

ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE

NOTE OF A MEETING HELD IN IVEAGH HOUSE, DUBLIN ON MONDAY, 6 OCTOBER 1986

British Side

Mr King
Mr Scott
Sir Robert Andrew
Mr Bloomfield
Mr Stephens
Mr Gilliland
Mr Chesterton
Mr Elliott
Mr Stimson
Mr George
Mr Watkins
Mr Hewitt
Miss Steele

Irish Side

Mr Barry
Mr Dukes
Mr Donlon
Mr Ward
Mr Lillis
Mr O'Tuathail
Mr Brosnan
Mr O'Ceallaigh
Mr Ryan
Mr O'Brien
Mr O'Donovan
Mr Hanney

(Mr McAtamney, Deputy Chief Constable of the RUC, and Mr Wren, the Garda Commissioner attended for item 1 only)

Cross-Border Security Co-Operation

1. The Conference began by considering the progress made in developing a programme of work under Article 9(a) of the Agreement as set out in the report (copy attached) prepared by the Secretariat. Mr Dukes noted that, since the last meeting of the Conference in July, the RUC and the Garda Siochana had produced three further joint reports on Operational Planning, Legislation and Related Matters and Computerisation. As a result of the first of these reports, a framework of meetings would be established to ensure that there was effective liaison between the two forces on operational matters. The recommendations of the second report would be considered by the legal sub-group set up under Article 8 of the Agreement and a joint working party of technical experts would be meeting soon to examine the report on computerisation.

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2. Mr King welcomed the further progress which had been made by the RUC and Garda Siochana particularly in respect of operational matters. He said that the British Side remained concerned about the rate of progress made in implementing the joint report on Intelligence matters. These concerns had been set out in the paper handed over through the Secretariat on 30 September. The latest joint reports had highlighted two issues which he considered to be of particular importance. First there were the problems which arose in relation to the police questioning of suspects detained in the Republic of Ireland. The refusal of the Garda Siochana to allow RUC officers to participate directly in the questioning of suspects held in the South and suspected of involvement in crimes committed in Northern Ireland was a considerable practical problem and one which dented the credibility of the Agreement. It was important, in order to demonstrate the determination of both Governments to tackle terrorism, that the RUC should be permitted to take part in such interviews. Whilst appreciating the need for proper safeguards, Mr King said that reciprocal arrangements were required similar to those operated by the majority of police forces throughout Europe. Certainly, the Garda Siochana would be allowed to participate in the questioning of suspects detained by the RUC. Second, Mr King looked forward to early agreement on procedures for dealing with explosive devices placed on or near the border. The aim should be to devise arrangements which would assist those members of the security forces whose duty it was to deal with such devices.

3. It was agreed that a Special Meeting of the Conference should be held in the next two to three weeks to discuss cross-border security co-operation. The meeting, to be chaired by Mr King and Mr Dukes, would address the issues raised in the British paper of 30 September as well as the Irish response to that paper which would be available shortly. The meeting would also consider the questioning by one police force of suspects detained by the other and arrangements for dealing with explosive devices placed near the border.

Bill of Rights

4. Mr King said that the British Side had given careful consideration to the Irish proposal that a Bill of Rights in some form should be introduced in Northern Ireland. For a variety of reasons he saw substantial difficulties with such an approach. In particular, the introduction of a Bill of Rights in Northern Ireland which would, in effect, allow judges to take political decisions would have repercussions for the UK as a whole. The British Side

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therefore saw no prospect of a Bill dealing with Northern Ireland alone. An alternative approach would be for the British and Irish Governments to make a joint declaration of their commitment to the provisions of the European Convention on Human Rights. The declaration could list existing safeguards in Northern Ireland and the Republic of Ireland and might refer to any new measures which were proposed. This approach offered the chance of making some immediate progress in the area of human rights without falling foul of all the technical and political problems associated with a Bill. The declaration would not be legally binding but both Governments would regard themselves as morally bound.

5. Mr Barry said that the issue of human rights in Northern Ireland was extremely important as far as the Irish Side was concerned. A Bill would be a substantial measure which would offer real safeguards to the nationalist community. Although the Irish Side still favoured the introduction of a Bill, he was grateful to the Secretary of State for making what appeared to be a very useful suggestion. It was agreed that the idea of a joint declaration on human rights should be examined further in the Secretariat.

