

58B
Having read the agreement -
check - I think it does
not accurately convey
our meaning. The fact is that
this Committee is no more than
consultative. We have made it
clear with we have given
the Republic the
authority
in our
affairs. We have
no intent to
do

SECRET AND PERSONAL

PRIME MINISTER

ANGLO-IRISH TALKS: NORTHERN IRELAND

I attach Sir Robert Armstrong's report on his latest round of talks. He concludes that Irish Ministers have finally decided to go ahead with the agreement. But there are a number of points on which decisions are required.

i. Mixed Courts/Legal Matters

The Irish appear reconciled to the fact that we shall not give any commitment on Mixed Courts. But in retaliation they are withdrawing their commitment to accede to the European Convention on the Suppression of Terrorism. This commitment was one of the principal advantages of the agreement in the eyes of the Law Officers: and I imagine that withdrawal of the concession will be badly received in Cabinet. You may want to instruct Sir Robert Armstrong to go back to the Irish in strong terms. There is not an exact parallel, as they appear to argue, between our position on mixed courts and theirs on acceding to the Convention. We have made clear from a very early stage that we can not give a commitment to mixed courts: their concession on acceding to the Convention was one of the main attractions for us in the agreement, which has been an incentive to continuing the negotiations. Their sudden and belated change of direction calls into question their good faith. Agree to instruct Sir Robert in this sense?

ii. Intergovernmental Committee

You will recall that the Irish wanted "Intergovernmental Commission" which we refused. We are content with

X "Intergovernmental Committee". They have now proposed "Intergovernmental Standing Conference". The title has no overtones of executive authority: but it also sounds bigger and more permanent than we would ideally like. Sir Robert recommends acceptance. Agree?

SECRET AND PERSONAL

iii. Site of Secretariat

The Irish want the Irish and British offices co-located in Belfast from straight after the agreement. There is an obvious security risk. But if we don't do it from the beginning, it may be harder later. Agree?

Yes *ms*

iv. Press Release

The draft of a joint press release summarising the agreement has been prepared. Since first public comment on the agreement is likely to be based upon it, you will want to consider it carefully. I have some doubts about the phrase which recurs that this or that is "within the Committee's remit". For those who have not studied all the careful qualifications about the Committee's role, the phrase may suggest that the Committee can decide.

v. Discussion by Cabinet

Sir Robert proposes that the latest version of the agreement should come to Cabinet on 3 October. (He himself will have another round of talks on 29/30 September). This leaves a rather long gap between what may be a final Cabinet discussion and your possible meeting with the Taoiseach on 23/24 October, though you could probably squeeze in a later meeting of OD(I) if necessary. Since the main shape of a possible agreement will be clear by 3 October, it is probably best to have a full Cabinet discussion then. Agree?

C.D.P.

(C.D. Powell)

26 September, 1985

RAMABJ

SECRET AND PERSONAL



60
file

10 DOWNING STREET

From the Private Secretary

SIR ROBERT ARMSTRONG

ANGLO-IRISH TALKS: NORTHERN IRELAND

The Prime Minister has had a first look at your minute of 25 September recording your most recent round of talks with Mr. Nally. She has not yet had time to consider fully all the points raised there. But you may find it helpful to have early notice of her views on some of them.

On legal matters the Prime Minister thinks that the Irish Government's decision to withdraw their commitment to accede to the European Convention on the Suppression of Terrorism is a serious retrograde step. She recalls that the Law Officers saw the commitment to accede to the Convention as one of the principal advantages of the whole agreement. She believes that withdrawal of the offer will be very badly received by Cabinet. She does not accept, as the Irish appear to argue that there is an exact parallel between our position on mixed courts and theirs on acceding to the Convention. We have made clear from a very early stage that we can not give a commitment to mixed courts: their concession on acceding to the Convention was one of the main attractions for us in the agreement, which has been an incentive to continuing the negotiations. The Prime Minister considers that their sudden and belated change of direction calls into question their good faith. She would want you to go back to the Irish government to make these points firmly.

On the Intergovernmental Committee, the Prime Minister does not regard 'Intergovernmental Standing Conference' as an acceptable alternative and would want you to stand firm on the originally agreed title.

As regards the site of the Secretariat the Prime Minister agrees that the Irish and British offices will have to be co-located in Belfast from shortly after the signing of the agreement.

