS TO THE COMMISSION PROPOSED BY NORTH, HE WAS CONFIDENT OF SOON ANNOUNCING A CHAIRMAN - THE SEARCH FOR WHOM HAD BEEN EXTREMELY DIFFICULT - AND FELLOW-MEMBERS. THE IRISH WOULD BE TOLD THE NAME OF THE CHAIRMAN BEFOREHAND. THE SECRETARY OF STATE SAID HE KNEW THE FEELINGS THAT WERE HELD ABOUT THE COMMISSION'S MANDATE. BUT HE BELIEVED THAT IN THE LIGHT OF REACTION, CONSULTATION HAD BEEN WISE: IT WOULD TERMINATE AT THE END OF MARCH. THE LABOUR PARTY HAD SAID THEY WOULD INTRODUCE POWERS FOR THE COMMISSION STRAIGHT AWAY; HE HAD AN OPEN MIND. HE BELIEVED THE CONCILIATION AND MEDIATION ROLE OF THE COMMISSION TO BE PRIMARY; IT WOULD SERVE AS AN IMPORTANT FOCUS FOR EFFORTS OF MEDIATION.

21. THE CHIEF CONSTABLE SAID THAT HE HAD HAD A RANGE OF NEGOTIATIONS WITH THE THREE MAIN INSTITUTIONS INVOLVED IN PARADES. MEDIATION HAD BECOME DIFFICULT FOLLOWING THE REVELATIONS ABOUT SINN FEIN ACTIVITY ON THE PRIME TIME PROGRAMME. HE BELIEVED - THOUGH ASKED THAT THIS SHOULD BE KEPT CONFIDENTIAL - THAT EASTER MONDAY WOULD NOT BE PROBLEMATIC: THE MARCHES WOULD SUBMIT NOTICE, AND MAKE A PROTEST, BUT DID NOT INTEND A PROLONGED STAND OFF. THE TÁNAISTE, REPLYING, WELCOMED THE NEWS, AND UNDERTOOK NOT TO SPEAK ABOUT IT.

22. THE TANAISTE TURNED TO HARRYVILLE; HE AGREED WITH MICHAEL ANCRAM'S PUBLIC COMMENTS; COULD ANY FURTHER MEASURES BE CONTEMPLATED? THE CHIEF CONSTABLE IN REPLY SAID THAT THEY WERE LOOKING VERY WIDELY AT WHAT MORE COULD BE DONE, INCLUDING THE

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POSSIBILITY OF SEEKING INJUNCTIONS. THERE HAD ALREADY BEEN PROSECUTIONS OF 29 PEOPLE. THE DEMONSTRATIONS REPRESENTED RAMPANT BIGOTRY AND SECTARIANISM; BUT IT HAD BEEN KEPT ISOLATED; AND THE PROTESTERS HAD ATTRACTED LITTLE WIDER SUPPORT. THERE WAS A NEED TO ACT, IN CLOSE CONSULTATION WITH THE CLERGY, SO AS TO AVOID MAKING THE SITUATION WORSE.

23. THE SECRETARY OF STATE NOTED TWO FORTHCOMING ORDERS ON PARADES.

POLICING ISSUES

24. ACKNOWLEDGING VALUABLE WORK HAVING BEEN DONE, THE TANAISTE STRESSED THE NEED TO BUILD FURTHER PUBLIC CONFIDENCE IN THE POLICE. HE REFERRED TO THE RECENT REVIEW OF POLICE COMPLAINTS PROCEDURES AND THE APPOINTMENT OF THE NEW CHAIRMAN OF THE INDEPENDENT COMMISSION FOR POLICE COMPLAINTS (ICPC). REFERRING TO ARTICLE 7 OF THE ANGLO-IRISH AGREEMENT, THE TANAISTE ASKED TO BE PROVIDED WITH A FULL COPY OF THE REPORT OF THE FUNDAMENTAL REVIEW OF THE RUC AND, REFERRING TO HMIC'S RECENT REPORT, INVITED THE SECRETARY OF STATE TO SAY WHICH OF ITS RECOMMENDATIONS WERE TO BE IMPLEMENTED.