Equality of Employment

6. Mr Barry said that the Irish Side had been pleased to see the publication of the Consultative Paper on Equality of Opportunity in Employment and were looking forward to early progress in this area. Mr King replied that he was grateful for the reception given to the paper by the Irish Government and for the support they had given in the United States. It was the intention of HMG to press on as quickly as possible with the implementation of the Paper's proposals. It was vital to the economic prospects of Northern Ireland that potential overseas investors, especially those in the US, could see that determined efforts were being made to prevent discrimination in employment. The dis-investment campaign based on the MacBride principles had been very damaging.

7. Mr Bloomfield explained that some of the proposed initiatives in this field would require legislation but others would not. A revised Guide to Manpower Policy and Practice had already been published. The aim was to produce an effective system by which employment practices could be monitored. The Government was giving a firm lead with a proposal that tender acceptance and grant denial should be linked to a new Declaration of Practice and by

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ensuring that proper standards were applied in the civil service. The proposed statutory duty on the public sector would require legislation by Bill. No timetable could be given for this legislation but the intention was to proceed as quickly as possible once the consultative period was over and full account had been taken of the views received. For the Irish Side, Mr Lillis said that progress on employment equality and human rights could have a beneficial effect on public opinion in the United States and the proper presentation of these linked issues might help to overcome the dis-investment campaign.

Relations between the Security Forces and the Community Accompaniment of Patrols

8. Mr Barry said he was grateful to have received further statistical information on the accompaniment of Army patrols in Northern Ireland by the police. It seemed to show an improvement on the figures provided earlier in the year. In particular, the overall percentage of patrols accompanied throughout Northern Ireland had increased. It was clear, however, that the figures had been compiled on a different basis from those handed over earlier. He said that more information to illuminate certain points which remained unclear was needed and that the Secretariat should be asked to devise a format on which future figures could be based. Mr Stephens explained the difficulties of compiling accurate and meaningful statistics. The distinction between Loyalist and Nationalist areas was not always easy to draw; nor was it a straightforward matter to distinguish between those patrols which were planned to come into contact with the public and those which were not. Nevertheless, the British Side would continue with their task of refining the figures further.

9. Mr King emphasised that it was RUC policy to accompany Army patrols wherever possible. The aim was to achieve full accompaniment but operational difficulties meant that this goal was still some way off. The latest figures covered a period when the security forces had been under considerable strain dealing with the continued threat of IRA violence and the Loyalist protests and paramilitary activities associated with the marching season. He said that it would be very damaging if the figures were leaked and asked the Irish Side to handle them in a responsible way. Consideration would be given to publishing global figures relating to the accompaniment of patrols throughout Northern Ireland.

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Code of Conduct

10. Mr Barry asked what progress had been made towards the introduction of a Code of Conduct for the RUC. Mr King explained that a draft Code had been sent to the Police Federation, the Superintendents Association and the Association of Chief Police Officers. The Police Federation had not yet submitted their views to the Chief Constable but their comments were expected soon. There would be further consideration of the draft in the committee of the Police Authority chaired by the Chief Constable. Finally, the draft would be submitted to the Authority as a whole. It was unfortunate that progress had not been more rapid but it had to be understood that the issue was a sensitive one as demonstrated by recent newspaper reports of Police Federation views. The Chief Constable was determined to move forward as quickly as possible. Mr Stephens confirmed that the Code itself would be issued to all police officers and its content would thus become publicly known. Mr Barry said that the Irish Side hoped to see the Code introduced as quickly as possible. Further delay would merely intensify criticism of the Code once it was published.

Complaints Procedure

11. Mr Barry said that the proposals for a new RUC complaints procedure were encouraging and showed a number of improvements. However, the lack of any independent investigative element and the decision to do away with Section 13 Tribunals were disappointing. The Irish Side were working hard to win acceptance for the new procedures amongst nationalists in Northern Ireland but the Irish Government would be unable to give the proposals more than a guarded welcome. The continuing speculation over the "Stalker affair" was damaging minority confidence in the RUC and would affect the reception given to the new procedures. He hoped that the inquiry begun by Mr Stalker would be completed quickly. Finally, he asked if the Irish Side could make further representations on the issue of police complaints.

