



An Chartlann Náisiúnta National Archives

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IMPLEMENTATION OF THE AGREEMENT THROUGH
THE WORK OF THE CONFERENCE

Article 5

1. Cultural and Identity Questions

1.1 Flags and Emblems legislation in Northern Ireland

The present legislation gives special protection to the Union Jack, which cannot in any circumstances be regarded as provocative and be removed by the police. All other emblems may be so removed. Our policy is to seek the rescinding of the existing legislation. The British side will address the matter in the context of the extension as appropriate - probably not until November next - of the Public Order Bill currently before Westminster, as indicated in the Joint Statement of the Conference of 11 March.

Timetable: The Public Order Bill is expected to become law by early November, before the House of Commons meets. The final decisions on the consequent Northern Ireland legislation will be made by that stage. The most recent British estimate of the date for the introducing of the Order in Council extending the P.O. Act to Northern Ireland was also November.

Irish Language and Culture

Interim proposals put forward in January include: recognition of the Irish language in official business in Northern Ireland, in placenames, road and similar official signs, inclusion of questions about Irish in the census and official support for Irish language publications and cultural activities. The Joint Statement after the June Conference meeting indicated

that the British were examining a number of areas for possible future development. The formal British response received subsequently is fairly positive, stating that the British Government "recognises and supports the wish of individuals to speak and use the Irish language". In addition to saying that work is in hand on a practical scheme for bilingual street names, it indicates that a question on Irish will be included in the 1987 Continuous Household Survey and that the N.I. Arts Council will be asked whether they need more funds for Irish-language related activities.

On 4 July we tabled a further paper on Irish through the Secretariat replying to the British paper and detailing further proposals from our side on Irish in the fields of education, the media and the penal system. At a meeting in the Secretariat on 24 July, it was agreed that the draft Order in Council abolishing the 1949 Act provision should be published in the autumn: it may also contain a scheme for implementation of bilingual street names. The other issues were also discussed and a further response is to be received from the British side.

The British have approved the purchase of a further 2.7 acre site and the provision of additional temporary classrooms to enable the Bunscoil Ghaelach in West Belfast to expand and meet its requirements for the September 1986 intake. The British side have reported making progress on the question of the recognition of Irish placenames by official bodies.

Timetable: Decisions on legislation on most Irish language issues will follow on the submissions to the Secretary of State in early September. The final form of the Question on the Irish language for inclusion in the 1987 Continuous Household Survey should be ready by the end of October. The British expect to be able "shortly" to publish a draft Order in Council removing the ban on Irish language street names and have recently

indicated that this will also provide means for residents to express their desire for such signs.

1.2 Navan Fort

Our immediate concerns about the Eamhain Macha (Navan Fort) archaeological complex have been met by the official announcement to refuse to allow an extension of quarrying activities near the site.

1.3 Accommodation of Rights of two traditions

'Says No' Banners on Council Buildings in N.I.

The British were informed through the Secretariat in February that the banners are unacceptable to the nationalist community, but in March the British side indicated that a three month temporary planning permission was being given. Following further representations in May, the British side indicated in July that planning permission will not be renewed. Some of the banners have been removed and we are awaiting a detailed report from the British before pressing for further action.

1.4 Changes in electoral arrangements

The British side have agreed to change the law to enable 'I voters' participate in Assembly elections (in the Autumn) - this change can be made by statutory instrument and would come into effect immediately (subject to ANNULMENT by resolution by either House of Parliament within 40 days but this will not happen of course, For local elections (before the next local elections due in 1990). They are not willing to change the Assembly Disqualification Act now, but indicate that they may be willing to do something at a later date.

A number of queries on the electoral system (e.g. the rules governing political activities of Electoral Office staff, recruitment, etc.) have been raised with the British side, and the SDLP has been asked for details of complaints on the location of polling booths, etc. Further views on electoral arrangements and procedures will be formulated in the light of the replies.

1.5 Bill of Rights - Avoidance of Economic and Social Discrimination

We have given a response to a British paper on options for a Bill of Rights. The options included a Bill to cover the UK as a whole, a Bill for Northern Ireland only and a non-statutory declaration for Northern Ireland.

The option which is easiest to achieve rapidly and would have most political impact is a Bill limited to Northern Ireland and based as far as possible on the European Convention on Human Rights, with the proviso that any Bill will have to deal with emergency powers (which are "excepted" matters for legislation by Westminster). Our response to the British has suggested that the role of the Standing Advisory Commission on Human Rights be enlarged to assist in the implementation of the Bill. We have taken up the question of economic and social discrimination (in the context of the role of the Fair Employment Agency - see 2.1 below).