25. THE SECRETARY OF STATE RECORDED HIS APPRECIATION OF THE WORK OF THE ICPC. AS TO HMIC'S REPORT AND ITS PARTICULAR RECOMMENDATION IN RELATION TO PLASTIC BATON ROUNDS, HE DREW ATTENTION TO THE GUIDELINES ON THEIR USE BEING UNDER REVIEW IN GREAT BRITAIN AND THE RUC'S PARTICIPATION IN THAT REVIEW. PBRs PROVIDED THE MEANS OF CONTROLLING POTENTIALLY LIFE THREATENING PUBLIC ORDER SITUATIONS AND THE PRINCIPAL ISSUE SURROUNDED THEIR CONTINUED USE IN NI FOR THE PROTECTION OF PROPERTY. THERE WAS NO CERTAINTY THAT THE PRESENT RULES IN GB IN THIS RESPECT WOULD REMAIN UNALTERED BUT THERE WERE ANYWAY OTHER CONSIDERATIONS IN NI AND THEIR USE FOR THE PROTECTION OF PROPERTY WAS AN OPEN QUESTION.

26. THE CHIEF CONSTABLE REPORTED THAT SOME 6,000 TO 7,000 PBRs HAD BEEN USED LAST YEAR BUT EMPHASISED THAT HE WAS NOT COMPLACENT. HE REGRETTED THE NEED TO DEPLOY PBRs BUT THERE WERE CIRCUMSTANCES

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WHERE RECOURSE TO METHODS OF CONTROL INVOLVING LESS THAN LETHAL FORCE WAS NECESSARY. HE WAS WORKING TO IMPLEMENT HMIC'S RECOMMENDATIONS BUT IN RESPECT OF THE USE OF PBRs GUIDELINES IN GB WERE UNDER REVIEW AND HIS INTERESTS WERE REPRESENTED IN THAT REVIEW. MOREOVER, ALTERNATIVE MEANS OF CONTROL WERE BEING RESEARCHED. THE CHIEF CONSTABLE MENTIONED TWO OF THESE. THE CHIEF CONSTABLE COULD NOT ACCEPT THAT PBRs WOULD NOT BE USED IN DEFENCE OF PROPERTY BUT HE ACKNOWLEDGED A NEED FOR MORE PRECISE GUIDELINES ON THEIR USE.

PRISON ISSUES

27. RECALLING EARLIER DISCUSSION WITH HMA AND WELCOMING THE RE-CATEGORISATION OF ROISIN MCALISKEY, THE TANAISTE EMPHASISED THE NEGATIVE IMPACT HER CASE WAS HAVING ON THE NATIONALIST COMMUNITY. THE IRISH SIDE WERE ANXIOUS THAT HER CASE SHOULD NOT BE EXPLOITED AND INVITED THE SECRETARY OF STATE TO TAKE UP HER CASE WITH THE HOME SECRETARY IF HER BAIL APPLICATION (TO BE CONSIDERED IN THE HIGH COURT LATER THAT WEEK) DID NOT SUCCEED. THIS WOULD BE WITH A VIEW TO HER TRANSFER TO A PRISON IN NI. APART FROM HUMANITARIAN CONSIDERATIONS, THE TANAISTE WAS ANXIOUS TO AVOID CREATING A CAUSE CELEBRE.

28. REPLYING, THE SECRETARY OF STATE EXPLAINED THE REASONS WHY IN EXTRADITION CASES OF THIS KIND PRISONERS COULD NOT BE TRANSFERRED TO NORTHERN IRELAND AND THAT THE CROWN PROSECUTION SERVICE WOULD BE RESPONDING SHORTLY IN THE HIGH COURT TO A NUMBER OF QUESTIONS AFFECTING MCALISKEY'S CONDITIONS OF CUSTODY. THE SECRETARY OF STATE RECOGNISED THE DAMAGE BEING CAUSED BY HER CASE AND WENT ON TO EXPLAIN THE CHANGE OF MCALISKEY'S SECURITY CATEGORISATION AND WHAT THIS MEANT INTER ALIA IN TERMS OF EXERCISE, VISITS, SEARCHES AND ACCESS TO FACILITIES.

