

COVERING CONFIDENTIAL

FROM: J R FISHER
ANGLO-IRISH SECRETARIAT
19 JUNE 1996

INTERNAL RECORD OF THE PLENARY SESSION HELD IN LONDON ON 22 MAY 1996
IC (96) 3.

cc PS/Michael Ancram (B&L) - B
PS/Sir John Wheeler (B&L) - B
PS/Baroness Denton (DANI/DED &L) - B
PS/PUS (B&L) - B
PS/Sir David Fell - B
Mr Carvill
Mr Elliott
Mr Loughran
Mr Murray
Mr Semple
Mr Spence
Mr Thomas - B
Mr Legge - B
Mr Bell - B
Mr Blackwell - B
Mr Daniell - B
Mr Leach - B
Mr Shannon - B
Mr Steele - B
Mr Watkins - B
Mr Beeton - B
Mrs Brown - B
Mr Canavan
Mrs Collins - B
Mr Hill - B
Mr Maccabe - B
Mr Perry - B
Dr Power - B
Mr Stephens - B
Mr Smyth - B
Mr White - B
Ms Checksfield - B
Miss Steele - B
Mr Budd, Cabinet Office
HMA, Dublin - B
Mr Lamont, RID - B
Chief Constable, RUC HQ

PA
IGC file

20/6
Mr. [Signature]
3/6 19/6

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

INTERNAL RECORD OF THE PLENARY SESSION HELD IN LONDON ON 22 MAY 1996
- IC(96)3

Attached is the final version of the Internal Record of the Plenary Session of the Intergovernmental Conference held in London on 22 May 1996.

The Plenary Session followed the Restricted Security Session and began by the Secretary of State and the Taoiseach paying tribute to
(Signed)

J R FISHER

COVERING CONFIDENTIAL

ET/34015

INTERNAL RECORD OF THE PLENARY SESSION HELD IN LONDON ON 22 MAY 1996
IC (96) 3.

Attached is the final version of the Internal Record of the Plenary Session of the Intergovernmental Conference held in London on the

PRESENT:

British Side

Sir Patrick Mayhew
Sir John Wheeler
Michael Ancram
Baroness Denton

Officials

Sir John Chilcot
Sir David Fell
Chief Constable, Sir Hugh Annesley
Mr Quentin Thomas
Mr Michael Legge
HMA, Mrs Veronica Sutherland
Mr Stephen Leach

Secretariat

Mr Peter Bell
Mr John Fisher

In Attendance

Mr Donald Lamont
Mr Martin Howard
Miss Clare Checksfield
Chief Supt Gerry Sillary
Mr Jim Wolstencroft

Irish Side

Mr Dick Spring
Mrs Nora Owen
Mr Michael Lowry
Mr Emmet Stagg

Officials

Mr Padraic MacKernan
Mr Tim Dalton
Garda Commissioner,
Mr Patrick Culligan
Mr Sean O hUiginn
Ambassador Barrington
Mr Val O'Donnell
Mr Tom Reeves
Mr Fergus Finlay
Mr David Cooney
Mr Colm O Floinn
Mr Paul Hickey

Secretariat

Mr David Donoghue
Mr Kieran Dowling
Mr Steve Magner

In Attendance

Ms Linda O'Shea Farren
Mr Christy O'Shea

The Plenary Session followed the Restricted Security Session and began by the Secretary of State and the Tanaiste paying tribute to

the valuable contribution made to the work of the conference by the Garda Commissioner who would shortly be retiring from public service.

CONFIDENCE ISSUES

Response of Security Forces to Developments.

2. The Secretary of State reminded the Conference of the across the board response there had been to the reduction of the security threat with three army battalions having been withdrawn from NI and over 100 other measures taken. With the end of the IRA ceasefire, two battalions had been recalled but not all pre-ceasefire security measures had been restored; cross-border road closures (and dismantled installations) had not been re-introduced. The security forces were maintaining a low profile. A particular threat existed in South Armagh but elsewhere the security forces were engaged in limited patrolling, essentially to protect security force bases. Both Sir John Wheeler and the Chief Constable added detail to the Secretary of State's statement in relation to the activities of the security forces and the composition of patrols, and the present threat posed by IRA mortars. Altogether the operations of the security forces were only being increased where absolutely necessary.