1.6 Proposals for major legislation and major policy issues where minority community interests are affected

We have raised housing, in particular:

- (a) the effects which expenditure cut backs will have on the minority; and
- (b) demolition of Divis Flats in West Belfast.

Some progress has been made on Divis Flats, and discussions are continuing.

Article 6

Role and Composition of bodies appointed by the Secretary of State.

2.1 Role

We have put forward detailed proposals for the role of the Police Complaints Board - see 3.4 below. We have begun discussions on the role of the Police Authority (see below - Article 7(c)). An initial discussion on the role of the Fair Employment Agency was held in the Secretariat on 24 June. We intend to submit a preliminary paper on the Fair Employment Agency and the strengthening of the Fair Employment Act (1976) in September. We are examining the role of other bodies especially the Standing Advisory Commission on Human Rights and intend putting forward views.

2.2 Composition

We have still not submitted names for the Police Authority and the resignation of Mr. Murphy following IRA threats together with SDLP unwillingness to make progress has made the prospect of moving on this rather more distant. We have submitted names for a number of other vacancies. A meeting held in the Secretariat in May has established an understanding with the British side about the need for some progress in this area and helped develop practical arrangements. Of candidates put forward to date only 1 has received an appointment. It is proving very difficult to get people to let their names go forward for public bodies.

3.1 Relations between the security forces and the community. Programme of special measures to make the security forces more acceptable to the nationalist community.

Background

- We have been considering proposals involving structural and policing changes which we have been discussing with the British side through the Secretariat e.g., the phasing out of the RUC's security role, the creation of local police forces, improving local consultative arrangements, crime prevention schemes involving the local community (including a possible Neighbourhood Watch programme) strengthening the level of Catholic recruitment to the police and the issue of ethos.

Present Position

- Arising out of the meeting of officials to discuss Article 7(c) on 29 May 1986, the British side handed over a brief paper on 19 June on "the concept of a single police force". It dealt only with that question and did not cover the other areas mentioned in the first paragraph above.
- An Irish paper setting out proposals on the various issues covered by Article 7(c) will be handed over within a matter of days in the Secretariat.

Time Scale

- We would envisage a further officials meeting with the British side before the end of September at which it would be hoped that a specific package of proposals could be agreed for submission to the Conference.

3.2 Police Complaints Procedure

Background

- The British Government's proposals for reform of the police complaints procedure were set out in a discussion paper which was published in 1985. Under Article 7 of the Anglo-Irish Agreement, the Irish Government has given its views on the proposals, welcoming them in general but seeking the introduction of an independent investigative element and the retention of Section 13 Tribunals.

Present Position

- A draft Order in Council on Police Complaints Procedures was made public on 24 July. This does not contain provision for an independent investigative element, though in practice the supervising member of the Commission will have considerable discretion and involvement through supervising the investigation. The Section 13 Tribunal will be abolished. Interested parties have been invited to submit comments on the proposal before 30 September. We understand that the ICTU's Northern Committee will submit comments on the proposals. The Standing Advisory Commission on Human Rights and the Commission on the Administration of Justice can also be expected to submit comments.
- Seamus Mallon has indicated that he will convey the views of the SDLP during the Commons debate. He will express regret that the proposals fall short of the SDLP's desideration in some respects; he will welcome those points which represent an improvement on the Consultative document and he will tease out the practical implications of the new Commission's supervisory role.

Time Scale

- No date has been set for the debate on the Government's proposals although we have been told they will be debated 'early' in the new session which begins EARLY NOVEMBER.

3.3. Code of Conduct for the RUC

Background

- The Chief Constable informed the Conference at its meeting on 11 December that he would introduce a Code as soon as possible in 1986. The draft Code is to contain a clause on the respect for the identities and traditions of both communities.
- At the meeting of the Conference on 17 June, the Chief Constable did not outline the timing for completion of the Code beyond saying that it was "coming on very well". He said that the draft Code is currently with the Superintendents' Association and the Police Federation. When their response is received it will go before the Police Authority.
- The Chief Constable feels that the full backing of the Police Authority and the police representative bodies is necessary for the Code "or else it is useless".

Time Scale

- The Chief Constable said at the Conference meeting on 17 June that he did not wish to make any promises on the time scale on the introduction of the Code, indicating that his "desire is to get a document which is meaningful and that takes first place to timing". We would propose to raise the matter again in September, through the Secretariat.

3.4 Accompaniment of Army Patrols by RUC

Background

- Following the reference in the Hillsborough communique, the Conference, at its meeting of 11 December, considered the steps which were being taken progressively in applying the principle that the armed forces (which include the UDR) operate only in support of the civil power. This had the particular objective of ensuring as rapidly as possible that, (save in exceptional circumstances) there would be a police presence in all operations involving direct contact with the community.