29. APPRECIATING THE SERIOUSNESS OF MCALISKEY'S ALLEGED OFFENCES, MRS OWEN FELT BUT THAT THE PUBLIC TENDED TO OVERLOOK THESE, FOCUSING INSTEAD ON THE CONDITIONS OF HER CUSTODY. THERE WAS A DANGER OF A 'JOAN OF ARC' FIGURE BEING CREATED. THE MINISTER

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EXPLAINED THE SITUATION IN RELATION TO EXTRADITION ARRANGEMENTS BETWEEN THE REPUBLIC OF IRELAND AND GERMANY BUT POINTED OUT THAT MCALISKEY WOULD HAVE TO DECLARE HERSELF AN IRISH CITIZEN TO AVOID EXTRADITION IF 'BY SOME SLIM CHANCE' SHE WERE TO BE BAILED IN ENGLAND AND (NOTWITHSTANDING ANY BAIL RESTRICTIONS PLACED ON HER TO REPORT AT REGULAR INTERVALS TO THE POLICE) SUCCEEDED IN MAKING HER WAY TO THE SOUTH. MOREOVER, PROVISION EXISTED FOR OFFENCES OF THE KIND SHE WAS ALLEGED TO HAVE COMMITTED TO BE TRIED IN THE REPUBLIC.

30. IN DISCUSSION, AND IN RESPONSE TO IRISH SIDE CONCERNS, THE SECRETARY OF STATE MADE CLEAR THAT MCALISKEY WOULD NOT BE MANACLED OR SIMILARLY RESTRAINED WHEN BEING TAKEN TO OR FROM THE HOSPITAL OR WHEN SHE CAME TO GIVE BIRTH. THE BRITISH SIDE URGED THAT THE IRISH SIDE SHOULD ENDEAVOUR TO CORRECT PRESENT MISREPORTING OF THESE ASPECTS OF HER CASE. AS TO THE LENGTH OF TIME MCALISKEY WOULD BE HELD IN CUSTODY AND WHETHER SHE WOULD BE ABLE TO KEEP HER CHILD WITH HER IN CUSTODY, THE SECRETARY OF STATE SAID THAT HE WAS ANXIOUS TO SEE ALL ASPECTS OF HER CASE RESOLVED AS SOON AS POSSIBLE BUT THAT MATTERS RESTED VERY MUCH IN THE HANDS OF THE GERMAN AUTHORITIES AND MCALISKEY'S LAWYERS. IT WAS THEREFORE UNCERTAIN HOW LONG SHE WOULD REMAIN IN CUSTODY; THIS COULD BE UNTIL MUCH LATER IN THE YEAR.

31. THANKING THE SECRETARY OF STATE, THE TANAISTE CONFIRMED THAT THE IRISH SIDE WOULD DO ALL THEY COULD TO SET THE RECORD STRAIGHT AND CORRECT 'FLIGHTS OF FANCY' MISREPORTING .

32. TURNING TO THE 'CASEMENT THREE' (KANE, KELLY AND TIMMONS) AND FORMER GUARDSMEN FISHER AND WRIGHT, THE TANAISTE SAID IN RESPECT OF THE FORMER THAT THERE WAS WIDESPREAD SYMPATHY FOR THE CASES AND FAMILY EXPECTATIONS OF THEIR RELEASE HAD BEEN RAISED AS A RESULT OF THE RECENT REVIEW OF THEIR CASES. IN RELATION TO FISHER AND WRIGHT, RUMOURS WERE CIRCULATING OF THE LIKELIHOOD OF THEIR EARLY RELEASE.

33. IN THE CASE OF KANE, THE SECRETARY OF STATE SAID THAT HE HAD REFERRED A NARROW MATTER AFFECTING THE ADMISSIBILITY OF EVIDENCE TO THE COURT OF APPEAL. ON THE CASEMENT THREE, SIR JOHN CHILCOTT EXPLAINED THAT THE PRISONERS WERE SERVING 15 YEAR CONCURRENT TERMS OF IMPRISONMENT DUE TO EXPIRE LATER THIS YEAR. CASES WERE NORMALLY

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REVIEWED AT A 10-YEAR POINT AND THE DECISION TO REVIEW THESE AT THE 10-YEAR STAGE WAS INTENDED TO PUT THE SECRETARY OF STATE IN A POSITION TO TAKE A DECISION AT THE EARLIEST PRACTICAL MOMENT ON WHETHER TO SEEK THE VIEWS OF THE JUDICIARY ON THE CASES, IF APPROPRIATE. IN THE EVENT, THE LIFE SENTENCE REVIEW BOARD HAD DECIDED THAT THE CASES SHOULD BE CONSIDERED AGAIN IN 12 MONTHS TIME.

