



An Chartlann Náisiúnta National Archives

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Briefing on Anglo-Irish Matters

THE WORK OF THE ANGLO-IRISH AGREEMENT

1. The Institutional Machinery

The Anglo-Irish Agreement provides for the following institutions:

- An Intergovernmental Conference concerned with Northern Ireland and with relations between the two parts of Ireland;
- the Conference is established within the framework of the Anglo-Irish Intergovernmental Council set up after the meeting of the two Heads of Government on 6 November 1981.;
- a Secretariat established by the two Governments to service the work of the Conference on a continuing basis.

A briefing note is supplied on the work of the Intergovernmental Council (i.e. Dublin-London link). In addition there is the International Fund for Ireland, a separate institution arising from Article 10 of the Agreement (see separate note).

2. Meetings of the Conference

Meetings of the Conference take place at various levels:

- Ministerial Level - when the Conference meets at Ministerial level, the meetings are chaired jointly by the Permanent Irish Ministerial Representative and by the Secretary of State for Northern Ireland. (The objective is that "the business of the Conference will receive attention at the highest level.")

- Other Ministers - (e.g. specialist Ministers) meet within the framework of the Conference: such meetings have been held to date by Ministers responsible for Justice, Environment and Health matters.

- Officials - the Agreement (Article 3) states that : "Officials may meet in subordinate groups". The many meetings organised by the Secretariat between officials on both sides are covered under this umbrella. The Conference formally established two working groups to deal with legal matters including the administration of justice.

Apart from Ministers, the Agreement makes specific reference to the attendance of the two Attorneys General when legal matters are under consideration. When questions of security policy or security cooperation are being discussed, Ministers may be accompanied by the Heads of the two Police Forces - North and South.

Regular meetings: the Agreement (Art.3) says that 'regular and frequent Ministerial meetings shall be held': in practice meetings have been held about every two months. Our aim has been to have more frequent meetings and to try to ensure they take place at fixed intervals e.g. on the lines of the monthly meetings of the Council of the European Community. The British side, however, are keen on keeping the two monthly interval, partly to have the option of using the two monthly interval ("pause") for persuading unionists to enter into political talks at some time in the future.

Special Meetings: there is provision whereby special meetings shall be convened at the request of either side. So far only the Irish side has convened such meetings - one at the end of December 1985 at the time of the Maze hunger strike and the second in July during the marching season. Special meetings allow for political focus at Ministerial level on urgent and potentially dangerous situations. They

also provide for the resolution of differences when such resolution has not been possible at a regular Ministerial meeting. The ultimate recourse for the resolution of major differences would, of course, be at head of Government level, i.e. the Intergovernmental Council framework.

Place: the Agreement does not specify the place either for Conference meetings or for the location of the Secretariat. In fact, about one in every three Conference meetings has been held in Belfast, one has been held in Dublin and the rest in London. We have always insisted on the location of meetings of the Conference to be in Belfast because of the important political symbolism. The British have usually pleaded "security" as the reason against Belfast. The Secretariat is firmly established in Belfast.

3. Role of the Conference: the Agreement sets out

- the right of the Irish Government to put forward views and proposals on matters relating to Northern Ireland;
 - the obligation on the British Government (as well as on the Irish Government) to see that 'determined efforts shall be made... to resolve any differences... in the interest of promoting peace and security';
 - no derogation from the sovereignty of either Government with each retaining responsibility for the decision and administration of government within its own jurisdiction.
- (Thus the Conference is not a decision-making body. The Conference undertakes in-depth examination at official and at high Ministerial level of the 'agenda' outlined in the Agreement and seeks to resolve any differences). The Conference is a body for the resolution of difference and so for reaching agreement on the basis of which formal decisions are made by the Governments.)

4. Role of the Secretariat: the Secretariat (see separate full note) services the Conference on a continuing basis. Extensive meetings are held at official level (either between the Joint Secretaries or between officials meeting in the Secretariat) to process the various agenda items for submission to the Conference. The Conference in its joint statements at the end of each meeting signals the type of agenda it will consider at its next regular meeting and the Secretariat refines this Agenda before each Conference meeting. The Joint Secretaries also prepare a draft of the Joint Statement to be issued at the end of the meeting. The tendency has been for Ministers to discuss difficult issues briefly in a tete a tete before the meeting of the Conference begins.

