

OD(I): Ld Pres VC
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S/Def
LPS
S/IT
CS (HMT)
S/NI
CDL
AG
Party Sec (HMT)



10 DOWNING STREET

From the Private Secretary

bc PC.

SIR ROBERT ARMSTRONG

ANGLO-IRISH RELATIONS: NORTHERN IRELAND

Thank you for your minute of 10 June on the subject of a review clause.

The Prime Minister agrees that you should now put the draft British proposal with the amendment proposed by the Northern Ireland Secretary to the Irish Government. She further agrees that you should have discretion to propose the alternative review formula suggested in your minute.

I am copying this minute to the Private Secretaries to members of OD(I).

C.P.P.

(CHARLES POWELL)

SWH

11 June 1985

CDP
11/6

Ref. A085/1572

MR POWELLAnglo-Irish Relations: Northern Ireland

I attach a copy of the revised draft British proposal in the form in which it is now being sent to the Irish Government.

2. You will see that it takes account not only of the Secretary of State for Northern Ireland's suggested amendment but also of that suggested by the Secretary of State for Trade and Industry (the words "and specially" have been inserted in the last phrase of what is now paragraph 11).

3. I am sending copies of this minute and the revised draft British proposal to other members of OD(I).

Rx

Approved by
ROBERT ARMSTRONG
and signed in his absence

11 June 1985

Draft of 11 June 1985

ANGLO-IRISH RELATIONS: NORTHERN IRELAND

British Proposal

I. Preamble

1. The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland -

wishing further to develop the unique relationship between their peoples and the close co-operation between their countries as friendly neighbours and as partners in the European Community;

recognising the major interest in both their countries, and above all of the people of Northern Ireland, in achieving lasting peace and stability in Northern Ireland;

recognising the need for continued efforts to diminish the divisions in Northern Ireland and

to reconcile the two major traditions that exist in the two parts of Ireland;

reaffirming their total rejection of any attempt to promote political objectives by violence or the threat of violence and their determination to work together to combat those who adopt or support such methods;

recognising that a condition of genuine reconciliation and dialogue between the two communities in Northern Ireland is mutual recognition and acceptance of the rights of each community;

recognising and respecting the identities of the two communities in Northern Ireland, and the right of each to pursue its aspirations by peaceful and constitutional means;

reaffirming their commitment to a society in Northern Ireland in which all may live in peace, free from discrimination and

intolerance and with the opportunity for both communities to participate fully in the structure and processes of government;

agree as follows:

II. Status of Northern Ireland

2. The two Governments:

1. agree that any change in the status of Northern Ireland could come about only with the consent of a majority of the people of Northern Ireland;

2. recognise that the present wish of the majority is for no change in the status of Northern Ireland;

3. declare that, if in the future a majority of the people in Northern Ireland clearly wished for and formally consented to the establishment of a united Ireland, they would support the introduction in the respective Parliaments of legislation to give effect to that wish.

III. The Standing Intergovernmental Committee

3. There would be established within the framework of the Anglo-Irish Intergovernmental Council a new Committee, to be known as the Standing Intergovernmental Committee, to deal on a regular basis and in relation to Northern Ireland with -

- a. political matters;
- b. security and related matters;
- c. legal matters, including the administration of justice;
- d. cross-border co-operation;

as set out in this agreement.

4. Unlike the existing AIIC machinery this Committee would be primarily concerned with North/South rather than East/West relationships and would meet on a regular rather than ad hoc basis. The British Government would accept that the Irish

Government would put forward views and proposals on matters relating to Northern Ireland within the body's remit in so far as those matters were not the responsibility of a devolved administration in Northern Ireland. Attention would thus be given to these matters at the highest level. In the interest of promoting peace and stability, determined efforts would be made through the Committee to resolve any differences. The focus of the Committee's work would be mainly in Northern Ireland; but some of the matters under consideration would involve co-operative action in both parts of the island of Ireland and possibly also in Great Britain. Some of the proposals considered in respect of Northern Ireland might also be found to have application by the Irish Government. There would be no derogation of sovereignty on the part of either the United Kingdom Government or the Irish Government, so that each would retain responsibility for the administration of government within its own jurisdiction.

5. The Committee would meet at Ministerial or official level, as required. There would be regular and frequent Ministerial meetings; and

special meetings could be convened when necessary at the request of either side. Officials might meet in Sub-Committees. Membership would be small and flexible. When the Committee met at Ministerial level the Secretary of State for Northern Ireland and an Irish Minister designated as the Permanent Irish Ministerial Representative would be joint Chairmen. Other British and Irish Ministers could attend meetings as appropriate: thus when legal matters were under consideration the Attorneys General might attend. Ministers would be accompanied by their officials and professional advisers: for example, when questions of security policy or security co-operation were being addressed they could be accompanied by the Chief Constable of the Royal Ulster Constabulary and the Commissioner of the Garda Siochana. The appropriate Secretariat would be provided by the two Governments.

6. In relation to matters coming within its remit, the Committee would constitute a framework within which the Government of the United Kingdom and the Government of the Republic of Ireland could work together:

i. for the accommodation of the rights and identities of the two traditions which exist in Northern Ireland; and

ii. for peace, stability and prosperity throughout Ireland by promoting reconciliation, respect for human rights, co-operation against terrorism and the development of economic, social and cultural co-operation.