- Statistics supplied by the British side show that during a sample week in March, selected by them, 40% of all military patrols in direct contact with the community were accompanied by the RUC. If this were representative it would show an improvement in comparison with late last year when there was an accompaniment rate of about 25%.

Present Position

- At the Conference meeting on 17 June the Irish side requested more recent and more detailed figures. The British agreed to provide figures for patrol accompaniment for September

Time Scale

- We will continue to monitor the situation and await with particular interest the statistics for September.

3.5 Stalker/Sampson Report

Background

- On 24 May 1984 John Stalker the Deputy Chief Constable of Manchester was appointed to take charge of an investigation into three incidents in Co. Armagh in 1982 in which six men were shot dead by the RUC, giving rise to allegations that the "force was operating a 'shoot to kill' policy".
- Having completed an interim report (rumoured to be highly critical of the RUC) but before he had finalised the investigation, Mr. Stalker was removed from the case by the Chief constable of the RUC at the beginning of June 1986, following the commencement of an investigation of Mr. Stalker himself for alleged misconduct, in his capacity as Deputy Chief Constable of Manchester.
- Mr. Colin Sampson, the West Yorkshire Chief Constable, was asked by the RUC Chief Constable to take charge of the RUC investigation, in Mr. Stalker's place. Mr. Sampson had meanwhile also taken charge of the investigation into the allegations of misconduct against Mr. Stalker.
- Mr. Sampson's report on Mr. Stalker was considered by the Manchester Police Authority on 22 August 1986. Mr. Stalker was cleared of the charges against him and reinstated as Deputy Chief Constable.

Present Position

- Mr. Sampson has meanwhile been continuing his RUC investigation assisted by the team of detectives which had assisted Mr. Stalker. It is not known when the investigation will be completed. Mr. Stalker says that there is no question of him returning to the investigation.

- There has been renewed media speculation since Mr. Stalker's reinstatement that the allegations brought against him were part of a conspiracy to have him removed from the RUC investigation.

Time Scale

- As it is not known when Mr. Sampson will have his RUC report ready for submission to the DPP, it is not possible to put together a time scale for likely developments at this stage. (It will be up to the DPP to decide on what action, if any, to take on foot of the report).

3.6 Prisons Policy

Background

- We have been seeking a more liberal policy in relation to life sentence review and there has recently been some encouraging progress in this area.
- We have also raised a number of individual cases.
- Our views have also been conveyed on strip-searching especially of women prisoners.

Time Scale

- We would propose to get an update on strip-searching statistics from the British side in September.

Article 8.

4. Legal Matters including the Administration of Justice

Background

- Two official working groups were established as a result of the meeting of the Secretary of State, the Minister for Justice and the two Attorneys General within the framework of the Conference at London on 13 February.

Present Position

- The Working Group on the Administration of Justice has focussed on mixed courts, three-judge courts and power-sharing in the judiciary. The British have indicated that the question of three-judge courts is now a matter for political decision. They have provided a paper outlining the difficulties which they see with this proposal. A response has been prepared.
- We have been informed that the British will accept certain of the recommendations for reform of the Emergency Provisions Act made in the "Baker Report of 1984).
- The question of "supergrass" trials has been raised by the Irish side. We have noted the statement of the British Attorney General of 19 March which is significant in so far as the Director of Public Prosecutions is concerned. The recent judgement in the Black case, sustaining the appeal of 18 of 22 convicted persons, is a positive development. Appeals in the Quigley and Kirkpatrick cases are scheduled to be heard in Autumn. However, the British side have pointed out that, under law, the police must accept evidence when

proffered by any legitimate source. Angela Whoriskey, a supergrass whose evidence is currently with the DPP, may prove a test case in this regard.

- The Working Group on Criminal Law matters has concentrated on extradition and on the Irish legislation to implement the European Convention on the Suppression of Terrorism, signed on 24 February. The Irish side has pointed out that the breadth of the implementing legislation due for introduction in the Autumn will be determined, partially at least, by the degree of progress made in the areas of the administration of justice in Northern Ireland (Article 8) and relations between the security forces and the community (Article 7) on the basis of paragraph 7 of the Hillsborough Communique.

- A Sub-Group of representatives of the Attorneys General, has drawn up a checklist which will help to avoid mistakes and misunderstandings in any future extradition cases.

Time Scale

- A meeting of the Working Groups will be held on 11 September when discussion will focus on a final report for Conference in the administration of justice. We have been informed that legislation amending the Emergency Provisions Act will be introduced early in the next Parliamentary session, probably in November. Appeals in two 'supergrass' cases will be heard in the near future. The appeal in the Quigley case will open in the first half of September, the appeal in the Kirkpatrick case is likely to open at the end of October.