5. Work of the Conference

The Conference deals with:

- Political matters
- Security and related matters
- Legal matters including the administration of justice
- Cross border cooperation

Articles 5 to 10 of the Agreement contain an outline "agenda" for the Conferences (this "agenda" was elaborated in the Hillsborough Communique), namely -

- Article 5 :
- identity issues (cultural heritage, Irish language, flags and emblems);
 - electoral arrangements
 - economic and social discrimination (e.g. Fair Employment Legislation);
 - a Bill of Rights in some form for Northern Ireland, advantages and disadvantages;
 - major legislation and major policy issues where nationalist interests are affected.

Article 6 : - role and composition of bodies appointed by the Secretary of State (including the Standing Advisory Commission on Human Rights, Fair Employment Agency, Equal Opportunities Commission, the Police Authority and the Police Complaints Board),

Article 7 : - security policy in Northern Ireland,
- relations between the security forces and the community in Northern Ireland,
- prisons policy in Northern Ireland,

Article 8 : - legal matters including the administration of justice in Northern Ireland,

Article 9 : - cross border security cooperation,

Article 10: - cross border economic, social and cultural matters including international support"for those areas of both parts of Ireland which have suffered most severely from the consequences of the instability of recent years"(i.e. the International Fund for Ireland).

Devolution is dealt with in Articles 4(b), 5(c) and 10(b).

Interparliamentary relations (Anglo-Irish Parliamentary body) are dealt with in Article 12.

The Arrangements for Review are contained in Article 11: 'the working of the conference shall be reviewed by the two Governments to see whether any changes in the scope and nature of its activities are desirable'. This review shall take place at the end of three years or earlier if requested by either Government).

6. Work of the Conference to date

The Conference has held seven regular Ministerial meetings. Two special Ministerial meetings and four meetings at Ministerial level 'within the framework' of the Conference have been held. All agenda items outlined in Articles 5 to 10 of the Agreement have been examined, many of them in great detail.

Among the items of particular interest to the Irish side, a number have been satisfactorily resolved, for instance:

- Supergrass trials : ending of the systematic use of supergrass witnesses;
- Public Order Order :
 - strengthening of the provisions for the control of processions and assemblies;
 - Strengthening of the incitement to hatred provisions
 - Provision for repeal of the Flags and Emblems Act
- Programme for demolition of Divis Flats
- Conservation of Navan Fort/Eamhain Macha
- Establishment of the International Fund by way of a new Agreement
- Voting rights - enfranchisement of about 8,000 "I" voters (persons - mainly Irish citizens - who were excluded because they did not have British citizenship and did not fulfill the residence requirements)

Progress has been made on other items, for instance :

- reform of the Emergency Provisions Act

- implementation of the principle of accompaniment by the RUC of all Army/UDR patrols that have contact with the public;
- Police Complaints Procedure: setting up of a new Independent Police Complaints Commission with independent supervisory powers.

Other issues have yet to be resolved, including:

- Introduction of a Code of Conduct for the RUC
- Mixed Courts/three-judge Courts
- Shoot-to-Kill policy - "Stalker" enquiry
- Bill of Rights for Northern Ireland
- Other rights issues particularly reform of Fair Employment Legislation
- Irish language especially repeal of existing provisions forbidding the use of Irish in street names.
- Securing of EEC contribution to International Fund for Ireland,
- Anglo-Irish Parliamentary Body,

As regards devolution no progress has been made in persuading unionists to enter into political talks, even though the Agreement specifies that the Conference would cease to deal with the areas of work so devolved. As regards the Parliamentary Body (a Westminster-Oireachtas Body, though with Northern participation if possible) progress has been slow.

