

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

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Jill

FROM: C D KYLE
23 FEBRUARY 1995

CDK/17243/94/HC

cc PS/Sir J Wheeler (B&L) B
PS/Michael Ancram (B&L) B
PS/Malcolm Moss (L,DOE&DHSS) B
PS/PUS (B&L) B
PS/Mr Fell B
Mr Thomas B
Mr Legge B
Mr Spence (DOE) B
Mr Williams B
Mr Steele B
Mr Shannon B
Mr Bell B
Mr Watkins B
Mr Daniell B
Mr Wood (B&L) B
Mr Leach B
Mr Maxwell B
Mr Perry B
Mr Marsh B
Mr Stephens B
Mr Dodds B
Mr Canavan B
Dr Power B
Mr Maccabe B
Mr Brooker B
Mrs Brown B
Mrs Collins B
Mr Bramley B
Mr Maitland B
✓ Mrs Kenny B
Mrs Sear B
Mr Lamont, RID B
HMA, Dublin B
Mr P Lever, Cab Office
Mr David Gould, Cab Office
Mr Stephen McDonald, Washington O/A
Chief Constable, RUHQ

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Jill

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

INTERNAL RECORD OF THE PLENARY SESSION HELD IN BELFAST ON
14 FEBRUARY 1995 - IC(95)1

Attached is the final version of the Internal Record of the Plenary Session of the Intergovernmental Conference held in Belfast on 14 February.

[Signed]

C D KYLE

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INTERNAL PLENARY RECORD OF THE
INTERGOVERNMENTAL CONFERENCE
HELD IN BELFAST ON 14 FEBRUARY 1995

PRESENTBritish Side

Sir Patrick Mayhew
Sir John Wheeler
Michael Ancram
Mr Moss

Officials

PUS
Mr Fell
Mr Legge
Mr Williams
Mr Bell
Mr Stephens
Mr Kyle

In Attendance

Mr Spence (DOE)
Mr Smyth
Mr Howard
Mr Lamont

Irish Side

Mr Spring
Mrs Owen
Mr Howlin

Officials

Mr Dorr
Mr Dalton
Mr S O hUigin
Mr O'Donovan
Mr O'Donnell
Mr Mellett
Mr Finlay
Mr Donoghue
Mr Hennessey
Mr Farrell

In Attendance

Mr O'Donoghue (DOE)
Mr Hickey

The Restricted Security Session of the Conference had been held earlier, this was followed by political discussions in restricted numbers, with the main discussion of the Plenary Session commencing at 1925 hours and concluding at 2015 hours. Mr Moss and Mr Howlin, who had undertaken an outside programme, joined the Conference at the start of the main Plenary Session.

NORTH/SOUTH ECONOMIC CO-OPERATION

2. The Secretary of State welcomed the two Ministers with

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responsibility for environmental issues, Mr Moss and Mr Howlin, noting that there were three papers on North/South economic co-operation before the Conference. Mr Moss explained that he had already had a separate meeting with his Irish counterpart, and he gave a summary of the conclusions which they had reached.

Cross-Border Roads, Traffic Management and Safety

3. Mr Moss said that both sides had agreed that the ceasefire provided a major opportunity to strengthen North/South links; they had welcomed the re-opening of cross border roads which had been closed over the past 25 years, and the improvements to existing cross border routes. They had noted with satisfaction that 36 cross border roads had already been re-opened and that most of the remaining roads would be re-opened by the end of the year. They had also welcomed the designation of four major cross border routes as part of the Trans European Multimodal Network (TEMN) coming into effect on 1 July 1995. Both Ministers had noted the particular importance of the Dublin/Belfast route and were giving consideration to the steps which might be necessary to improve that part of the route between Dundalk and Newry. Measures to improve safety and capacity of this section of the existing route would be considered in the short term with a joint study to be undertaken to identify longer term solutions. It had also been agreed to initiate a joint study of the Dublin/Londonderry route.