3. Responding, the Tanaiste commended the low profile response. This had avoided tension escalating and had helped efforts to restore the ceasefire. The Tanaiste raised two matters: accompaniment of Army patrols and increased helicopter activity in South Armagh and East Tyrone. Linked to the latter, the Tanaiste had received a deputation from Crossmaglen GAA Club and he urged the British Side to work to avoid confrontation with the Club and provide financial assistance to it to develop facilities.

4. In relation to the first, Sir John Wheeler said that the policy was for patrols to be accompanied by RUC officers wherever practical. The Chief Constable confirmed that after the Canary

Wharf incident patrolling had increased in South Armagh to meet the perceived threat. As to increased helicopter activity Sir John Wheeler appreciated local feelings but said that this was an unfortunate consequence of the breakdown of the ceasefire and operational requirements. In discussion, reference was made to the success of Crossmaglen GAA Club in obtaining funding from the National Lottery, the difficulties arising from the proximity of the security base to the Club and the debate there was within the GAA about the rules of the Association which restricted their membership by preventing members of the security forces joining. In this last respect, the Tanaiste said that the Irish Government continued to try to influence the Association.

5. Reverting, the Secretary of State emphasised the importance of preventing any republican violence which could lead to a loyalist response. Quoting figures, the Secretary of State also said that the continuing number of punishment beatings were of concern and affected both sides of the community. The Tanaiste said that the Irish Government continued to condemn punishment beatings at every opportunity.

Parades

6. The Secretary of State reminded the Conference that the overwhelming number of parades in NI were peaceful; very few gave rise to disorder and their sensitive handling was a tribute to the RUC. There was a need to reconcile the views of those who saw marching as a legitimate expression of their traditions with those of local communities who felt provoked by such marches. The Tanaiste did not underestimate the difficulties faced by the Chief Constable but believed that if agreement could not be reached with local residents, parades should be re-routed. Of particular concern were forthcoming parades in Belfast, Londonderry and Portadown. The Tanaiste felt Unionist leaders had a important role to play and the Irish Side were anxious to work with the British side to achieve solutions.

7. Sir John Wheeler said that of almost 400 parades this year, only 4 had resulted in disorder and that which had occurred on the Ormeau Road had been caused by hooligans, not the Orange Order. There had been 4 re-routing orders. A great deal of work was being undertaken deliberately with little publicity. But there was no panacea to deal with, for example, the recent difficulty there had been in parades gaining access to the Orange Hall and church in Dunloy. It was nearly always possible for the RUC to arrive at a compromise with local communities but this was made more difficult when Sinn Fein were active in exploiting issues and sought to take over events. A great deal of effort in terms of mediation and consultation was being expended to enable a memorial service to take place on the walls of Londonderry. This involved private talks with local political leaders and the Orange Order to secure a compromise with local residents.

8. The Tanaiste said that he did not underestimate the difficulties but emphasised the importance of parades not going where they were not welcome, with early decisions being announced by the RUC.

9. The Chief Constable saw the situation on the ground as having improved but the potential for disorder having increased. He drew a parallel with past industrial disorder in Britain and the impracticability of arresting and bringing before the courts large numbers of persons. Solutions would be found only through political leaders and the communities themselves. There were no absolutes and, emphasising evenhandedness, he referred to the decision last year to prevent a republican parade from entering Portadown. On the other hand, the parade in Dunloy had gone ahead, and had worked. Although he did not anticipate progress being made before the 30 May election, he saw a possibility that Lower Ormeau residents might eventually agree to there being a small church parade, if appropriately timed. Although the general scene was not encouraging, he hoped it would get better.

10. Concluding, the Secretary of State said (and the Tanaiste noted) that statements by the Irish Side made in public about parades in the North, risked causing difficulty for the British Side.

Prison Issues

11. The Secretary of State said that he was glad that the Home Secretary had found it possible to transfer Patrick Kelly and Brendan Dowd to prisons in the South but he was anxious to avoid creating any impression that the transfers were a trade for political advantage.