The Prime Minister has not yet considered the draft press release nor the question of further ministerial discussion. I recognise that the question whether to go to Cabinet on 3 October is urgent and shall try to get a decision today (though that may be difficult). It would be prudent, however, to plan on the assumption that Cabinet will take the matter next week.

I am copying this minute to the Private Secretaries to the Foreign Secretary and to the Northern Ireland Secretary.

C.D.P.

(C.D. Powell)

27 September 1985

SECRET AND PERSONAL

Ref. A085/2442

PRIME MINISTER

Anglo-Irish Talks - Session on 22-23 September 1985

The latest session of the talks on 22-23 September went reasonably well. Mr Nally's team gave clear indications that they were confident that Irish Ministers would decide to go ahead with the agreement on the basis now virtually agreed ad referendum in the talks.

Legal Matters

2. The Irish team said that legal matters had received major attention when the Irish Cabinet devoted a full day last week to discussion of the state of play in our talks. Mr Nally again emphasised the Taoiseach's concern that we appeared not to envisage any action to establish mixed courts in the near future, despite our willingness to say in the agreement that the subject could be discussed in the new Intergovernmental Committee. Mr Nally said that the Secretary of State for Northern Ireland, when he visited Dublin on 17 September, had made it clear that he was extremely dubious about the concept, and wanted to leave Irish Ministers in no doubt that, while he and his colleagues were prepared to agree, without commitment, that the possibility should be considered in the proposed Intergovernmental Committee, he thought it very unlikely that we could agree to mixed courts in the foreseeable future. Against this background, the Irish Government had felt bound to reconsider their willingness to accede, in the context of an agreement, to the European Convention on the Suppression of Terrorism. Accession to the Convention would involve a change of policy by the Irish Government which would be controversial in the Republic; there would be criticism that persons were being handed over for trial

by courts in which the minority in Northern Ireland had little confidence and which we were refusing to make into mixed courts. They would be willing to discuss extradition in the Inter-governmental Committee but would not accede in the near future to the European Convention. Thus their position on accession to the Convention would be exactly parallel to our position on mixed courts.

3. The Irish also related their change of position on the European Convention to our position on the appointment of Roman Catholic judges to the Court of Appeal and the High Court in Northern Ireland. I explained that there were no vacancies at present and that none were expected soon. The Irish pointed out that there were only five judges in the High Court, where the statute permitted a maximum of six, and urged that a sixth (Catholic) judge should be added to the High Court. I conveyed the Lord Chancellor's view that a sixth judge was not needed and could not be justified by the amount of work. The Irish asked us to represent to British Ministers that this was to take too narrow a definition of "need": the sixth (Catholic) judge was "needed" to reduce the Protestant/Catholic imbalance in the High Court. They also acknowledged, however, that the value of such an appointment, as a means of improving the confidence of the minority community in the administration of justice, would be diminished because the person concerned would be liable to be written off by minority opinion as a "Castle Catholic".

4. I said that we should be willing that the Intergovernmental Committee at its first meeting should consider how to deal with the questions of harmonising the criminal law between North and South in Ireland and of arranging much more systematic contact between the legal professions at various levels in North and South.

Ulster Defence Regiment (UDR)

5. The Irish continued to press us for limited changes in the deployment patterns of the UDR. I doubt whether there is any significant scope for this; but I am considering with the Ministry of Defence whether any further small steps concerning the UDR, either in relation to deployment or in relation to other aspects, could be taken in the near future.

The Intergovernmental Committee

6. The Irish reverted to the question of the title of the new body. They continued to dislike the word "Committee", which apparently has slightly ludicrous parochial overtones in Ireland. They would like "Commission" but I have made it clear that we see objections to that. I think that the Irish would settle for "Intergovernmental Conference" (or "Intergovernmental Standing Conference"). Although "Conference" may sound like something involving more people than the planned new body, it has the attraction of carrying absolutely no flavour of joint authority or of an executive role. It reflects two plain facts - that the body would consist of representatives of the two Governments and that their function would be to confer. I seek authority to settle for "Intergovernmental Standing Conference" (ISC).