Urban Renewal in Border Towns and Villages

4. Mr Moss then turned to urban renewal in border towns and villages saying that they had been encouraged by the development of cross border dialogue at local authority and community level in the development of programmes in this area. Both sides had noted their appreciation of the International Fund for Ireland's contribution to the economic and social regeneration of disadvantaged border towns and villages and had praised the enthusiasm and commitment of local community groups.

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Environmental Issues

5. On environmental issues Mr Moss said they had noted the progress already made in the preparation of strategies for the management and monitoring of water quality in the cross border catchments of the Foyle and Erne systems. They had heard with satisfaction that improvements in sewage treatment, including nutrient reduction, had made a significant contribution to the protection and enhancement of the water quality in these and other important shared catchments. Acknowledgement had been given to the importance of co-operation and waste management to the island economy and environment. Both sides had committed themselves to encourage the strengthening of current co-operation in recovering and recycling operations. They had also endorsed existing arrangements between public authorities in monitoring levels of radioactivity and had agreed in principle to a joint project to measure radioactivity levels, including the effects of Thorp reprocessing in the Western part of the Irish sea. Mr Moss confirmed that overall he had a very healthy and open exchange of views with Mr Howlin across these range of issues.

6. Mr Howlin also welcomed the advances made and noted that roads were of great significance if the island was to thrive economically; there was a need to improve cross border roads on both sides. He referred to the 36 cross border roads which had been re-opened and the substantial progress which had been made on the re-opening of others; this work should be well advanced by the end of the year. The re-opening of these roads gave an important signal about the return to normality. He commented on the value of designating the four major cross border routes, the need for urban renewal in border towns and villages, and added that environmental issues were also very important. He concluded that joint measures in all of these areas were of significant value.

7. The Secretary of State remarked that what he had just heard was a very apposite illustration of the common cause and interest which both sides had. The Tánaiste commented that there was a substantial

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body of work involved and he hoped that this would transmit itself into public consciousness; it would be helpful to show that both sides had a common interest in matters outside those of a specifically political nature.

RESPONSE TO CESSATION OF VIOLENCE

De-escalation by Security Forces

8. The Secretary of State explained that the British side's approach in responding to the terrorist ceasefires reflected a primary concern for the safety of people. He realised that the Government's response was important to the peace process and that it made a significant contribution in maintaining the momentum of that process, but a number of factors were involved. The RUC wished in principle to operate without the Army, but they had to guard against the perceived threat; the level of security force activity was in direct response to that threat. He recalled that the Irish side had been briefed on the de-escalation measures introduced in response to the ceasefires; it was important to bear in mind that these were as a result of advice from the Chief Constable and the GOC. Each of the changes introduced to date could be reversed if necessary. At the same time the Secretary of State said he looked forward to the time when it would be possible to reduce the number of troops in Northern Ireland; while they would not be moved to other tasks they would be available to return to the Province if needed.

9. The Tanaiste welcomed the news on a possible reduction in the number of troops; he saw this as a helpful sign. He recalled that the Irish side had been stressing the importance of a rapid and visible response by the security forces to the paramilitary ceasefires. The Irish side saw this as essential if support for the peace process was to be built on, particularly in traditional republican areas. The Tanaiste had been pleased to hear of the de-escalation measures taken by the security forces since last August, and he agreed that in some parts of Northern Ireland there

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had been a welcome measure of de-escalation. However, the Irish side believed that HMG's response was perceived as uneven.

10. The Tanaiste understood that the British side attached a lot of importance to allowing local commanders to take decisions. At the same time it was important to give political signals; without clear instructions from the centre he believed that local commanders were understandably hesitant. The Tanaiste referred to the recent announcement of an end to daytime army patrolling in Armagh, Keady and Newry. He said that there had been reports that the level of army patrolling in Crossmaglen and rural areas of South Armagh remained high, in comparison, for example, with the situation in East Tyrone. Turning to areas such as Belfast and Newry the Tanaiste hoped that the British side would follow the decision on daytime patrolling by announcing an end to all routine army patrolling; he wondered if the British side were in a position to indicate a timetable. The Tanaiste also hoped that it would be possible to remove some of the more obvious security infrastructure; he quoted the example of the Rosemount watch tower in Londonderry and the observation posts on the tops of high rise flats in West and North Belfast. He welcomed the start made to the demolition of the Kilturk PVCP and added that further progress along these lines would have a positive effect.