12. Mr Scott explained that the consultative period had expired and that, although no final decisions had been taken, he expected the draft Order to be very similar to the published proposals. The new procedures would be a positive step in the right direction. The Complaints Commission would be truly independent and would have a powerful supervisory role in the investigation of complaints. He was willing to listen to further representations from the Irish Side although it was intended that final decisions on the Order would be taken within the next week or so. Mr Barry said that the Irish Side would make a further submission before the end of the week.

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International Fund

13. Mr Bloomfield described the progress made on the Fund since the last Conference. Both the bilateral and trilateral agreements had been signed and Board members identified to administer the Fund. The choice of the Board Chairman had been a good one. The Fund had been moderately well received although unionist opposition was significant. There had already been a stream of applications from organisations hoping to benefit from the fund. Mr Barry said that a contribution from the European Community would be a tremendous boost. The Australian Government had declined to contribute in the current financial year but had agreed to keep their options open for next year. Mr King said that he foresaw difficulties with the question of a European contribution but agreed that the possibilities should be explored.

Newry/Dundalk Road

14. The Conference took note of the conclusions reached by officials at a meeting in the Secretariat on 18 September. Both sides had agreed to recommend to their Ministers a scheme which would involve the construction of the first phase of the Newry by-pass; the building of the Dundalk relief road; and a joint approach to the International Fund for money to finance improvements to the existing road link between these two projects. Mr King said that the Conference should consider what role it might play in the development of transport links between both parts of Ireland and between Ireland and Great Britain. A study of these links might include the possibility of improving the A75 trunk road between Stranraer and Carlisle which was used increasingly by freight traffic from Northern Ireland and the Republic of Ireland. It was agreed that this issue, including the possible interest of the Anglo-Irish Intergovernmental Council, required further examination by officials.

Identity Issues

15. Over lunch, the Co-Chairmen discussed a number of issues relating to Irish identity. Mr King confirmed that the British Side would shortly be introducing legislation to enfranchise the so-called I voters. On Irish language, Mr Barry said that the Irish Side wanted to see a scheme in Northern Ireland which would allow the residents of a particular street to erect street names in Irish if they so desired. In their view, it would be unfair to insist on a majority of at least 85% before such signs could be erected since

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it was their understanding that only a 75% majority was required for a street name to be completely changed. On place names, Mr Barry said that the total number of postal districts in Northern Ireland for which Irish names could be used was about 6-700. He handed over a list of these districts. Mr King explained that the question of Flags and Emblems was being considered in the context of new public order legislation for Northern Ireland. No final decisions would be taken on this legislation until the Public Order Bill had completed its Parliamentary Stages. The Northern Ireland legislation would need to take account of the final form of the corresponding legislation for Great Britain.

Joint Statement

16. A joint press statement was agreed. The Irish Side accepted that no reference should be made to the date of the next regular Conference on the understanding that it was the intention of the British Side to hold a meeting in November.

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ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE

Article 9(a) - Cross Border Security Co-operation
Progress Report by the Secretariat

1. At its meeting in June 1986, the Conference noted that the Chief Constable of the RUC and the Commissioner of the Garda Siochana had accepted in principle a report drawn up by a joint RUC/Garda working party which dealt with intelligence matters (including threat assessments). The report was the first in a series to result from the initiative taken by the two Chief Officers to establish working parties to give effect to the programme of work intended to enhance cross-border security co-operation as envisaged under Article 9(a) of the Agreement.
2. The Conference also noted that the Chief Constable and the Commissioner had agreed that implementation of the recommendations in the report would be monitored, that senior officers from both forces would meet at regular intervals for this purpose and that the Conference would be kept informed of progress.
3. Since the June meeting of the Conference, progress in implementing the recommendations in the report has been reviewed at police level and the matter was discussed at a meeting of the 'quadripartite' group on 10 September. The present position in relation to implementation of the recommendations in the report is set out in detail at Annex A.
4. Other aspects of the programme of work were remitted by the two Chief Officers to separate joint RUC/Garda working parties. These working parties reported in early August. Their reports deal with:

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- (a) Operational Planning in Border Areas
- (b) Legislation, Procedure and Related Matters and
- (c) Computerisation.