34. IN DISCUSSION, THE SECRETARY OF STATE RECOGNISED THE SUBSTANTIAL CAMPAIGN THERE WAS (MAINLY BY FORMER MEMBERS OF THE SCOTS GUARDS) FOR THE RELEASE FROM CUSTODY OF FISHER AND WRIGHT BUT CONFIRMED THAT THERE WAS NO SUBSTANCE TO THIS RUMOUR. AS TO COMPARISONS WITH OTHER CASES, THE COURT OF APPEAL HAD FELT THERE WAS A GREATER DEGREE OF CULPABILITY IN THE CASES OF FISHER AND WRIGHT THAN THAT, FOR INSTANCE, OF LEE CLEGG.

BLOODY SUNDAY

35. THE TANAISTE SAID THAT THE IRISH SIDE HAD COMPLETED A TRAWL OF RELEVANT IRISH DEPARTMENTAL FILES AND HAD REACHED AN INTERIM ASSESSMENT THAT THE FURTHER MATERIAL NOW AVAILABLE UNDERMINED THE FINDINGS OF THE WIDGERY REVIEW. HE WAS AWARE THAT WITNESS STATEMENTS AVAILABLE TO HMG HAD BEEN SOUGHT BY OFFICIALS AND HE ASKED FOR CLARIFICATION IN REGARD TO WHERE THE BRITISH SIDE STOOD.

36. THE SECRETARY OF STATE SAID THAT THE DOSSIER OF MATERIAL PROVIDED BY JOHN HUME AND RELATIVES OF THE VICTIMS OF BLOODY SUNDAY HAD BEEN SCRUTINISED AND THAT THE BRITISH SIDE WOULD BE TAKING NECESSARY ACTION. THE BRITISH SIDE WERE HOWEVER CIRCUMSCRIBED BY PRESENT JUDICIAL REVIEW PROCEEDINGS WHICH HAD NOW BEEN ADJOURNED TO BE HEARD IN APRIL. IT WAS NOT POSSIBLE TO COMMENT ON THE VALIDITY OF THE PRESENT MATERIAL WHEN THIS WAS RELEVANT TO THOSE PROCEEDINGS.

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PUBLIC APPOINTMENTS

37. THE TANAISTE EXPRESSED CONCERN OVER THE 'FAILURE RATE' OF IRISH SIDE NOMINATIONS FOR PUBLIC APPOINTMENTS IN NI, NOTING THAT NONE OF THOSE NOMINATED IN 1997 HAD BEEN SUCCESSFUL.

38. RESPONDING AT THE SECRETARY OF STATE'S REQUEST, SIR DAVID FELL NOTED THAT ON THE FIGURES THE TANAISTE HAD JUST QUOTED THE SUCCESS RATE OF IRISH SIDE NOMINATIONS HAD RISEN IN 1996 OVER 1995. NEW PROCEDURES OPERATED IN RELATION TO APPOINTMENTS; THESE WERE INTENDED TO BE OPEN AND TRANSPARENT; THEY WERE SUBJECT TO INDEPENDENT SCRUTINY, BUT WERE PROTRACTED. OF SIX PERSONS NOMINATED BY THE IRISH SIDE FOR APPOINTMENT IN 1997, FOUR NAMES HAD BEEN PUT FORWARD AFTER THE DUE DATE AND TWO WERE STILL UNDER CONSIDERATION.

39. CLOSING THE BRIEF DISCUSSION OF THIS ITEM, THE TANAISTE NOTED THE PROMISING MEETING THERE HAD BEEN WITH THE COMMISSIONER FOR PUBLIC APPOINTMENTS, AND PROPOSED THAT BOTH SIDES KEEP IN CLOSE CONTACT.