7. Next Meeting of Conference

The last meeting of the Conference was held on 8 December in Belfast. A meeting should have been held in February, if not earlier, but the British side did not wish to have a meeting during the election period. Although there are no matters of extreme urgency to be discussed in the Conference, it is

important that the momentum of holding regular meetings at least at two monthly intervals should be restored. The next meeting of the Conference will be likely to have on its agenda:

- Relations between the Security Forces and the community (in particular Code of Conduct)
- Legal matters including the Administration of Justice (review of the Working Groups)
- Cross-border Security Cooperation (report by Quadripartite group of Gardai/RUC representatives and civil servants)
- Irish language and culture (repeal of prohibition on use of Irish language in street signs)
- Fair Employment Legislation
- Cross-border economic and social cooperation (organisation of programme of meetings for specialised ministers e.g. science and technology, tourism, and education)
- Current issues and forthcoming events (i.e. current security situation in Northern Ireland and especially the marching season)

Likely Progress Ahead in the Conference

In the period immediately ahead progress is likely to be steady but not spectacular. That is because firstly the British General Elections (either before or after the summer) will concentrate the minds of British politicians on matters closer to home and secondly the marching season will focus attention on security issues in Northern Ireland during the summer months through to September. The marching season begins at Easter and Mr. Paisley has already said that he intends to organise a major

challenge to the British Government as soon as the new Public Order Order dealing with processions and assemblies comes into effect on 1 April. The British Government appear to have concluded that there is no likelihood of political movement on the part of Unionist leaders until after the British elections. On the other hand the British side seem to be holding to the view that steady progress needs to be shown in the Conference on matters of interest to nationalists not only so as to support constitutional nationalism (and prevent slippage in favour of Sinn Fein/IRA) but also to show unionists that the Orange Card is not going to succeed in bringing down the Agreement.

Work in the Conference of interest to the Irish side and to northern nationalists on which progress can be expected in the months ahead could include a decision by the Chief Constable of the RUC to issue a Code of Conduct; progress on a Bill of Rights for Northern Ireland and on reform of the Fair Employment legislation and progress on specific areas of cross border and economic and social cooperation using the International Fund as a stimulus. After the British elections the issue of mixed courts/three judge courts will have a greater possibility of a successful resolution. Action on the Stalker Report might also be taken. In the working of the Conference, however, there is always the question of balance and while the Irish side will insist on progress on issues of particular interest to us, the British side will insist on corresponding progress on issues of particular interest to them. We can accordingly expect early British interest in the overall attitude of any new Irish administration to the Agreement and specific interest in increasing the level of security cooperation, in the Irish attitude to extradition matters (including entry into force of the Extradition Act on 1 December) and the possibility of any amendments and in work on related extradition issues such as speciality, questioning and the checking of warrants for defects.

Later this year or early in the new year it is likely that the British side will turn its attention to encouraging some form of political movement involving unionists as well as nationalists. The British have said that in any such eventuality they will act only in close concertation with us. This could be a point for discussion at head of Government level i.e. Intergovernmental Council framework. At some time during the third year of the operation of the Agreement (i.e. from November 1987 onwards) the question of preparing for the review of the working of the Conference will also come up. Any such review will be influenced by the emergence or otherwise of the political will on the unionist side to enter into serious talks on the future and to put forward constructive proposals which are not based on the precondition of abrogation or suspension of the Agreement.

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SUB-SECTION A
ANGLO-IRISH SECTION

ORGANISATION

Counsellor: Mr. P. Collins

RESPONSIBILITY OF THE SECTION

The Anglo-Irish Section assists the Government in formulating policy on Anglo-Irish relations with the aim of achieving peace and stability in Northern Ireland, reconciliation between the two major traditions in Ireland, the creation of a new climate of friendship between the Irish and British peoples and securing progress towards the national aspiration of Irish unity.

The Section is responsible for the maintenance and strengthening of the formal Intergovernmental institutions established between the Irish and British Governments namely:

- the Anglo-Irish Intergovernmental Council (AIIC)
- the Anglo-Irish Intergovernmental Conference and the Joint Secretariat established under the Anglo-Irish Agreement.
- the International Fund for Ireland.

not in full 1.

STRUCTURE OF THE SECTION

The Section is headed by Assistant Secretary, Mr. Eamon O Tuathail, and is sub-divided into four separate sub-sections under the direction of Counsellor each with identifiable areas of responsibility.