Article 9

5. Cross-border Security Cooperation

5.1 Police groups have been established under Article 9 to consider intelligence matters (threat assessment, liaison and exchanges of information) and operational matters (planning, legislation, legal procedures and computerisation). The two police chiefs agreed in principle to the report prepared by the intelligence group on 16 May and it was discussed in detail by the Quadripartite group on 4 June. The Conference of 17 June agreed that its implementation would be monitored and the Conference itself would be informed of progress. Three further reports, on operational planning, legislation (primarily extradition and extra territorial jurisdiction) and computerisation have been completed and have been submitted to the two police chiefs. The most important of these reports is that prepared on operational planning etc., and the report, as it emerged from the working group, showed areas of disagreement between the RUC and the Gardai. Following a meeting between the Chief Constable and the Garda Commissioner on Monday, 18 August, the areas of disagreement have been narrowed considerably.

A meeting of the Quadripartite Steering Group is being organised at present, the expectation is that it will take place on 10 September. It is not clear yet whether the Steering Group will be in a position to discuss all three remaining reports or whether it will be confined to the report on operational planning etc., which has been dealt with by the two police chiefs so far.

Article 10

- 6.1 On 17 July, 1986 the Government agreed to the establishment of the International Fund for Ireland as an international organisation by means of an international agreement with the British Government (Decision number S21138B). A further detailed memorandum on the Fund will be submitted to Government shortly.

The Fund will be administered by an independent Board consisting of a Chairman and not less than six other members appointed jointly by the two governments. The Board will be assisted by an Advisory Committee composed of senior officials of the two governments. The accommodation and secretarial services necessary for the proper functioning of the Fund will be provided jointly by the two governments.

The US Government has enacted a law authorising a contribution of US \$120 million (IR£90 million approx.) to the Fund over 3 years. The Canadian Government has pledged Can \$10 million (IR£5.5 million approx.) over 10 years. And the New Zealand Government has promised NZ \$300,000 (IR£120,000 approx.). Approaches are also being made to a number of EEC and EFTA countries.

The areas of activity of the Fund will be determined in large measure by the preferences of the donors as set out in their agreements with the Fund. The U.S. is by far the largest contributor to the Fund to date. The U.S. Administration preference, and that of the U.S. Congress, is for the Fund to "have as a paramount objective the economic recovery of the region, especially through the expansion of private sector activities".

The projected timetable for the establishment of the Fund is as follows:

- (i) signature of an international agreement between the British and Irish Governments establishing the Fund (17 September);
- (ii) a technical agreement between Ireland, Britain and the United States securing the US contribution to the Fund before 30 September 1986 (end of US fiscal year);
- (iii) a resolution in Dáil Eireann approving the bilateral agreement with Britain (early in next session);
- (iv) designation by the Government of the International Fund for Ireland as an international organisation with legal personality (early December);
- (v) appointment of the Board of the Fund jointly by the British and Irish Governments (nominees announced mid September, formal appointments December/January).

6.2 Cross-border, Economic and Social Co-operation

Tourism: The Conference has discussed cross-border co-operation in tourism, with a view to further consideration of (a) the work of the existing Tripartite Committee on tourism (British and Northern Ireland Tourist bodies and Bord Failte) which has given priority to access links (air/sea), joint marketing overseas, co-ordinated development of tourist facilities and co-operation in research and statistics; and (b) joint marketing of specialist holidays on an all-Ireland basis.

6.3 Pollution Monitoring: There is agreement on the need for increased co-operation in monitoring pollution caused by discharges of radioactive materials and in studying the possible effects on health of such discharges. A meeting of officials will be held this month when the Department of Health study on leukaemia on the East Coast will be available. Joint monitoring of pollution of inland waterways has also been discussed briefly.

6.4 Newry/Dundalk Road: The British side indicated at a meeting between Ministers Boland and Needham on 28 May that a new Newry-Dundalk Road cannot be built from their present resources within the next ten years. The British stated, without commitment, that this decision could be re-examined if finance from the International Fund becomes available. At present, it appears unlikely that fund resources could be utilised for this purpose given the project parameters indicated by the U.S. authorities.

The Minister for the Environment is anxious to have a final decision reached on the road very shortly since, if agreement is forthcoming, he will authorise phases 3 and 4 of the Inner Relief Road on the eastern side of Dundalk.

A meeting with the British to reach a final decision on the road is likely to be held within the next few weeks. If no agreement can be reached, discussions could then proceed on possible improvements to the existing road.

Article 12

7.1 Interparliamentary Relations - Article 12. There has been no progress in setting up the Anglo-Irish Parliamentary Body. We have been awaiting a paper from the British side since the January meeting of the Conference on this. The British side have indicated that in the current political situation that they will not be presenting any proposals in the immediate future.