7. There was further discussion of the role of the Secretariat of the Intergovernmental Committee. Mr Nally said that it should be able to be "a catalyst" in the two Governments' dealings with problems and incidents (though he also said that the two Ambassadors would continue to discharge their present roles in the handling of problems in capitals). The British and Irish Secretaries must have good contact in their Governments, enabling them to judge and perhaps even anticipate their Ministers' views on occasion. I said that the Secretariat would carry out secretarial functions for the Intergovernmental Committee and also be a continuing channel of communication between the two

Governments when the Intergovernmental Committee was not meeting. The Irish team argued that it should also be a vehicle for the resolution of differences (one of the functions ascribed by the agreement to the Intergovernmental Committee) on urgent matters. I said that the British Secretary should be the Irish Secretary's point of contact, and that the British and Irish Secretaries should confer when something happened and report each other's views to their principals, adding as appropriate their own recommendations; but they would not be in a position to take decisions of their own or in anticipation of their Ministers' views. I think that the Irish have now accepted that this is as far as we shall go.

8. We argued that the Secretariat, and particularly its Irish component, would, especially in its first months, be a target for terrorism, and that unionist opinion would resent its presence in Belfast. One possibility would be to start with the British component in Belfast and the Irish component in Dublin, with the Irish coming up to Belfast only for meetings and otherwise communicating by telephone and letter. One of the Northern Ireland Office representatives at our meeting, on the instructions of his Secretary of State, proposed that the Secretariat should, at any rate for the first few months, be located in London. The Irish argued most emphatically that location in London would be "disastrous". If the Secretariat was not established in Belfast virtually as soon as the agreement came into effect, its unionist opponents would concentrate all their efforts on preventing its establishment there. We should be repeating the mistake made at Sunningdale of announcing something without putting it into practice. I think that the Irish will want to see the British and Irish components of the Secretariat colocated in Belfast as soon after the agreement enters into force as the necessary practical and security arrangements can be made.

Texts

9. Following their change of position regarding the European Convention on the Suppression of Terrorism, the Irish indicated to us that the square brackets around the sentence on mixed courts in Article 8 of the draft agreement could be removed. We therefore now have a clear text, agreed ad referendum to Ministers on both sides. I attach the complete draft, now set out in the legal form required for an agreement. Small changes made recently are sidelined on pages 3 and 4.

10. I also attach a draft of a press release summarising the agreement, which we have prepared with Mr Nally's team. The purpose, as you know, is that both Governments should make use of a single summary in their public descriptions of the agreement, so that these diverge as little as possible; and that we can hope to reduce the risk of the media summarising the agreement in misleading ways if we provide our own summary. I was not sure whether it would be possible to produce a summary which was significantly shorter than the agreement, was agreed between the two sides and did not inadvertently give scope for interpretation which differed from the agreement itself; but I believe that, thanks in large measure to the skill of Mr Mallaby, we have succeeded in doing so. The summary would be made available to the press after the Summit meeting, with a rider to emphasise that it has no legal status.

11. I also attach the latest version of the passage on implementation of an agreement for inclusion in a communiqué on a Summit. Paragraphs 3(a) and (b) incorporate amendments resulting from the last meeting of the talks, which considerably simplify the wording. Paragraph 4 has been amended to remove the reference to Irish accession to the European Convention on the Suppression of Terrorism.

Arrangement for a Summit

12. As to the date for a Summit meeting, I have minuted you separately, to explain why the Taoiseach is now not so keen on 23 or 24 October and is thinking in terms of Monday 28 October. I am sending a message to Mr Nally confirming your views as recorded in Mr Powell's minute of 25 September. As to location, Mr Nally said that the Taoiseach thought that it would be politically difficult for him to come to Great Britain to sign the agreement, particularly as he had been to this country for his last three meetings with you. He would like to sign it in Ireland. His preference would be to meet somewhere in the Shannon area (eg Ashford Castle). If that is not possible for you, he would be prepared to think seriously about Hillsborough, assuming that he could broadcast on Radio Telefis Eirann (the Irish public broadcasting network) from Hillsborough. The Irish were also concerned about the risk of hostile demonstrations if the agreement was signed in Northern Ireland, and of the impression that television pictures of such demonstrations would create in the public mind. I said that we should do our best to minimise that risk, by maintaining secrecy as to date and location as long as possible. At our next meeting I will continue to urge Hillsborough on Mr Nally.