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SUB-SECTION A

Northern Ireland - Internal Political: Identities/Culture

Administrative of Division

Counsellor: Mr. P. Collins

Counsellor: Mr. B. Devenport

First Secretaries: Mr. L. Canniffe

First Secretaries: Mr. C. O'Floinn

Mr. T. Hanney

Third Secretaries: Mr. E. McKee

Third Secretary: Ms. P. Cullen

Mr. M. Geoghegan

1. - Internal politics of Northern Ireland - political trends;
- Political and Administrative Institutions in Northern Ireland (including local Government structures);
- Devolution;
- Electoral Arrangements;
- Representation on bodies appointed by Secretary of State and role of such bodies (except security and human rights).
2. - Co-ordination with parties supporting Agreement in Northern Ireland on political matters;
- Co-ordination with parties supporting Agreement on electoral affairs and nomination to bodies (except security and human rights).
3. - The Anglo-Irish Agreement and the Inter-Governmental Conference;
- Identity questions - Flags and Emblems Act, culture and education;
- Special issues arising in the Conference.
4. - Co-ordination with parties supporting the Agreement in Northern Ireland on identity questions, culture, education.

SUB-SECTION B

Anglo-Irish (East-West) and International aspects

Administration of Division

Counsellor: Mr. B. Davenport

First Secretaries: Mr. R. Bassett

Mr. T. Hanney

Third Secretary Ms. M. McLoughlin

HEO Mr. M. Geoghegan

1. Anglo-Irish Intergovernmental Council and overall Anglo-Irish relationship.

- The Parliamentary Tier
- International aspects of NI problem;
- Centre for British, US and international contacts, official visits in and out;
- Anglo-Irish encounter, BIA and similar bodies;
- Celtic fringe (Scottish Nationalist Party, Plaid Cymru, Isle of Man, Channel Islands, Scottish Grand Committee at Westminster);
- Irish Community in Britain and Irish American Organisations.

2. Coordination

- Co-ordination of information gathering and contact work in Northern Ireland;
- Co-ordination of preparations for Conference (briefs, work programme, travel to Conference etc.);
- Co-ordination of Parliamentary Questions;
- Co-ordination of Ministerial correspondence

- Preparation of Division's Weekly Brief for Taoiseach;
- Co-ordination of the preparation of Speeches;
- Circulation of telexes/reports internally and to other Government Departments.

3. Administration of Division

- Documentation, information bank, implementation of computerisation programme;
- Ministerial travel involving Anglo-Irish relations;
- Organisation of Secretariat travel;
- Employment of consultants.

4. Issues of Discrimination in Northern Ireland including:

- individual complaints of discrimination;
- monitoring the performance of both the public and private sector in encouraging equality of employment;
- contacts with organisations involved in employment equality including the Fair Employment Agency, Trade Unions, Standing Advisory Committee on Human Rights;

5. Monitoring the work of:

- Parliamentary Commission for Administration;
- Parliamentary Commission for Complaints.

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SUB-SECTION C

Security and Legal Affairs

Counsellor: Mr. D. O'Donovan

First Secretaries: Mr. N. Holohan

Programme of work by Mr. D. Donoghue Chief Constable.

Third Secretaries: Mr. T. O'Connor

Mr. N. Burgess

Mr. E. Noonan

1. Security policy within Northern Ireland: N.I. Emergency Provision Act, 1978.
2. Programme of special measures to make security forces more acceptable to nationalists community (local consultative machinery, training in community relations, crime prevention schemes, complaints procedure, Catholic recruitment to RUC, Code of Conduct for RUC, civilian contact with UDR and Army, etc.).
3. Prisons Policy (treatment of prisoners, escape prevention etc.).
(a) Justice and Security Matters
4. Role and composition of statutory bodies in security area (Police Authority and Complaints Board).
5. Bill of Rights.
6. Serious incidents, forthcoming events, individual prisons cases, harassment of civilians by UDR etc.

7. Administration of Justice in Northern Ireland.

- Working Group on harmonisation of criminal and policy aspects of extradition;
- Working Group on public confidence in administration of justice.

8. Cross Border Cooperation on security matters.

- Programme of work by Commissioner and Chief Constable.

9. Coordination with the Churches.

10. Security/human rights issues involving Irish in Britain

- Prevention of Terrorism (Temporary Provisions) Act 1978;
- Extradition with NI and Britain, European Convention on Prevention of Terrorism.

11. Coordination of contact with Departments of Defence, Justice and Attorney General's Office.

12. Coordination with parties supporting the Agreement in Northern Ireland on:

- (a) Justice and Security Matters;
- (b) Legal Affairs (including Bill of Rights).

