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Analysis of Aspects of Mr. King's Interview in Belfast
Telegraph of 4 July 1986

Before the Agreement, weeks were spent drafting agreed answers to questions which were expected to be put to both Heads of Governments, and to Ministers and Officials by the Press. Mr. King's interview reflects nothing of the positions jointly agreed then and adhered to by the Taoiseach and Prime Minister at Hillsborough. The interview conveys a highly partial and distorted interpretation of the Agreement (which he suggests the Unionists can change) and is extremely condescending and offensive in places.

"CONSULTATIVE" NATURE OF THE AGREEMENT

Question : "But is the government's credibility not affected?"

Extract from Reply : "I understand that the concept of the Agreement - allowing the Irish Government even a serious consultative role before we make decisions - disturbs some."

Question : "What about the charge that the agreement is consultative?"

Reply : "I use the term 'serious consultation'. You can get lost in the exact definition of words. The Republic's Government can put forward views, but we take the decisions. They wanted the inclusion of the phrase, 'determined efforts shall be made to resolve differences', because they wanted to feel serious consideration would be given to their proposals. But they understand where the final decision rests."

Note : The Q & A paper (Q & A 9) notes that "it is accepted by both sides that the words 'consultative' and 'consultation' should not be used to describe the Agreement or the Arrangements provided for in it." It was agreed that if either side were asked a direct question as to whether the Irish Government's role was only consultative, the reply would draw on the following : ". . . the Conference will be more than just consultative in that the Irish side will put forward views and proposals on its own initiative as well as being invited to do so; and there is an obligation on both sides to make determined efforts to resolve any differences. . . "

The Prime Minister said in the Press Conference at Hillsborough that "of course we try the level best we can to resolve differences. That is in the spirit of cooperation of the whole Agreement..." In his comments, Mr. King, on the other hand, is pooh-pooing the value of the phrase "resolution of differences" to the point where he is saying that the Irish Government wanted it simply to persuade themselves that they were being taken seriously, and that it was something that the British Government did not want and does not attach importance to.

Question : "If the Unionists will not take up your offer (for briefing after each Conference), is there any way of ordinary citizens getting a point of view across to the Government?"

Extract from Reply : "The Conference is not a decision-making body, except on cross-border security, where we are meeting as governments of two sovereign States".

Note : This statement must be clarified. There is an unacceptable inference that the British Government has a role in the decision-making of the Irish Government in regard to cross-border security and that in some (unexplained) way the Irish Government is not sovereign when discussion turns to

other matters. In the language of the Agreement (and the answer to question 46 of the Q & A paper), the two Governments "cooperate" on cross-border security. Article 2 (b) states that "the Conference will be mainly concerned with Northern Ireland; but some of the matters under consideration will involve cooperative action in both parts of Ireland." Article 9(a) of the Agreement concerning cooperation on security matters states that "the Conference shall have no operational responsibilities." When faced with the opposite temptation to play up the role of the Conference in regard to internal Northern Ireland matters, we have taken care to draw attention to Article 2 (b) which states "there is no derogation from the sovereignty of either the Irish Government or the United Kingdom Government, and each retains responsibility for the decisions and administration of government within its own jurisdiction."

CHANGE IN THE AGREEMENT

Question : "Is the Agreement untouchable?"

Reply : "What came out of talks (with the Unionists) could have implications for the Agreement. It could lead to the Agreement being changed."

Note : This is seriously misleading and damaging. It is of fundamental importance to both Governments that it be corrected. Both Governments have agreed on the absolute importance of resisting pressure to have the Agreement changed or suspended. Whatever comes out of talks with the Unionists it will not lead to the terms of the Agreement itself being changed, but rather to the provisions in the Agreement for devolution on certain conditions coming into force. The Agreement is binding and can only be changed with the agreement of both Governments.

SCOPE OF THE AGREEMENT

Question : "Are you optimistic that the Unionists will talk?"

Extract from Reply : "The Agreement is about three things - cross-border security; the Republic's acceptance of the legitimacy of the unionist majority and their rights; lastly, an opportunity for the Republic's Government to put forward views on behalf of the minority".

Note : This is a direct inversion of the aims of the Agreement as set out in paragraph 3 of the Hillsborough Communique which states " The Agreement has the aims of promoting peace and stability in Northern Ireland; helping to reconcile the two major traditions in Ireland; creating a new climate of friendship and cooperation between the peoples of the two countries; and improving cooperation in the battle against terrorism." The Agreement itself states in Article 2 (b) that "the Conference will be mainly concerned with Northern Ireland" and in Article 4 that the Conference shall be a framework (i) for the accomodation of the rights and identities of the two traditions which exist in Northern Ireland; and (ii) for peace, stability and prosperity throughout the island of Ireland by promoting reconciliation, respect for human rights, cooperation against terrorism and the development of economic, social and cultural cooperation."

Furthermore Mr King's statement is incomplete and very unbalanced. There is no reference to the legitimacy of the rights of Nationalists and their aspiration to a united Ireland which is also in the Preamble of the Agreement, or to the provision for the establishment of a united Ireland if a future majority wished and formally consented to it which is in Article 1. Nor is there any reference to the substance of the Agreement in the political, security, legal and other matters in which the Irish Government have a role.

NATURE OF THE AGREEMENT

Question : "Are you saying that there is an exaggerated impression of the importance of the Agreement?"

Reply : "It (the Irish Government) has the same input as anyone else who wants to put forward their views, but it has no authority or no say in the running of the Province in the ways in which people understand it".