Timetable

13. You have told Cabinet that it will have a further opportunity to consider the draft agreement before it is concluded. Given the Commonwealth Heads of Government Meeting, I think that this will have to be done at Cabinet on 3 October. I hope that the Secretaries of State for Foreign and Commonwealth Affairs and for Northern Ireland will agree to circulate a memorandum on 1 October, which would take account of my next session with Mr Nally on 29 and 30 September.



14. I am sending copies of this minute to the Secretaries of State for Foreign and Commonwealth Affairs and for Northern Ireland.

RA

ROBERT ARMSTRONG

25 September 1985

CONQUEROR

11

CC SIR P. CRADOCK - Mr Andrew
Mr Goodall
Mr Brennan
Mr Hallaby

SECRET AND PERSONAL

DRAFT AGREEMENT BETWEEN THE GOVERNMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN
IRELAND AND THE GOVERNMENT OF THE REPUBLIC OF
IRELAND.

As at 24 Sept

The Government of the United Kingdom of Great
Britain and Northern Ireland and the Government of
the Republic 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 of both their
countries and, above all, of the people of Northern
Ireland in diminishing the divisions there and
achieving lasting peace and stability;

Recognising the need for continuing efforts to
reconcile and to acknowledge the rights of the two
major traditions that exist in Ireland, represented
on the one hand by those who wish for no change in
the present status of Northern Ireland and on the

other hand by those who aspire to a sovereign united Ireland achieved by peaceful means and through agreement;

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 ensure that those who adopt or support such methods do not succeed;

Recognising that a condition of genuine reconciliation and dialogue between unionists and nationalists is mutual recognition and acceptance of each other's rights;

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 structures and processes of government;

Have accordingly agreed as follows:

A

STATUS OF NORTHERN IRELAND

ARTICLE 1

The two Governments

- (a) affirm that any change in the status of Northern Ireland would come about only with the consent of a majority of the people of Northern Ireland;
- (b) recognise that the present wish of a majority of the people of Northern Ireland is for no change in the status of Northern Ireland;
- (c) declare that, if in the future a majority of the people of Northern Ireland clearly wish for and formally consent to the establishment of a united Ireland, they will introduce and support in the respective Parliaments legislation to give effect to that wish.

B

THE INTERGOVERNMENTAL [COMMITTEE]

ARTICLE 2

dismiss

(a) There is hereby established, within the framework of the Anglo-Irish Intergovernmental Council set up after the meeting between the two Heads of Government on 6 November 1981, an Intergovernmental [Committee] (hereinafter referred to as "the [Committee]"), to deal, as set out in this Agreement, on a regular basis and in relation to Northern Ireland with

(i) political matters;

(ii) security and related matters;

(iii) legal matters, including the administration of justice;

(iv) the promotion of cross-border co-operation.

(b) The [Committee] shall meet on a regular rather than an ad hoc basis. The United Kingdom Government accept that the Irish Government will put forward views and proposals on matters relating to Northern Ireland within the field of activity of the [Committee] in so far as those matters are not the responsibility of a devolved administration in Northern Ireland. In the interest of promoting peace and stability, determined efforts shall be made through the [Committee] to resolve any differences. The [Committee] will be mainly concerned with Northern Ireland; but some of the matters under consideration will 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 may also be found to have application by the Irish Government. There is no derogation from the sovereignty of either the United Kingdom Government or the Irish Government, so that each retains responsibility for the ^{decision and} administration of government within its own jurisdiction.

decision

ARTICLE 3

The [Committee] shall meet at Ministerial or official level, as required. The business of the [Committee] will thus receive attention at the highest level. Regular and frequent Ministerial meetings shall be held; and in particular special meetings shall be convened at the request of either side. Officials may meet in subordinate groups. Membership of the [Committee] and of sub-groups shall be small and flexible. When the [Committee] meets at Ministerial level the Secretary of State for Northern Ireland and an Irish Minister designated as the Permanent Irish Ministerial Representative shall be joint Chairmen. Other British and Irish Ministers shall attend meetings as appropriate: when legal matters are under consideration the Attorneys-General may attend. Ministers may be accompanied by their officials and their professional advisers: for example, when questions of security policy or security co-operation are being discussed, they may be accompanied by the Chief Constable of the Royal Ulster Constabulary and the Commissioner of the Garda Siochana; or when questions of economic or social policy or co-operation are being discussed,

they may be accompanied by officials of the relevant Departments. A permanent Secretariat shall be established by the two Governments.