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4. Management of the Int. SUB-SECTION D (for Ireland)

Provision of Secretariat to Board and Advisory
Committee Economic and Social Affairs

Counsellor: Mr. B. Lyons

First Secretaries: Mr. B. Scannell
Mr. G. Corr

Third Secretaries: Mr. J. Dunne
Mr. P. O'Donohue

1. The internal economy of Northern Ireland.
 - (a) economic and social planning (except education & Culture);
 - Industry, trade and tourism,
 - agriculture, fisheries and forestry;
 - employment and youth affairs.
 - (b) environment and local Government;
 - housing
 - health and social services
 - energy and transport.
2. Major policy issues (including legislation) affecting interest of a minority community economic and social area.
3. North-South Economic and Social Cooperation (Article 10(b)).

4. Management of the International Fund for Ireland:

- Provision of Secretariat to Board and Advisory Committee of the Fund.

The Joint-Secretariat is located in Maryfield in Belfast and is headed by Deputy Secretary Michael Lillis. The Secretariat is

5. North-South reconciliation bodies, meetings, adult and youth exchanges, work camps, etc.

6. Coordination of Division's contacts with Dublin economic and Social Departments:

- coordination with NI Civil Service Departments;
- coordination with parties supporting the Agreement in Northern Ireland on economic and social matters;
- Interdepartmental Committee on economic and social aspects of the Anglo-Irish Agreement.

(Dept. of Justice)

Mr. Noel Ryan

Counsellor

(Dept. Foreign Affairs)

Temporarily filled at first

Secretary level

Mr. G. O'Flaherty

Counsellor

(Dept. Justice)

Sean Hughes

Third Secretary/Asst

Mr. P. Scallion

Mr. D. O'Criscain

Clerical Staff:

Four.

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ANGLO-IRISH JOINT SECRETARIAT

Contact and Information Work in Northern Ireland

The Joint-Secretariat is located in Maryfield, in Belfast and is headed by Deputy Secretary Michael Lillis. The Secretariat is manned on a twenty-four hour seven day week basis. The changeover of staff normally occurs on a twice-weekly basis usually by military aircraft.

The following staff are attached to the Secretariat:

Head of Mission: Mr. Michael Lillis

Deputy Head of Mission: Mr. D. O'Ceallaigh

Assistant Secretary
(Dept. of Justice): Mr. Noel Ryan

Counsellor
(Dept. Foreign Affairs) Temporarily filled at First
Secretary level -
Mr. C. Ó Floinn

Counsellor
(Dept. Justice) Sean Hughes

Third Secretary/HEO: Mr. P. Scullion
Mr. D. O'Criodain

Clerical Staff: Four.

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Contact and Information Work in Northern Ireland

1. Five officers (designated as contact and information officers) at First Secretary level in Anglo-Irish Section spend approximately two days per week in Northern Ireland. The overall objective of the work of these officers is to increase the Irish Government's presence in Northern Ireland and to complement the work of the Anglo-Irish Conference and Secretariat and the International Fund for Ireland.

2. Work of the Contact and Information Officers

Contact and information work involves:

- (a) contact with SDLP spokesmen on the range of policy issues arising in the Anglo-Irish Conference and Secretariat;
- (b) consulting with the leaders of the nationalist community on issues of concern to nationalists which might be brought to the attention of the British through the Anglo-Irish Secretariat or if necessary the Conference. (For example, such issues include anticipating "flash-points" during the marching season, complaints of harassment, the situation in the prisons, funding for Irish language schools, identifying suitable projects for the International Fund and other economic and social issues);
- (c) contacts with the Churches, political parties other than the SDLP (Alliance Party, Unionists), the legal profession and journalists;
- (d) informing constitutional nationalists (e.g., SDLP spokesmen and SDLP representatives on District Councils) of Government policy on Anglo-Irish relations including the progress made in implementing the Anglo-Irish Agreement;

(e) informing the Taoiseach and Minister for Foreign Affairs on political and security developments in Northern Ireland on the basis of these contacts.

3. Organisation of the work of the contact and information officers

- Each of the contact and information officers has a desk job in Dublin and to a certain extent, the contacts of the officer (including the various SDLP spokesmen) relate to the officers area of work within the Anglo-Irish Section.
- Each officer has also been assigned a particular geographical area of Northern Ireland to which he or she pays special attention.
- A special arrangement has been made with Irish Life to provide insurance cover for officers travelling in Northern Ireland.

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