ECONOMIC AND SOCIAL MATTERS: TRADE AND TOURISM

40. INTRODUCING THE PAPER PREPARED BY THE DEPARTMENT OF ECONOMIC DEVELOPMENT AND THE IRISH DEPARTMENT OF TRADE AND TOURISM, BARONESS DENTON SPOKE OF THE SUPPORT THERE WAS IN INDUSTRY AND AMONG MANY POLITICIANS IN THE NORTH FOR CLOSER COOPERATION. THE MINISTER REFERRED TO THE EXTENT AND SUCCESSES OF WORKING IN THE MARKET TOGETHER, AND THE OPPORTUNITIES. RECORDING THAT NORTH/SOUTH TRADE HAD GROWN AND THE SCOPE THERE WAS FOR ITS FURTHER GROWTH (AND REDUCING THE PRESENT NI DEFICIT), THE MINISTER DREW ATTENTION TO THE SUBSTANTIAL INCREASES IN EMPLOYMENT WHICH COULD BE ACHIEVED.

41. ON THE IRISH SIDE, MR ENDA KENNY ACKNOWLEDGED THE SIGNIFICANT DEVELOPMENTS THERE HAD BEEN IN TRADE AS A RESULT OF DECISIONS BASED ON SOUND COMMERCIAL LOGIC. ON TOURISM, MARKETING IRELAND AS A SINGLE ENTITY HAD REMOVED COMPETING TENSIONS AND HAD

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COME TO BE REGARDED AS AN OUTSTANDING INITIATIVE PAYING CONSIDERABLE DIVIDENDS.

42. BOTH SIDES TOOK NOTE AND WELCOMED PRESENT COOPERATION, AND AGREED THAT EFFORTS WOULD CONTINUE TO BE MADE TO EXAMINE POSSIBILITIES FOR BUILDING ON THESE.

ANY OTHER BUSINESS

43. REFERRING TO FISHERIES, BARONESS DENTON ARGUED THAT THE PRESENT IRISH INVOCATION OF QUOTAS UNDER THE HAGUE PREFERENCE WAS DAMAGING IN CONSERVATION TERMS AND LIKELY TO GAIN IN POLITICAL PROMINENCE GIVEN ITS IMPACT ON THE NI FISHING INDUSTRY. THERE WAS A NEED TO BE SEEN TO BE WORKING TOGETHER IN THIS AREA AS MUCH AS IN OTHERS, AND FOR OFFICIALS TO DISCUSS THE PRESENT ARRANGEMENTS WITH A VIEW TO AVOIDING HARMING THE FISHING INDUSTRIES OF BOTH COUNTRIES.

44. RESPONDING, THE TANAISTE SAID THAT THE IRISH SIDE HAD A DIFFERENT PERSPECTIVE BUT WERE CERTAINLY WILLING FOR OFFICIALS TO LOOK AT ALL THE OPTIONS, WITH A VIEW TO THE SUBJECT BEING BROUGHT BEFORE A LATER MEETING OF THE CONFERENCE.

45. IT WAS LEFT TO OFFICIALS TO PUT FORWARD ADVICE ON THE DATE OF THE NEXT MEETING.

46. THE COMMUNIQUE WAS DISCUSSED, AMENDED AND AGREED, AND IS ATTACHED.

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JOINT STATEMENT
ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE
DUBLIN, 12 MARCH 1997

1. A MEETING OF THE ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE WAS HELD IN DUBLIN ON 12 MARCH 1997.
2. THE BRITISH GOVERNMENT WERE REPRESENTED BY THE JOINT CHAIRMAN, SIR PATRICK MAYHEW QC, MP, SECRETARY OF STATE FOR NORTHERN IRELAND, WHO WAS ACCOMPANIED BY THE RT HON MICHAEL ANCRAM QC, MP, MINISTER OF STATE, NORTHERN IRELAND OFFICE, AND THE BARONESS DENTON, PARLIAMENTARY UNDER-SECRETARY OF STATE, NORTHERN IRELAND OFFICE. THE IRISH GOVERNMENT WERE REPRESENTED BY THE JOINT CHAIRMAN, MR DICK SPRING, TD, TÁNAISTE AND MINISTER FOR FOREIGN AFFAIRS, WHO WAS ACCOMPANIED BY MS NORA OWEN TD, MINISTER FOR JUSTICE, AND MR ENDA KENNY TD, MINISTER FOR TRADE AND TOURISM.