ARTICLE 4

- (a) In relation to matters coming within its field of activity, the [Committee] shall be a framework within which the United Kingdom Government and the Irish Government 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.
- (b) It is the declared policy of the United Kingdom Government that responsibility in respect of certain matters within the powers 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.

- (c) Both Governments recognise that devolution can be achieved only with the co-operation of constitutional representatives within Northern Ireland of both traditions there. If full devolution has not taken place, the [Committee] shall constitute a framework within which the Irish Government may put forward views and proposals on the modalities of devolution in Northern Ireland, in so far as they relate to the interests of the minority community.

C

POLITICAL MATTERS

ARTICLE 5

- (a) The [Committee] shall 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 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 a Bill of Rights in some form in Northern Ireland.
- (b) The discussion of these matters shall be mainly concerned with Northern Ireland, but the possible application of any measures pursuant to this Article by the Irish Government in their jurisdiction shall not be excluded.

- (c) If it should prove impossible to achieve and sustain devolution on a basis which secures widespread acceptance in Northern Ireland, the [Committee] shall constitute a framework within which the Irish Government may, where the interests of the minority community are significantly ^{or} ~~and~~ especially affected, put forward views on proposals for major legislation and on major policy issues, which are within the purview of the Northern Ireland Departments and which remain the responsibility of the Secretary of State for Northern Ireland.

ARTICLE 6

The [Committee] shall be a framework within which the Irish Government may 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.

[The role and composition of bodies appointed by the Secretary of State for Northern Ireland]

D

SECURITY AND RELATED MATTERS

ARTICLE 7

(a) The [Committee] shall consider

(i) security policy;

(ii) relations between the security forces and the community;

(iii) prisons policy.

(b) The [Committee] shall consider the security situation at its regular meetings and thus provide an opportunity to address policy issues, serious incidents and forthcoming events (eg parades and processions).

(c) The [Committee] shall 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

[Mr. King wants
to omit]

system, a programme of action shall be developed which may 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. Such a programme of action will be directed primarily towards Northern Ireland, with the object of making the security forces more readily accepted by the nationalist community there, but some aspects may be considered by the Irish Government suitable for application within their jurisdiction. The [Committee] may also review the structure, composition and powers of the Police Authority for Northern Ireland.

[Mr. King wants
to omit]

[Mr. King
wants to
omit]

- (d) The [Committee] may consider policy issues relating to prisons. Individual cases may be raised as appropriate, so that explanations can be given or inquiries instituted.

E

LEGAL MATTERS, INCLUDING THE ADMINISTRATION OF
JUSTICE

ARTICLE 8

The [Committee] shall deal with issues of concern to both countries relating to the enforcement of the criminal law. In particular it shall 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 shall seek, with the help of advice from experts as appropriate, measures which would give substantial expression to this aim, considering inter alia the possibility of mixed courts in both jurisdictions for the trial of certain offences. The [Committee] shall also be concerned with policy aspects of extradition and extra-territorial jurisdiction as between North and South.

F

CROSS-BORDER CO-OPERATION ON SECURITY, ECONOMIC,
SOCIAL AND CULTURAL MATTERS

ARTICLE 9

- (a) With a view to enhancing cross-border co-operation on security matters, the [Committee] shall set in hand a programme of work to be undertaken by the Chief Constable of the Royal Ulster Constabulary and the Commissioner of the Garda Siochana and, where appropriate, groups of officials in such areas as threat assessments, exchange of information, liaison structures, technical co-operation, training of personnel, and operational resources.
- (b) The [Committee] shall have no operational responsibilities; responsibility for police operations shall remain with the heads of the respective police forces, the Chief Constable of the Royal Ulster Constabulary maintaining his links with the Secretary of State for

SECRET AND PERSONAL

Northern Ireland and the Commissioner of the
Garda Siochana his links with the Minister for
Justice.

ARTICLE 10

- (a) The two Governments shall 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 shall consider the possibility of securing international support for this work.
- (b) If it should prove impossible to achieve and sustain devolution on a basis which secures widespread acceptance in Northern Ireland, the [Committee] shall constitute a framework for the promotion of co-operation between the two parts of Ireland concerning cross-border aspects of economic, social and cultural matters in relation to which the Secretary of State for Northern Ireland continues to exercise authority.
- (c) If responsibility is devolved in respect of certain matters in the economic, social or cultural areas currently within the responsibility of the Secretary of State for Northern Ireland, machinery will need to be

established by the responsible authorities in the North and South for practical co-operation in respect of cross-border aspects of these issues.