Note : The Irish Government are clearly different from others who want to put forward their views, because the provision for them to put forward views is set out in a binding international Agreement. The British Government is not obliged to hear the views of anyone else, still less to make determined efforts to resolve differences with them.

PARADES

Question : "Now that we are in the marching season, what has the Dublin Government to say about the impact on the nationalist community?"

Reply : "They (the Irish Government) have made no representations to me about it. We have had no discussion. I take a very strong view about this. The questions about marches, re-routing or even the remote possibility of a ban, are entirely a matter for the Chief Constable in the first instance. They are matters of public order and I think people know very well the policy he has been pursuing over a number of years. A lot of representations are made locally by the SDLP. That is the way it is most sensibly dealt with. I repeat, there has been no discussion in the Conference about routes. It would be quite wrong to seek to raise them with me."

Note : This conveys an appalling and wrong impression to Nationalists, which can only be inflammatory at the present time, that the Irish Government have done nothing whatever to ensure their physical protection, still less to ensure regard for their sensitivities, during the marching season. The Agreement specifically provides for "forthcoming events" to be discussed under the heading of security policy. Just before signature of the Agreement, parades and processions were specifically cited in the draft but were deleted at the request of the British side and upon their confirmation that "forthcoming events" would be held to include parades and processions. That understanding was reflected in the agreed answer to question 34 of the Q & A paper which states "This Agreement (Art. 7) indicates that the Conference will address matters relating to RUC policy issues as well as security incidents and forthcoming events. This would include, for example, parades and processions."

Security issues have been discussed at virtually every Conference. The marching season was discussed at length at the Conference on 11 March. It was agreed by us as a favour to the British side that we would not make representations on routing and would "show some confidence in us (the British side)" as Mr. King put it in order to permit the British side to maintain in public statements that routing was an operational matter for the police. But it was also agreed by the British side that the Irish side could supply information which would be helpful in British decision-making and that the Co-Chairmen would keep in close touch on sensitive points. At no time, did we agree not to take up questions involving danger to Nationalist populations which is suggested by the statement "We have had no discussion about it (the marching season)". Mr. King has acknowledged in a Parliamentary Reply of 15 April that he has been made aware of our views in this matter (parades), but he says nothing of that here.

It is important to remember that it is open to the Irish side to put forward a proposal that a parade be banned since that

power remains within the prerogative of the Secretary of State and, therefore, falls within the remit of the Agreement.

RUC Code of Conduct

Question : "Is that the sum total of the deliberations of the Conference?"

Extract from Reply : "The RUC Code of Conduct has nothing to do with the Conference. That is the responsibility of the Chief Constable in consultation with the Police Authority."

Note : This statement is incorrect, unacceptable and must be clarified. The Code of conduct is a vital element in "the programme of special measures in Northern Ireland to improve relations between the security forces and the community, with the object in particular of making the security forces more readily acceptable by the nationalist community" (Article 7 (c))." The Code was an important feature of the negotiations prior to the Agreement and was referred to specifically in the Joint Statement following the first meeting of the Conference on 11 December 1985 when the Conference was advised by the Chief Constable that he "would introduce (it) as soon as possible in 1986". It has been brought up by the Irish side at all meetings of the Conference since then and by the Taoiseach, the Minister for Foreign Affairs and officials in other exchanges.

SECURITY COOPERATION

Question : "Are there any other parts of the Agreement that you would not want to set aside?"

Extract from Reply : "Security cooperation hasn't been very evident on the ground. I understand the criticism

but the foundations are now there."

Note : This is untrue and offensive.

The Maintenance of Unionist Domination

Question : "Your test was always that there had to be widespread acceptance, but did you not change the rules at Hillsborough?"

Reply : The Agreement only affects the minority anyway. It is an opportunity for their views to be heard. I have said it to the whole world, but Unionists won't believe it, that their dominant position carries on".

Note : This is beyond comment.

Police Complaints Procedures

Question : "Is that the sum total of the deliberations of the Conference?"

Extract from Reply : "Before the Agreement we asked the Irish Government if they had any views along with a whole range of people (about Police Complaints Procedures). Actually, they did nothing about it and we had to remind them. They submitted opinions before we took the final decision."

Note : Apart from the offensive tone, the impression is given that the Irish Government are forgetful and ineffective in their performance of their role in the Conference. The reason, of course, that we did not submit proposals on police complaints until the Agreement was in operation (we did this

inter alia by written paper in January followed up by further written papers in April and July) is that we believed once the Agreement was in operation our views would have greater effect. We told the British side our intentions at the time (before the Agreement) and did not have to be reminded. This was a matter we listed ourselves at the first meeting of the Conference on 11 December. Furthermore Mr King is wrong in stating that a final decision has been taken since the Draft Order-in-Council has not yet even been published and will not be subject to a final decision until after receipt of views that may be expressed about it.

Three Judge Courts

Question : ""Any progress on the administration of justice?"

Reply : "We are having pretty full discussion about it, clearing up misunderstandings. I don't know how much they (the Irish Government) understood about the system with automatic appeals to 3-judge courts. It has been the subject of continual review and we are going to make some further changes in any case, in response to the Baker report. I find a merit of the Agreement is that a lot of the things I suspect have been part of the mythology of some nationalist grievances have actually now been talked through in a serious way".

Note : Mr. King is dismissing publicly the Irish side's arguments for 3-judge courts, to which as he is aware we attach the greatest importance. More generally, Mr King is suggesting that most of the grievances of Nationalists are not, in fact, well based and that the problem is the perceptions of Nationalists and the mistaken impressions of the Irish Government .