POLITICAL MATTERS

3. THE CONFERENCE TOOK STOCK OF THE POSITION REACHED IN THE MULTI-PARTY TALKS, WHICH WERE ADJOURNED ON 5 MARCH OWING TO THE IMMINENCE OF THE EASTER HOLIDAY PERIOD, THE UK GENERAL ELECTION AND THE DISTRICT COUNCIL ELECTIONS IN NORTHERN IRELAND. BOTH GOVERNMENTS LOOKED FORWARD TO THE RESUMPTION OF THE TALKS ON 3 JUNE. THEY HOPED THAT, WITH RENEWED VIGOUR AND COMMITMENT, IT WOULD BE POSSIBLE TO COMPLETE THE REMAINDER OF THE AGENDA OF THE OPENING PLENARY AND TO ACHIEVE THE EARLIEST POSSIBLE TRANSITION TO SUBSTANTIVE THREE-STRANDED TALKS WHICH WOULD CONSIDER A NEW BEGINNING FOR RELATIONSHIPS WITHIN NORTHERN IRELAND, WITHIN THE ISLAND OF IRELAND AND BETWEEN THE TWO GOVERNMENTS. THEY REITERATED THEIR SHARED VIEW THAT A TALKS PROCESS WHICH INCLUDED REPRESENTATIVES OF ALL POLITICAL PARTIES WHO HAD ESTABLISHED A COMMITMENT TO EXCLUSIVELY PEACEFUL METHODS AND HAD SHOWN THAT THEY ABIDED BY THE DEMOCRATIC PROCESS PROVIDED THE BEST BASIS FOR THE ACHIEVEMENT OF A

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COMPREHENSIVE POLITICAL SETTLEMENT WHICH WOULD WIN WIDESPREAD ACCEPTANCE AND UNDERPIN LASTING PEACE. THEY REAFFIRMED THEIR HOPE THAT THERE WOULD BE AN EARLY AND UNEQUIVOCAL RESTORATION OF THE IRA CEASEFIRE AS THE CONDITION FOR A FULLY INCLUSIVE TALKS PROCESS.

4. BOTH GOVERNMENTS PAID TRIBUTE TO THE DEDICATION AND SKILLS SHOWN BY THE THREE INDEPENDENT CHAIRMEN IN THEIR CONDUCT OF THE TALKS.

SECURITY SITUATION

5. THE CONFERENCE REVIEWED THE CURRENT SECURITY SITUATION WITH THE CHIEF CONSTABLE AND THE COMMISSIONER. IT CONDEMNED THE RECENT MURDER OF LANCE BOMBARDIER RESTORICK IN BESSBROOK AND OTHER ACTS OF VIOLENCE AND REITERATED ITS ABHORRENCE AT ALL USE OF VIOLENCE FOR POLIITICAL ENDS.
6. THE GOVERNMENTS CONGRATULATED BOTH THE COMMISSIONER AND THE CHIEF CONSTABLE ON RECENT SUCCESSES, INCLUDING ARRESTS AND MAJOR FINDS OF WEAPONRY AND EXPLOSIVES.

CONFIDENCE ISSUES

7. THE CONFERENCE TOOK NOTE OF THE MEASURES BEING TAKEN BY THE SECURITY FORCES IN NORTHERN IRELAND IN RESPONSE TO THE CURRENT SECURITY THREAT.
8. THE CONFERENCE DISCUSSED PROSPECTS FOR THIS YEAR'S MARCHING SEASON AND WAYS IN WHICH THE POTENTIAL FOR A REPETITION OF THE EVENTS OF LAST SUMMER COULD BE AVERTED. IT WELCOMED THE NORTH REPORT, AND REAFFIRMED ITS VIEW THAT EARLY FOLLOW-UP ON THE REPORT'S PROPOSALS WOULD BE AN IMPORTANT FACTOR IN EASING TENSIONS IN ADVANCE OF THIS YEAR'S PARADES. IN THIS REGARD, THE IRISH GOVERNMENT URGED IMMEDIATE IMPLEMENTATION OF THE

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REPORT'S RECOMMENDATIONS, IN PARTICULAR THE POWERS OF DETERMINATION PROPOSED FOR THE PARADES COMMISSION. THE BRITISH GOVERNMENT NOTED THAT IT WAS ALREADY IMPLEMENTING A NUMBER OF THE REPORT'S RECOMMENDATIONS AND THAT THE WIDER POWERS PROPOSED WERE CURRENTLY THE SUBJECT OF CONSULTATION, AS ENVISAGED IN PARAGRAPH 1.49 OF THE REPORT.