7. It is the declared policy of the British Government that responsibility in respect of certain matters within the remit of the Secretary of State for Northern Ireland should be devolved within Northern Ireland on a basis which would secure widespread acceptance throughout the community. The Irish Government support that policy.

8. Both Governments recognise that devolution can be achieved only with the co-operation of the constitutional representatives within Northern Ireland of both the traditions there. If full devolution had not taken place, the Committee would constitute a framework within which the Irish

Government could put forward views and proposals on the modalities of devolution in Northern Ireland, in so far as they bore on the interests of the minority community.

Political Matters

9. The Committee would concern itself with measures to recognise and accommodate the rights and identities of the two traditions in Northern Ireland, to protect human rights and to prevent discrimination. Matters to be considered in this area in respect of Northern Ireland include measures to foster the cultural heritage of both traditions, changes in electoral arrangements, the use of flags and emblems, the avoidance of economic and social discrimination and the advantages and disadvantages of some form of Bill of Rights in Northern Ireland.

10. The focus of discussion of these matters would be on Northern Ireland, but the possible application of any such measures by the Irish authorities in the South would not be excluded.

11. Should it prove impossible to achieve and sustain devolution on a basis which would secure

widespread acceptance in Northern Ireland, the Committee would constitute a framework within which the Irish Government could put forward views on proposals for major legislation on Northern Ireland matters, and on major policy issues within the responsibility of the Secretary of State for Northern Ireland, significantly and specially affecting the interests of the minority community.

12. The Committee would provide a framework within which the Irish Government could put forward views on appointments to be made by the Secretary of State for Northern Ireland to bodies including -

the Standing Advisory Commission on Human Rights;

the Fair Employment Agency;

the Equal Opportunities Commission;

the Police Authority for Northern Ireland;

the Police Complaints Board.

Security and Related Matters

13. The Committee would consider:

- a. security policy;
- b. relations between the security forces and the community;
- c. prisons policy.

14. The Committee would address the security situation at its regular meetings. This would provide an opportunity to address policy issues, serious incidents and forthcoming events (eg parades and processions).

15. The Committee would consider relations between the security forces and the community, with particular reference to the minority community in Northern Ireland. With a view to promoting greater confidence in the security system, a programme of action would be put in hand which might include: the establishment of local consultative machinery, training in community relations, crime prevention schemes involving the community, improvements in

arrangements for handling complaints, and action to increase the proportion of members of the minority in the RUC. It would be accepted by both sides that these matters would be directed primarily towards Northern Ireland, with the object of making the security forces more readily accepted by the minority community there, but that some of them might be developed by the Irish authorities in ways which might also have an application in the South.

16. The Committee would also be able to consider policy issues in the prisons. Individual cases could be raised as appropriate, so that explanations could be given or inquiries instituted.

Legal Matters, Including the Administration of Justice

17. The Committee would deal with issues of concern to both countries relating to the enforcement of the criminal law. In particular it would consider whether there are areas of the criminal law applying in the North and in the South respectively which might with benefit be harmonised. The two Governments agree on the

desirability of ensuring that there is public confidence in the administration of justice. The Committee will seek means to this end, considering inter alia the possibility of establishing a system of joint courts for trying terrorist crimes. It would also be concerned with the oversight and review of arrangements between North and South for extradition and extra-territorial jurisdiction.

Cross-border Co-operation

Security Co-operation

18. With a view to enhancing co-operation between the security forces of the two Governments, the Committee would set in hand a programme of work to be undertaken by the Chief Constable and the Commissioner and groups of officials in such areas as threat assessments, exchange of information, liaison structures, technical co-operation, training of personnel, and operational resources.

19. The Committee would have no operational responsibilities; responsibility for police operations would remain with the heads of the respective police forces, and the Chief Constable

of the Royal Ulster Constabulary would maintain his existing links with the Secretary of State and the Commissioner of the Garda Siochana his accountability to the Minister for Justice.

Economic, Social and Cultural Co-operation

20. The two Governments would co-operate to promote the economic and social development of those areas of both parts of Ireland which have suffered most severely from the consequences of the instability of recent years, and consider the possibility of securing international support for this work.

21. Should it prove impossible to achieve and sustain devolution on a basis which would secure widespread acceptance in Northern Ireland, the Committee would constitute a framework for the promotion of co-operation between North and South in Ireland in relation to cross-border aspects of economic, social and cultural matters in relation to which the Secretary of State continued to exercise authority.

22. If responsibility were devolved in respect of certain matters under this heading currently within the remit of the Secretary of State, there would need to be machinery for practical co-operation between the responsible authorities North and South in respect of cross-border aspects of those issues.

Arrangements for review

23. At the end of three years from signature of this agreement, or earlier if requested by either party, the working of the Committee would be reviewed by the two Governments to see whether any changes in the scope and nature of its activities were desirable.

IV. Inter-Parliamentary Relations

24. The two Governments agree that it would be for the Houses of Parliament in Westminster and the Oireachtas in Dublin to consider whether an Anglo-Irish Parliamentary body of the kind adumbrated in the Anglo-Irish Studies Report of November 1981 could be established.

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rec'd 11.6.85.