11. Mrs Owen then explained the approach adopted in the Republic of Ireland. The Irish side recognised that the level of risk between the two jurisdictions was different, and the Garda had been conducting a high level review of Irish security commitments. As a result several measures had already been taken including the withdrawal of checkpoints on the border; Garda manpower, which had previously been deployed full-time on security duties was now being assigned part time to other police duties. The level of Garda protection in certain prisons had been reduced and other proposals were currently under examination. Mrs Owen reinforced the Tanaiste's remarks about a perceived unevenness in the response by HMG, adding that there was a real desire to bed down the peace

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process but this must be matched by a corresponding response from the authorities.

12. Sir John Wheeler responded that the professional security advice of the security force commanders was the best course of action to follow, and it was for the Chief Constable and his senior officers to make the detailed decisions. RUC Divisional Commanders responded to conditions as they perceived them in their areas. In relation to army patrolling in South Armagh he explained that there had been changes which meant that the military presence on the ground could be different; in particular, helicopter movement had changed since the ceasefire with fewer patrols being deployed by air. Mr Legge emphasised that there was a reduced level of patrolling in Crossmaglen, and commented that following the ceasefires military patrols were able to make greater use of roads than they had been before; thus they became more visible than if they had been using cross-country routes. He added that the need for security infra-structure was kept under review, but that with less patrolling on the ground observation towers remained important, especially as it was well known that the terrorists were still carrying out targetting.

13. The Secretary of State referred to the question of unevenness in the response to the ceasefires. The security forces had to remain alive to threat and he identified areas of East Tyrone, parts of Belfast, South Armagh and parts of Londonderry as being areas which were of particular concern. On the question of political direction he had found a very sophisticated understanding of the 'political' implications amongst senior members of the security forces. On the issue of the Rosemount tower he expressed sympathy with people who lived nearby; he had been satisfied of the need for the tower when it was constructed and he continued to be assured that its presence was required. He added that if the threat diminished he would be more than happy to see the tower come down. The Tanaiste concluded this part of the discussion by expressing the hope that the towers would be moved sooner rather than later, as they remained a source of friction.

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Meanscoil Feirste

14. The Tanaiste asked if there had been any progress on developments about funding the Irish language school in West Belfast. The Secretary of State replied that he hoped to find a way to reduce the burden currently carried by parents. The matter was being looked at and, whilst he was anxious to do something, this had to be done without breaching the principles governing the rules of funding.

Prisons Issues - General Matters

15. Sir John Wheeler recounted that whilst PIRA continually sought ways of testing the system they were generally well behaved and proved easier to work with than loyalists. The behaviour of prisoners from the loyalist side gave cause for concern as they sought to intimidate prison officers and were proving difficult to manage. Conditions had been improved by the decision to have 24 hours unlock, thus doing away with the practice of 'slopping out'. The introduction of this arrangement did not compromise security as the integrity of the wings was maintained. The Minister went on to explain that remand prisoners from HMP Belfast had been moved to the Maze prison; this had resulted in the transfer of a number of prison officers to the Maze to help improve management of the facilities, provide the necessary escorts for taking prisoners to court, and for the supervision of visits.

16. The Tanaiste remarked that everyone involved in the peace process recognised the importance of prisons issues and the need to address them as part of that overall process. He noted that the issue of prisoners was on the agenda for the British side's discussions with both Sinn Fein and the loyalist groups. It was essential that these matters were dealt with flexibly, paying particular attention to the changing level of the threat in the community. The Tanaiste remarked that Sir Nicholas Scott had

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recalled that this was indeed the essence of the British Government's position in the aftermath of the Anglo-Irish Agreement.