9. THE CONFERENCE LAID RENEWED EMPHASIS ON THE NEED FOR THOSE ENGAGED IN THE PLANNING OF PARADES, AND THE LOCAL COMMUNITIES INVOLVED, TO ENGAGE IN DIALOGUE AND TO EXERCISE COMPROMISE AND BALANCE IN THE INTERESTS OF THE COMMUNITY AS A WHOLE.
10. THE CONFERENCE ALSO DISCUSSED ISSUES ARISING FROM RECENT REVIEWS OF POLICING MATTERS. IT REAFFIRMED THE IMPERATIVE OF ENSURING THAT POLICING ARRANGEMENTS IN NORTHERN IRELAND ARE IMPARTIAL AND SENSITIVE TO BOTH TRADITIONS AND LOOKED FORWARD TO DISCUSSION OF THESE IMPORTANT ISSUES IN THE TALKS PROCESS.
11. THE CONFERENCE DISCUSSED A NUMBER OF PRISON ISSUES, INCLUDING A NUMBER OF INDIVIDUAL CASES OF CURRENT INTEREST, AND NOTED RECENT PRISONER TRANSFERS FROM THE UNITED KINGDOM TO THE REPUBLIC OF IRELAND.
12. THE CONFERENCE NOTED THAT THE BRITISH GOVERNMENT HAD RECENTLY RECEIVED A FRESH DOSSIER OF MATERIAL RELATING TO BLOODY SUNDAY. IT ALSO NOTED THAT THERE WERE CURRENT JUDICIAL PROCEEDINGS IN RESPECT OF THE FINDINGS OF THE WIDGERY TRIBUNAL. THE BRITISH GOVERNMENT REMAINED DETERMINED THAT THIS MATERIAL SHOULD BE CAREFULLY EXAMINED AND THAT APPROPRIATE ACTION, CONSISTENT WITH THESE PROCEEDINGS, SHOULD BE TAKEN IN RESPONSE TO ANY NEW EVIDENCE.

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PUBLIC APPOINTMENTS

13. THE CONFERENCE DISCUSSED THE NEW PUBLIC APPOINTMENTS PROCEDURES PUT IN PLACE BY THE BRITISH GOVERNMENT IN LINE WITH THE GUIDANCE OF THE NEW NI (AND GB) COMMISSIONER FOR PUBLIC APPOINTMENTS. THE CONFERENCE REAFFIRMED THE IMPORTANCE OF THE IRISH GOVERNMENT'S ROLE UNDER ARTICLE 6 OF THE AGREEMENT.

TRADE AND TOURISM

14. ON THE BASIS OF A REPORT FURNISHED BY THE RESPECTIVE MINISTERS, THE CONFERENCE WELCOMED THE GROWING VOLUME OF CROSS-BORDER CO-OPERATION IN THE FIELDS OF TOURISM AND TRADE, WHICH WAS CONTRIBUTING TO JOB CREATION AND ECONOMIC DEVELOPMENT THROUGHOUT THE ISLAND OF IRELAND. IT WELCOMED, IN PARTICULAR, THE RECENT LAUNCH OF THE "TOURISM BRAND IRELAND" MARKETING CAMPAIGN INVOLVING THE TWO TOURIST BOARDS AND THE INDUSTRY ON BOTH SIDES OF THE BORDER. IT AGREED THAT THE RELEVANT MINISTERS, TOGETHER WITH THEIR RESPECTIVE DEPARTMENTS AND AGENCIES, WOULD CONTINUE TO EXAMINE POSSIBILITIES FOR BUILDING ON EXISTING CO-OPERATION IN THE FUTURE.

FISHERIES

15. THE CONFERENCE DISCUSSED BRIEFLY THE OPERATION OF THE HAGUE PREFERENCE IN RELATION TO NORTHERN IRELAND.
16. IN CONCLUSION, THE CONFERENCE EXPRESSED ITS DEEP APPRECIATION TO THE SECRETARY OF STATE FOR HIS CONTRIBUTION TO ITS WORK DURING HIS TERM OF OFFICE AND WISHED SIR PATRICK AND LADY MAYHEW WELL FOR THEIR RETIREMENT.