These reports were also discussed at the quadripartite meeting on 10 September 1986. The position in relation to the recommendations in the reports is as set out below.

REPORT ON OPERATIONAL PLANNING

5. A summary of the main recommendations is at Annex B. The report has been agreed between the two Chief Officers subject to a number of points as follows:

- (a) the regular monthly meetings of Garda/RUC HQ Command under the joint chairmanship of an Assistant Commissioner of the Garda and a Assistant Chief Constable of the RUC, (paragraph 5.1 of the report) should proceed as also should those involving border superintendents (paragraph 5.4). Other meetings, recommended at paragraphs 5.2 and 5.3 of the report, will take place as the need arises and might initially occur more often than once a month.
- (b) a document should be compiled outlining the circumstances in which it is considered desirable that incursions could be made by the security forces of the other side without prior approval for the purpose of dealing with emergency situations of a security nature (see paragraph 13.5). There will be prior consultation with appropriate Government Departments on both sides with a view to obtaining approval for the approach envisaged

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- (c) in relation to the recommendation concerning the appointment of operational planning inspectors, the RUC have designated members at inspector rank to fill these posts; the Garda approach will be more flexible in the sense that members at sergeant rank may be designated in some instances at the discretion of the Divisional Commander.
- (d) in relation to the section dealing with 'Briefing and Intelligence', it was agreed that it was not necessary to adopt the recommendation relating to the appointment of duty sergeants provided an appropriate member of staff was available to receive information
- (e) it was agreed that the senior Assistant Chief Constable and the two regional Assistant Chief Constables in the RUC would attend the regular security and intelligence meetings (paragraph 5.1)

REPORT ON LEGISLATION, PROCEDURE AND RELATED MATTERS

6. It was agreed that this report, which relates to practical arrangements concerning extradition and the use of extra-territorial legislation, would now be submitted to the legal sub-group set up under Article 8 of the Agreement.

7. The RUC emphasised the importance they attached to the provisions in the report relating to the interviewing of suspects in custody in the other jurisdiction. The Garda were of the view that this was a matter of considerable legal complexity which required further study.

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REPORT ON COMPUTERISATION

8. It was agreed by the two Chief Officers that the question of computerisation required further examination in relation to compatibility of equipment and legal implications. A joint RUC/Garda working group will be established for this purpose.

CONCLUSION

9. The Conference is invited to:-

- a) take note of progress made in implementing the joint RUC/Garda recommendations on Intelligence Matters (Annex A),
- b) note also the agreement reached between the two Chief Officers on the implementation of the joint reports on Operational Planning, Legislation, Procedure and Related Matters and Computerisation, and
- c) request the Secretariat to present a further progress report on the implementation of the programme of work at the next meeting of the Conference.

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Annex A

PROGRESS MADE IN IMPLEMENTING THE JOINT RUC/GARDA
REPORT ON INTELLIGENCE MATTERS

A CO-ORDINATION OF SYSTEMS AND RESOURCES

1. That the manpower of the Garda Siochana special detective units in each border division be substantially increased.

These units have now been strengthened as recommended and the men in question allocated to special branch duties. Instead of the appointment of a detective chief superintendent to coordinate the activities of these personnel, four detective inspectors and three detective superintendents (formerly the border superintendents, who are being relieved of some existing duties) are being appointed. These officers will report to the divisional commanders. The RUC is unhappy that the specific recommendation relating to the appointment of a detective chief superintendent is not being implemented and that special branch detectives have not been assigned exclusively to surveillance and intelligence work (e.g. they will make court appearances).

2. That the minimum strength of the Special Detective Unit in Dublin dealing exclusively with the activities of unlawful organisations be 1d/supt, 5 d/inspectors, 17 d/sergeants, 120 d/garda.

This recommendation has been implemented.

3. That consideration be given to the appointment of detective inspectors in certain divisions outside Dublin to co-ordinate the activities of special detective unit members in divisions.

The manpower increases made in the border divisions included these additional inspectors; accordingly, this recommendation has been implemented.