17. The Tanaiste then went on to list a number of items which he thought merited close attention. On the issue of life sentences he believed that the arrangements for reviews and the role of the Life Sentence Review Board presented a number of opportunities. He recognised that it was a matter for the British side as to when a prisoner came up for a full review by that Board, he understood that it was normally around the 10 year mark, but he believed that there was discretion in this matter. This was already something which had been adverted to in the case of Private Clegg. The Tanaiste went on to say that the British side had discretion, taking into account the views of the judiciary and others to authorise, or refuse, as appropriate early release of life sentence prisoners. He believed, therefore, that there was a considerable potential in the existing array of release mechanisms. In a situation where the paramilitary organisations had ended violence the risk of re-offence was clearly reduced; this should facilitate a significant reappraisal of individual cases. The Tanaiste wondered if there was any scope for reform of the Life Sentence Review Board machinery, for example by giving prisoners, or their representatives, access to the actual 'hearings'. Did the British side have any plans to move in that direction? He argued that as the loyalists, as well as republicans, were interested in movement on prisons issues this should enhance the British side's room for manoeuvre. The Tanaiste added that in considering determinate sentence prisoners the Irish side believed that a return to 50% remission rates would be seen as a useful first step. He also expressed an interest in hearing if there were any other executive options under consideration by HMG.

18. The Secretary of State pointed out that there were no political prisoners, and he pressed that it was essential to maintain this line. Those who had perpetrated atrocities in places like Greysteel and Loughinisland were no less monstrous than other criminals. He explained that under the Life Sentence Review Board

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arrangements a power had been given to the Secretary of State to release prisoners, on licence, into the community. It was for the Life Sentence Review Board to advise the Secretary of State; this was very different from holding a 'hearing'. He could see no prospect of having outsiders sitting in at such reviews. The Review Board took account of the individual circumstances of prisoners and clearly one of the points which would be borne in mind would be the absence, or otherwise, of paramilitary violence; in the absence of paramilitary violence it could be anticipated that there would be a reduced risk of re-offending. He went on to explain that these arrangements were not available to determinate sentence prisoners, where those convicted of scheduled offences are expected to serve two thirds of their sentence; legislation would be needed to change these arrangements. He could see very difficult problems if consideration was given to using the prerogative of mercy to facilitate early releases. He added that as Secretary of State for Northern Ireland he was not in the same position as Ministers in the Republic of Ireland, who enjoyed very different powers. Nevertheless, he did recognise the importance of the issue to the peace process, and also that there were expectations that prisoners would get out earlier.

19. The Tanaiste then returned to his list of items on prisons matters and, addressing the question of temporary release, he commented that both loyalist and republican prisoners were disappointed that there had been no relaxation in the qualifying conditions for the Christmas 1994 home leave. The numbers actually benefiting had been down on the previous year and the Irish believed that a similar scenario for the forthcoming summer home leaves would send a doubly negative signal. There was also the question of compassionate home leave where the Irish side believed that some signs of flexibility would have a positive effect.

20. The Secretary of State commented that these were relatively ancillary matters. He pointed out that prisoners on temporary transfer from Great Britain to Northern Ireland remained subject to Home Office procedures and rules. He also explained that in regard

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to the number of prisoners eligible for summer home leave it had to be borne in mind there were now fewer prisoners held in jail who had served 11 years of their sentence.

Prison Issues - Full Sutton

21. The Tanaiste raised the question of IRA prisoners held in prisons in GB, and said it was important to resolve the difficulties which had arisen at several English prisons recently, especially at Full Sutton. He welcomed the decision taken to facilitate the visit to Full Sutton of a Sinn Fein representative; in the Irish view this should help head off a potentially dangerous situation. The Irish side hoped that the value of showing flexibility would be recognised by prison officials. The Tanaiste concluded saying that he hoped that the NIO would continue to liaise closely with the home Office in this sensitive area.

Prison Issues - Case of Private Clegg

22. The Tanaiste commented that controversy associated with the conviction of Private Clegg and his unsuccessful appeal had a very direct relevance to the broader prisons issues, and to the administration of justice in general. He was concerned that any special treatment for Clegg, in a situation where flexibility was not seen to apply to long term paramilitary prisoners, could have implications going well beyond the prisons themselves. The Irish side believed that what was necessary was a common framework for all of those who had been convicted for offences arising out of 'the troubles'.

