



# An Chartlann Náisiúnta National Archives

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Do aon fhreagra chun:-  
Address any reply to:-)

AN RÚNAÍ  
(The Secretary)

faoin uimhir seo:-  
(quoting:-)



AN ROINN GNÓTHAÍ EACHTRACHA  
Department of Foreign Affairs

BAILE ÁTHA CLIATH, 2.  
Dublin 2.

1005

10 October, 1988.

Mr. Dermot Nally,  
Secretary to the Government,  
Government Buildings,  
Merrion Street,  
Dublin 2.

Dear Dermot,

You will recall that at a recent meeting in the Secretariat on the review process, a joint paper was drafted setting out a series of questions on which it was felt desirable to have political guidance before the work at official level could be taken further.

We have now produced a commentary on these questions, which is attached. It would be important at this stage to have political guidance on the approach we have suggested, as well as on any issues not covered in the questions. Perhaps, therefore, we could have a word about how best to proceed.

Yours sincerely,

Dermot Gallagher,  
Assistant Secretary.

## REVIEW OF THE CONFERENCE

### (a) TIMING

#### Questions

- Is the review process to be extended over a period?
- If so, is this to be announced in mid-November or earlier and how?
- What target date is to be set for completion of the process and the presentation of its results to the public?

#### Commentary

- We would suggest approximately a three month period as being long enough to allow a serious and thorough review and, at the same time, short enough to ensure that the review does not take on the appearance of being an open-ended exercise. [If political circumstances demanded it, the review process could, of course, be extended beyond the initially-stated deadline].
- We see advantage in an announcement on the timing and modalities of the review in advance of mid-November. An early announcement would clarify in the public mind exactly what is involved in the review and would defuse expectations of a major event actually taking place on the 15th November. If this is agreed, an appropriate occasion for the announcement would be the next meeting of the Intergovernmental Conference, scheduled for late October (date not yet finalised).
- If a review period of approximately three months is felt desirable, the review process would culminate in mid - or end - February. As the Christmas holiday period will interrupt the working schedule in late December, it might be as well to target the end of February.

(b) SUBMISSIONS FROM OUTSIDE BODIES

Questions

- Do both Governments agree that submissions on the Review should be solicited in some way from outside bodies?
- On what terms will such submissions be sought?
- Will this be done jointly or separately, and in the case of the latter, will the two Governments keep each other informed?
- How and when is this process to be announced?
- How are any such submissions to be associated with the Governments' internal consideration of the review?

Commentary

- It seems important, for both substantive and presentational reasons, that submissions be invited from outside bodies.
- Submissions should be sought in a way that is most conducive to unionist involvement, without at the same time undermining the Agreement in any way. The balancing of these potentially conflicting considerations is obviously a delicate matter. Unionists have to date taken the position that they will refuse to participate in the review process as such. Nevertheless, they must to some extent see the review period as a "window of opportunity". To encourage them to avail of that opportunity, invitations should be framed in a very open way, with considerable flexibility as to the manner in which the views of various parties are to be conveyed.

It is for consideration whether there might be advantage in a specific reference to the Anglo-Irish Intergovernmental Council (AIIC) (which is indeed the umbrella body for the Conference) as one context for receiving submissions, and perhaps as the institution which would conduct the actual review.

- While it could be made clear that submissions to the Governments jointly would be welcome, there should also be provision for receiving views separately. Submissions received by one Government would normally be made available to the other; however there would probably have to be a provision for a submission not to be passed over if this was contrary to the expressed wish of the submitting party.
- The approach to submissions from outside bodies should preferably be announced at the same time as the announcement is made about other aspects of the review.
- Submissions from outside parties should be fed into the Governments' internal consideration of the review and, where appropriate, be reflected in any papers produced separately or jointly by the two Governments as part of the work of the review.

(c) SCOPE OF THE REVIEW

Questions

- The depth to which the review should enter into the substantive issues remains to be decided.
- Should the method of the review be an analysis by articles of the Agreement, by structures of the Conference and the work of subordinate groups, by the general objectives of the Agreement or some other approach?

Commentary

- An in-depth review is called for after three years experience of the Agreement. The exercise should be both backward-looking and forward-looking. The objective of the review exercise, inter alia, is that the Agreement should function more efficiently in the future. The point of examining the record to date is not to relive the quarrels but to try to ensure that developments giving rise to such quarrels do not recur in the future. An important part of the forward-looking exercise is to try to define the focus and agenda of the Conference over the next few years.
  
- Our preferred approach is to review progress over the past three years in terms of the overall objectives and the individual articles of the Agreement. However, we do not see the different methodologies suggested as being mutually exclusive. One could envisage papers presented in each of these areas (analysis by articles of the Agreement, by structures of the Conference and its working groups, and by the general objectives of the Agreement). The essential point is that there should be scope for an overview as well as provision for detailed assessment of the work to date.

(d) FORM OF THE PUBLIC OUTCOME OF THE REVIEW

- How is the outcome of the review to be presented? Possibilities include a normal or special meeting of the Conference or an inter-governmental meeting, at whatever level, outside the framework of the Conference.
  
- Will the results of the review or any other documents pertaining to it be made public and if so in what form?

Commentary

- The precise manner in which the review process should conclude is not easily determined in advance. A relatively low-key review could conclude in an equally low-key fashion; a higher profile review might merit a similarly high profile conclusion.
  
- One might envisage a meeting of the Conference in mid - or end - February devoted exclusively to the review. It could be a longer meeting than usual (a fully day?, a weekend?) which would discuss fully the various papers submitted by officials and take account of the submissions from outside parties. Alternatively, if the review process had gone significantly outside the confines of the Conference, one might consider an inter-governmental meeting under AIIC auspices which would involve a small group of Ministers from each side.
  
- The presentation of the outcome of the review is also dependent to some extent on the achievements of the review process. However, the public expectation surrounding the review is such that some reasonably detailed statement of the outcome would seem to be required. Obviously not all of the substance of the review would be amenable to publication. Nevertheless, it should be possible to draft a text - to be published as part of or as an annex to a Conference communique - that would reflect the main themes of the review and that would indicate clearly the direction and objectives of future work in the Conference. Written submissions from outside parties could, with the permission of the authors, be made publicly available.