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4. That the manpower of the Garda HQ Intelligence Section should be substantially increased under the direct charge of a detective superintendent.

The Commissioner does not accept that the implementation of this recommendation is necessary. The staff of this section will be strengthened as and when required.

5. That an additional Assistant Commissioner should be appointed to the Garda to deal exclusively with the intelligence function.

This was an RUC recommendation which was not accepted by the Garda Siochana.

B SECURE COMMUNICATIONS

1. That increased use be made of the secure encrypted telex link "Aroflex" between the Royal Ulster Constabulary and the Garda Siochana.

Implemented.

2. That efforts are made to obtain compatible telephone equipment of an even more secure nature than that currently used.

Suitable equipment has been obtained on both sides and is being installed.

3. That the Garda Siochana obtain radio equipment with a secure speech facility capable of ensuring communications cannot be intercepted and interpreted, and that where joint operations are contemplated RUC/Garda equipment should be compatible.

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This recommendation is being studied by technical experts with a view to identifying precisely what is required.

4. That secure 'facsimile' equipment be installed in each Headquarters to allow the instant transmission of all documentation not suitable for normal telex.

This recommendation is being studied with a view to identifying the most suitable type of equipment.

C EXCHANGE OF INTELLIGENCE

1. That a formal structure for the holding of regular meetings involving the two heads of intelligence should be set up; the purpose of the meetings would be to discuss, assess and exchange all intelligence on security matters; an agreed paper on operational thrust would be produced (if practicable).

This structure has been established and the first meeting of the two heads of intelligence has taken place.

2. A structure for the cross-border transmission of urgent operational intelligence relevant to the security situation should be set up in designated border areas. It should be equipped with secure means of communication and could also be used for assistance and clarification in routine Garda/RUC security.

The RUC envisage the establishment of a secure means of communication to deal with the transmission of information in, for example, a post-incident situation. This recommendation is still being studied.

3. A formal monthly meeting should take place, specifically on the subject of weapons and explosives and that, as a result of this, an agreed composite report is produced in time to incorporate all relevant parts in the General Intelligence Assessment.

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The Garda have advanced the view that instead of a rigid commitment to the holding of formal monthly meetings irrespective of work load, meetings would be held as the need arose.

4. It was agreed between the forces that intelligence received by one force from the other would not be communicated to any third party without the consent of the originating force; that breaches of security relating to intelligence would be immediately reported to enable corrective action to be taken.

Implemented.

D SURVEILLANCE ACTIVITIES AND REQUIREMENTS

1. That there should be a substantial strengthening of the Garda surveillance unit - there should be at least 3 d/inspectors, 9 d/sgts and 50 d/gardai (virtually a three-fold increase). These personnel would operate in 3 sub/units; they would be mobile and each would be equipped with all necessary surveillance aids and secure radio. At least one of the sub-units would operate in border areas.

One of these sub-units is already in existence. Personnel for the second is in training. A third unit will be set up by the end of the year. The training given is essentially "on-the-job" training. The RUC have distinct reservations about this. The intention of the working party was that these units would mirror RUC units in terms of selection, training and equipment.

E INTELLIGENCE RELATING TO WEAPONS AND EXPLOSIVES

1. Within the augmented strength of the Garda Intelligence Section (Research Unit) provision should be made for the allocation of specifically dedicated special branch officers to work in co-operation with Garda Ballistic and Forensic Sections.

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The Garda do not accept the need for this at present. It will be kept under review. There is full co-operation at present between WERC and the Garda Technical Bureau. The RUC believe that the Technical Bureau should have a special branch officer attached to it, dedicated to anti-terrorist work.

2. A formal monthly meeting takes place between the RUC and the Garda Siochana specifically on the subject of weapons and explosives intelligence, and that an agreed composite report is produced.

The Garda view is that instead of formal meetings at regular intervals, meetings would be held as and when required.

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Annex B.

JOINT RUC/GARDA REPORT ON OPERATIONAL PLANNING

Summary of Main Conclusions

1. This report is concerned with operational planning in border areas and with detailed arrangements for the conduct of operations. While it is primarily concerned with anti-terrorist operations, it also embraces other criminal activities and emergencies of a non-criminal nature. The most significant aspect of the report is the recommendation that operations should be planned jointly in advance, that both forces should maintain the fullest contact during the course of these operations and that the outcome should be subject to detailed review. The report recommends the preparation of joint major incident plans and joint contingency plans.