23. The Secretary of State replied that in addressing his quasi-judicial responsibilities he would handle any such cases entirely within the aegis of the legislation. He did not know what the outcome would be and he expressed his personal dismay at some of the arguments which had been engendered by this case.

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Republic of Ireland - Approach to Prisons Issues

24. Mrs Owen elucidated on the approach to prisons issues in the Republic of Ireland explaining that the Irish Government exercised its powers under Section 33 of the Offences Against the State Act 1939, and that it had used these powers to grant early release to a total of 13 provisional IRA prisoners. Two of those released had served 13 and 15 years respectively of life sentences whilst 10 were serving determinate sentences of up to 10 years with most due out, with normal remission, in 1995 or early 1996. The woman PIRA prisoner released was due out in 1997. The prisoners were released on the basis that they would keep the peace and avoid publicity which might give offence to the victims of their actions. Mrs Owen explained that the Government had taken the decisions on these releases as a demonstration to Sinn Fein, and the prisoners, that they recognised the significant influence of prisoners on the decision to have a ceasefire. The Irish Government was prepared to be flexible on the prisoner issue against the background of a continuing ceasefire situation, thus showing that the ceasefire could produce tangible and practical benefits on the ground. Each case was considered on its own merits and it was intended that there should be further early releases so long as the ceasefires, and the peace process, held. Mrs Owen added that there were no immediate plans for more releases but it was likely that some further cases would be considered, perhaps as early as Easter. She undertook to maintain contacts through the usual channels with the British side so as to keep HMG informed of any specific plans.

25. The Secretary of State noted that under the Offences Against the State Act the Irish Minister had different powers from those available to the Secretary of State for Northern Ireland. An approach of handling matters as part of the peace process could also mean being asked to handle as 'political', offences which were in fact not 'political'. In reference to the remarks made recently in Dublin, when the Irish Government had expressed the hope that the HMG would soon follow the Irish approach, the Secretary of State argued that there was an intellectual gap to be bridged. There were

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clearly sensitivities in all of this, but it was essential to play fair. Mrs Owen commented that she recognised that there was a difference in the level of threat in the two jurisdictions, but in the South actions by the Irish Government had been seen as a message to help facilitate the peace process.

ANY OTHER BUSINESS

Electricity Interconnector

27. The two Ministers welcomed the progress on the restoration of the North/South electricity interconnector and looked forward to its full recommissioning in early April this year.

Washington Trade and Investment Conference

28. The Secretary of State and Tanaiste noted that preparations for the White House Trade and Investment Conference to be held in Washington on 24-26 May were under way. They saw the Conference as a major opportunity to attract US investment.

European Union Initiative - Peace Package

29. The Secretary of State and Tanaiste welcomed developments in relation to the implementation of the European Union's aid package in support of the peace process.

COMMUNIQUE

30. A copy of the agreed Communique issued at the IGC is attached at Annex.

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JOINT STATEMENT
ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE
BELFAST 14 FEBRUARY 1995

A meeting of the Anglo-Irish Intergovernmental Conference was held in Belfast on 14 February 1995. The British Government was represented by the Joint Chairman the Rt Hon Sir Patrick Mayhew MP, Secretary of State for Northern Ireland, accompanied by the Rt Hon Sir John Wheeler MP, Minister of State, Michael Ancram MP, Minister of State, and Malcolm Moss MP, Parliamentary Under Secretary of State, Northern Ireland Office. The Irish Government was represented by the Joint Chairman, Mr Dick Spring TD, Tanaiste and Minister for Foreign Affairs, accompanied by Ms Nora Owen TD, Minister for Justice, and Mr Brendan Howlin, TD, Minister for the Environment. The Chief Constable of the Royal Ulster Constabulary and the Commissioner of the Garda Siochana were present for discussion of security matters.