12. The Tanaiste welcomed the Home Secretary's decision and acknowledged the co-operation there had been. He hoped that the transfer of other prisoners would be considered on humanitarian grounds; about 80 prisoners had now applied for transfer to the South. Both the Tanaiste and Mrs Owen looked for a relatively smooth system of transfers being put in place and the Tanaiste said the Irish Side were ready to receive all those wishing to transfer to the South under the recent Convention for the Transfer of Sentenced Prisoners. Mrs Owen reported that there had been 33 applications from prisoners in the South for transfer to Britain and, although some had since been withdrawn, 5 such applications had been approved and others were being examined. She said it was important to keep lines of communication with prisoners open in the wider context of achieving a resumption of the ceasefire, and the value to the peace process generally.

13. On a quite separate matter, the Tanaiste drew attention to a number of complaints there had been regarding the treatment of republican prisoners at prisons in England including their medical treatment, sleep deprivation, the deferral of trial dates and restrictions on visiting. Mrs Owen raised the question of forensic testing and RDX contamination at the forensic explosives laboratory in England, and implications for prisoners transferred to the South. The Irish Side looked for clarity on this point and whether

the Convention made provision for prisoners who might subsequently appeal against their convictions or sentences.

14. Answering, Sir John Wheeler outlined the procedures which existed for prisoners to ventilate complaints. As to trial dates the Secretary of State could not say what might have been the reasons for their deferral but the defendants would have been told the reasons. The points made by the Tanaiste would be taken up with the Home Secretary. On RDX contamination, Sir John Wheeler referred to the review announced by the Home Secretary to be undertaken by Professor Caddy of Strathclyde University and that legal representatives of any prisoners affected would be informed, in advance of the issue of Professor Caddy's report. Referring to the NI Forensic Laboratory, the Secretary of State added that whereas on-going checks were made in NI, there was an open mind and the recommendations of the report would be studied for their relevance to NI. Any relationship between cases which might be affected by the recommendations of the review and the establishment of the Criminal Cases Review Commission was discussed. The Secretary of State said that a Chairman for the Commission had been selected but the Board was not yet in place. An order would be needed to implement the relevant legislation.

15. Finally, the Tanaiste raised the case of Jim McDonnell who had died in custody earlier this year and reports of tension at Maghaberry Prison arising from an influx of prisoners following the closure of Crumlin Road Prison. Sir John Wheeler said that any death in custody was treated seriously and was reported to a Coroner who in turn instructed police to undertake enquiries. This was the position in McDonnell's case. As for difficulties at Maghaberry Prison, there were no serious problems there but it had been necessary to relieve over crowding there by transferring prisoners to Magilligan Prison.

Irish Language Schools

16. The Tanaiste welcomed the recent decision to provide funding for Meenaghill Peirists. The decision has come at an important time

Policing

16. The Secretary of State said that the whole area of policing had been undergoing review with a view to the need for an efficient and accountable police service. Reports, of the review of complaints procedures and the RUC Fundamental Review would be available later in the year. As the foreward to the recently published White Paper made clear, final decisions on its proposals could be shaped by the outcome of all party negotiations.

17. The Tanaiste expressed concern about the content and timing of publication of the White Paper. He did not see that the White Paper proposals would make the police service more accountable to the nationalist community and the Framework Documents emphasised the need for consensus in relation to future legislation. Moreover, the name and symbols attached to the police caused disquiet in the nationalist community and needed to be addressed. In terms of timing, publication so close to the elections and the all party negotiations had not been helpful. Mrs Owen added to the Tanaiste's remarks by emphasising the need to be conscious of the sensitivity of policing issues and the need for careful handling of the issues involved.

18. Sir John Wheeler said that since last summer there had been a clear commitment to proceed with publication of the White Paper to improve the tripartite relationship (between the RUC, Police Authority and the community) and to address accountability, funding and management of the police service. Mr Legge said that there was much in the White Paper (including accountability of the police to the community and Community Police Liaison Committees) which nationalists should welcome.