2. A full list of the recommendations is on pages 87-93 of the report. Other recommendations of importance include the following:

- (a) regular meetings between officers from the RUC and the Garda Siochana should be established at the following levels: (i) Headquarters Command (ii) Divisional (iii) Divisional Border Superintendents, and (iv) Border Superintendents Group.
- (b) operational planning officers should be appointed on both sides of the border
- (c) uniformed Garda personnel should be trained so as to be available for formation into mobile support units in the event of a "heightened situation" arising
- (d) cross-border communication facilities should be provided on Garda personal radios. An examination should be undertaken to determine whether an improved

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secure telephone system between Garda and RUC can be made available. Secure telex links should be established

- (e) each permanent vehicle checkpoint (PVCP) should be the subject of detailed discussions between Garda and RUC
- (f) where resources on one side of the border have to be temporarily depleted for non-border duties (e.g. major VIP visit), the other force should apply its maximum resources to border duties
- (g) every effort should be made at local border area level to encourage contact between Garda and RUC personnel in matters of intelligence and information. Intelligence or information of an immediate kind which is relevant to border operational commanders should be available on a 24-hour basis at 9 specified centres on each side for this purpose
- (h) police officers who become involved for the first time in border duties should receive appropriate training
- (i) some routine operations should proceed at an early date e.g. advance planning and co-ordination of Garda and RUC vehicle checkpoints and patrolling by both Forces.

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JOINT STATEMENT

1. The Anglo-Irish Intergovernmental Conference met in Dublin on 6 October 1986. The Irish Joint Chairman, Mr. Peter Barry, T.D., (Minister for Foreign Affairs) was accompanied by Mr. Alan Dukes, T.D., (Minister for Justice); the British Joint Chairman, Mr. Tom King M.P., (Secretary of State for Northern Ireland), was accompanied by Mr. Nicholas Scott, M.P., (Minister of State for Northern Ireland). The Commissioner of the Garda Síochána, the Deputy Chief Constable of the Royal Ulster Constabulary and officials were also present.
2. The Conference discussed the implementation of certain recommendations on cross-border security co-operation which had been presented to the Conference on 17 June. They also heard reports on further studies carried out by three separate joint working parties established by the two police forces on operational and certain other technical matters.
3. The Irish side put forward proposals relating to the advantages of a Bill of Rights in some form for Northern Ireland. The British side indicated that, while they saw some difficulties with the Irish proposals, they were prepared to consider alternative initiatives to underline the commitment of both Governments to the effective protection of human rights.

4. The Secretary of State for Northern Ireland drew the attention of the Conference to the Consultative Paper on Equality of Opportunity in Employment in Northern Ireland, published by the British Government on 16 September, 1986. The Irish side welcomed this Paper and made a number of comments on it.
5. The Conference discussed relations between the Security Forces in Northern Ireland and the community, including the progress which had been achieved towards the objective of ensuring that there is a police presence in all operations which involve direct contact with the community, other than in the most exceptional circumstances.
6. During a discussion of economic issues, the Conference welcomed the Agreement reached between the two Governments to establish the International Fund for Ireland, and the progress made towards the establishment of the Fund's independent Board. They noted the likelihood that the Fund would give priority in its initial stage to stimulating developments in the private sector, with the general aim of promoting the development of those areas of both parts of Ireland which have suffered most severely from the consequences of the instability of recent years.
7. Recognising the vital importance to industry North and South of good communications, the Conference took note in particular of the plans for developing the roads around Dundalk and Newry in the context of improving cross-border road links, and also the wider trade and transport aspects.
8. The British side confirmed their position on "I" voters in Northern Ireland and indicated that they were currently considering proposals with respect to the position of the Irish language. The Irish side made some further comments on these matters.

9. The two sides agreed that there would be an early Special Meeting of the Conference which would concentrate on cross-border security co-operation. The next regular meeting would consider progress on security and related matters, legal matters including the administration of justice, and economic and social matters.