Political Matters

2. The Conference greatly welcomed the continuing cessations of violence and the progress that has been made towards an enduring peace. Ministers reaffirmed their commitment to seeking an agreed comprehensive political settlement reflecting the three main relationships and satisfactory to all. They shared their assessments of recent political developments. They also had a full and productive discussion of the draft Joint Framework Document, making encouraging progress towards agreement on the remaining substantive points. They expect to be in a position to put the Document to their respective Governments shortly. When it has been approved it will be given to the Northern Ireland parties for their consideration and published. They reiterated that while this is a document that is intended to address fundamental issues and will therefore present a challenge as well as an opportunity to all sides, it is not a blueprint to be imposed but rather a basis for discussion leading to agreement among all the participants to talks.

Security Matters

3. Ministers received a report from the Police Chiefs on the changed security situation and expressed great appreciation for the achievements of their forces and their continuing efforts. They deplored the acts of intimidation and so-called punishment beatings that have been witnessed in recent weeks.

Response to the Ceasefires

4. The Conference discussed the responses that have been made to the cessations of violence, notably, in the area of prisons policy, emergency powers and, in Northern Ireland, de-escalation by the security forces. The Conference discussed the prospects for further measures to be taken in these areas. Both sides emphasised their commitment to progressive advancement of the peace process.

Economic and Social Issues

5. The Conference discussed a range of environmental issues, including cross-border roads, urban renewal in border areas and matters affecting water quality, recycling and waste management. The Conference approved three papers which set out existing cross-border co-operation in these areas and endorsed proposals for enhancing that co-operation in the future.

Cross-Border Roads

6. The Conference agreed that the ceasefires provided a major opportunity to strengthen and expand North/South links through the re-opening of roads closed in the last 25 years and through the continued improvement of existing cross-border routes. The Conference noted with satisfaction that 36 cross-border roads have already been fully re-opened and that most others will be re-opened by the end of this year.

7. Ministers welcomed the designation of four major cross-border routes as a part of the Trans European Multimodal Network (TEMN) which comes into effect on 1 July 1995. Four cross-border links have been included:

Larne - Belfast - Dublin - Wexford - Rosslare,
Letterkenny - Londonderry - Belfast - Larne,
Derry - Omagh - Ballygawley - Monaghan - Ardee,
Sligo - Enniskillen - Belfast.

The Conference noted the particular importance of the Belfast-Dublin route and considered the steps which might be necessary to improve that part of the route between Newry and Dundalk. It was agreed that measures to improve the safety and capacity of this section of the existing route would be considered in the short term with a joint study to be undertaken to identify longer-term solutions. It was also agreed to initiate a joint study of the Derry-Dublin route.

Urban Renewal in Border Towns and Villages

8. The Conference also reviewed co-operation on urban renewal of border towns and villages. The Conference encouraged the development of cross-border dialogue at local authority and community level in the development of programmes in this area. Both sides recorded their appreciation of the International Fund for Ireland's contribution to the economic and social regeneration of disadvantaged border towns and villages and praised the enthusiasm and commitment of local community groups.

Environmental Issues

9. The Conference noted the progress already made to date in the preparation of strategies for the management and monitoring of the cross-border catchments of the Foyle and Erne. The Conference noted with satisfaction that improvements in sewage treatment are making a significant contribution to the protection and enhancement of

water quality in these and other important shared catchments. The Conference acknowledged the importance of co-operation in water quality, recycling and recovery, and waste management. They also endorsed existing co-operative arrangements between public authorities in relation to radioactivity. The Conference agreed in principle to a joint project to measure radioactivity levels, including the effects of Thorp reprocessing, in the Western part of the Irish sea.

Electricity Interconnector

10. The Conference welcomed the progress on the restoration of the North/South electricity interconnector and looked forward to its full recommissioning in early April this year.

White House Trade and Investment Conference

11. Both sides reviewed preparations for the White House Trade and Investment Conference to be held in Washington on 24-26 May. They saw the Conference as a major opportunity to attract US investment and they recorded their appreciation of the personal interest and involvement of President Clinton.

European Union Initiative

12. They also welcomed developments in relation to the implementation of the European Union's initiative in support of the peace process.