CONFIDENCE ISSUES

Irish Language Schools

19. The Tanaiste welcomed the recent decision to provide funding for Meanscoil Feirste. The decision had come at an important time

and was helpful. The Tanaiste asked if the case of Newry Bunscoil could be similarly considered. Responding, Michael Ancram appreciated the political importance of the decision and said that it was important that it could be justified as viable and sustainable on Bunscoil enrolment figures. The case for funding Newry Bunscoil would be looked at on enrolment figures.

Public Appointments

20. The Secretary of State recognised the importance of achieving balance in public appointments but drew attention to the statutory restraints affecting discrimination. In the case of a recent appointment to one of the Health Boards, it had been necessary to appoint a better qualified person than that nominated by the Irish Side despite the need to correct an existing imbalance. His understanding was that, overall, the Irish Side had about a 50% nomination success rate.

21. Sir David Fell described the new arrangements on public appointments contained in draft guidelines sent out for consultation. Comments had been sought by the end of the month. The new arrangements provided greater transparency in terms of job description and advertisement. Under the new arrangements there would be more opportunity for legal challenge in relation to individual appointments and the new system could give rise to difficulties.

22. The Tanaiste accepted that progress was being made under Article 6 of the Agreement and the Irish Side were anxious to work with the British Side to improve their success rate. He welcomed the recent appointment of Sir Len Peach as Commissioner for Public Appointments in NI.

ECONOMIC AND SOCIAL ISSUES

Energy Co-operation

23. Baroness Denton and the Irish Minister with responsibility for Energy, Michael Lowry and the Irish Minister of State, Mr Emmet Stagg joined the Conference. Baroness Denton spoke of the importance of the energy sector to the economy and the need to build on co-operation and achieve economies of scale. The Minister referred to the feasibility study on the joint gas inter-connector and on going co-operation between NIE and ESB on electricity inter-connection. There had also been co-operation on energy efficiency and renewable energy schemes. Opportunities for bulk purchasing and in joint exploration for and developing natural gas deposits in Cavan and Fermanagh offered economic advantage.

24 The Minister's assessment was supported by Mr Lowry and Mr Stagg who spoke of the substantial co-operation and progress made by officials at departmental level. Only on the subjects of gas renewables and the gas inter-connector was work outstanding and it was proposed that further work should be undertaken by officials under a remit of the Conference with the intention of reporting on an annual basis to review progress.

25. The Secretary of State and the Tanaiste concluded by endorsing the initiatives listed in the joint paper before the Conference and invited further discussion and action on outstanding issues.

ANY OTHER BUSINESS

26. The Conference took note of developments there had been on broadcasting. The Tanaiste reiterated support for the Springvale campus project proposal by the University of Ulster. This project offered the opportunity for the two communities to work together in

a disadvantaged area and a decision on funding the project offered hope to both communities.

PS/Secretary of State (SLS) - 2
 PS/Michael Moran (SLS) - 2
 PS/PS (SLS) - 2
 PS/Sir David Hall - 2
 Mr Thomas (SLS) - 2
 Mr Legg - 2
 Mr Hall - 2
 Mr Leach (SLS) - 2
 Mr Steele - 2
 Mr Boston - 2
 Mr Hall (SLS) - 2
 Mr Stephens - 2
 Mrs Collins - 2
 Mr Perry

PS/Sir John Wheeler - 2

LIST OF CONCERNS TO BE RAISED BY THE IRISH SIDE AT ISC - 18 JULY 1996

Mr Fisher's note of 14 July set out a list of concerns handed to him by the Irish side, over the handling of events at Bracken and subsequently and a series of questions for which answers were being sought. Most, as Mr Fisher stated, fall to the Chief Constable as they cover the detail of police operations and it would be inappropriate for HMS to attempt to provide full explanations and answers. No doubt the Chief Constable will deal with some of the matters raised through the ISC today. We will however, provide to the Secretariat a written reply in due course, with the assistance of the RUC, along the lines suggested by the Minister in his note of 27 July. The following however gives a flavour as to how most of the questions might be handled initially.

CONDUCT OF THE SECURITY FORCES IN AFTERMATH OF BOMBING

1. What steps have been taken to investigate the circumstances of loyalist disturbances with a view to establishing their degree of

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