G

ARRANGEMENTS FOR REVIEW

ARTICLE 11

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

H

INTERPARLIAMENTARY RELATIONS

ARTICLE 12

The two Governments agree that it will 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 should be established.

I

FINAL CLAUSES

ARTICLE 13

This Agreement shall enter into force on the date on which the two Governments exchange notifications of their acceptance of this Agreement.

In witness whereof the undersigned, being duly
authorised thereto by their respective Governments,
have signed this Agreement.

Done in two originals at.... on the..... day of
..... 1985

For the Government
of the United Kingdom
of Great Britain
and Northern Ireland

For the Government of
the Republic of
Ireland

(Note: each original would be signed on behalf of
both Governments. In the Title, in the names of
parties at the start of the Agreement, and in the
signature blocks above, the original retained in
London would be as typed, whereas, in the original
retained in Dublin, "of Great Britain and Northern
Ireland" and "the Republic of" would be omitted,
and the Irish signature block would be on the left
side.)

SECRET AND PERSONAL

Summary of the Anglo-Irish Agreement
Press Release by the British and Irish Governments

(NOTE: This summary has no legal status.)

1. The Agreement comprises:

- a Preamble incorporating a joint statement of objectives;
- an Article about the status of Northern Ireland;
- Articles which establish and set out the role of a new institution, the "Intergovernmental [Committee]";
- Articles concerning increased co-operation between North and South in Ireland.

The Agreement provides for a review of the working of the [Committee] after three years, or earlier if either side desires.

The Status of Northern Ireland

2. The Agreement commits the two Governments to the view that any change in the status of Northern Ireland would come about only with the consent of a majority of the people of Northern Ireland; that the present wish of a majority there is for no change in that status; and that, if in the future a majority there clearly wished for and formally consented to a united Ireland, the two Governments would support legislation in the respective Parliaments to give effect to this. (Article 1)

Framework and Objectives of the Intergovernmental [Committee]

3. The Agreement establishes, within the framework of the Anglo-Irish Intergovernmental Council, an Intergovernmental [Committee] which, subject to the terms of the Agreement, will ^{discuss} deal on a regular basis and in relation to Northern Ireland with:

- political matters;
- security and related matters;

- legal matters, including the administration of justice;
- the promotion of cross-border co-operation. (Article 2(a))

4. The [Committee] will proceed on the basis that:

- the British Government accepts that the Irish Government will put forward within the [Committee] views and proposals on matters relating to Northern Ireland within its remit;
- in the interest of promoting peace and stability, determined efforts will be made in the [Committee] to resolve any differences;
- there will be no derogation from the sovereignty of either government, so that each retains responsibility for the *de facto* administration of government within its own jurisdiction.

(Article 2(b))

5. The [Committee] will be a framework within which the two Governments work together for the accommodation of the rights and identities of the two traditions in Northern Ireland and 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. (Article 4(a))

Procedures and Membership of the Intergovernmental [Committee]

6. There will be regular and frequent meetings of the [Committee] at Ministerial level as well as meetings at official level, and in particular special meetings may be convened at the request of either side. The Irish Government will be represented by a Minister designated as the Permanent Irish Ministerial Representative and the British Government by the Secretary of State for Northern Ireland. Other Ministers and advisers will participate as appropriate. There will be a permanent Secretariat. (Article 3)

7. Both Governments declare their support for political devolution in Northern Ireland on a basis which would secure widespread acceptance throughout the community. (Article 4(b)). The modalities of devolution, insofar as they relate to the interests of the minority community, will be within the [Committee's] remit. (Article 4(c)). Should a devolved administration be established, certain issues currently administered by the Northern Ireland Departments would not be within the [Committee's] remit. (Article 2)

Political Matters

8. The [Committee] will concern itself with measures to recognise and accommodate the rights and identities of both traditions in Northern Ireland in such areas as cultural heritage, electoral arrangements, use of flags and emblems, the avoidance of economic and social discrimination and the advantages and disadvantages of a Bill of Rights for Northern Ireland. (Article 5(a))

9. Should it prove impossible to achieve and sustain devolution, proposals for major legislation and major policy issues where the interests of the minority community are significantly and especially affected and which come within the administrative responsibility of the Northern Ireland Departments will be within the [Committee's] remit. (Article 5(c))

10. The [Committee] will be a framework within which the Irish Government may put forward views on appointments to be made by the Secretary of State for Northern Ireland to certain statutory bodies in the fields of security and human rights. (Article 6)

Security and Related Matters within Northern Ireland

11. The [Committee] will consider security policy issues as well as serious incidents and forthcoming events (e.g. parades and processions). The [Committee] will develop a programme of action designed to improve the relations between the security forces and the nationalist community. Some of the proposals in this programme may be considered by the Irish Government for application in the South. The [Committee] may review

the structure, composition and powers of the Police Authority. It may also consider policy issues relating to prisons, and individual cases may be raised. (Article 7)

Legal Matters including the administration of Justice

12. Recognising the importance of ensuring that there is public confidence in the system of administering justice in Northern Ireland, [the Committee] will seek measures that would give substantial expression to this aim, considering inter alia the possibility of mixed courts in both jurisdictions for the trial of certain offences.] The [Committee] will also consider whether there are areas of the Criminal Law in both jurisdictions which might with benefit be harmonised and will be concerned with policy aspects of extradition and extra-territorial jurisdiction as between North and South. (Article 8)

Cross-border co-operation on Security, Economic, Social and Cultural Matters

13. The [Committee] will set in hand a programme of work to be undertaken by the Chief Constable of the Royal Ulster Constabulary and the Commissioner of the Garda Siochana with a view to enhancing co-operation between the security forces of the two Governments in such areas as threat assessments, exchange of information, liaison structures, technical co-operation, training of personnel and operational resources. The [Committee] will have no operational responsibilities. (Article 9)

14. The two Governments undertake to co-operate to promote the economic and social development of those areas in both parts of Ireland which have suffered most severely as a result of the instability of recent years. The two Governments will consider the possibility of securing international support for this work. (Article 10(a))

15. The [Committee] will, in the absence of devolution, be a framework for the promotion of cross-border economic, social and cultural co-operation. In the event of devolution, machinery would be needed to deal with co-operation in respect of cross-border aspects of devolved matters. (Article 10(b) and (c))

Inter-Parliamentary Body

16. The two Governments agree that it is for the respective Parliaments to consider whether an Anglo-Irish Inter-Parliamentary body should be established. (Article 12)

Anglo-Irish Agreement: Draft Passage for a Communiqué

1. The agreement provides for entry into force as soon as each Government has formally notified the other of acceptance. This exchange of notifications will not be completed until the agreement has been approved by Dail Eireann and by the British Parliament. The two Governments intend that action to implement the provisions of the agreement should begin once the exchange of notifications had been completed. The first meeting of the Intergovernmental [Committee] will take place as soon as possible thereafter. The British side will be led by the Secretary of State for Northern Ireland and the Irish side by the Minister designated as the Permanent Irish Ministerial Representative.

2. The two Governments envisage that the meetings and agenda of the [Committee] will not normally be announced. But they wish it to be known that at its first meeting the [Committee] will consider its future programme of work in all the fields - political, security, legal, economic, social and cultural - which come within its remit, and will concentrate in the first instance on:

relations between the security forces and the minority community in Northern Ireland; and

ways of improving security co-operation between the two Governments.

The two sides intend that progress should be made quickly in these fields, in the interests of all of the people of Northern Ireland.

3. In addressing the improvement of relations between the Security forces and the minority community, the meeting will consider:

a. the application of the principle that the Armed Forces (which include the Ulster Defence Regiment) operate only in support of the civil power, with the particular objective of ensuring as rapidly as possible that, save in the most exceptional circumstances, there is a police presence in all operations which involve direct contact with the community;

b. ways of underlining the policy of the Royal Ulster Constabulary and of the Armed Forces in Northern Ireland that they discharge their duties even-handedly and with equal respect for the unionist and nationalist identities and traditions.

4. In its discussion of the improvement of cross-border co-operation on security, the meeting of the Intergovernmental [Committee] will consider how the two governments can most effectively implement their joint commitment to combat terrorism, and will give particular attention to the policing of border areas.