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DRAFT/22 APRIL 1986

cc. PS/SOS (B&L)
PS/Ministers (B&L)
PS/PUS (B&L)
PS/Mr Bloomfield
Mr Brennan
Mr Stephens
Miss Pease
Mr Innes
Mr Chesterton
Mr Palmer
Mr M Elliott
Mr S Hewitt
Mr Bell
Mr Pearson
Miss Owens

NI Permanent Secretaries

PUBLIC APPOINTMENTS AND THE ANGLO-IRISH AGREEMENT

Introduction

1. This note explains how we will be handling public appointments in the context of the Anglo-Irish Agreement.
2. Paragraph 16 of Central Secretariat Circular (C1/86) on public appointments procedures (dated 7 March 1986) says:-

"Article 6 of the Anglo-Irish Agreement provides that the Intergovernmental Conference is to be a framework within which the Irish Government may put forward views and proposals on the role and composition of bodies appointed by the Secretary of State for NI and NI Departments. The Article singles out for special mention 5 bodies - the Standing Advisory Commission on Human Rights, the Fair Employment

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Agency, the Equal Opportunities Commission, the Police Authority for Northern Ireland and the Police Complaints Board - but Departments should note that, within the terms of the Article, it is open to the Irish to put forward through the Conference, views and proposals on the role and composition of bodies other than those individually specified. Central Secretariat will advise on whether the Irish should be informed through the Conference about any other major appointments, in addition to appointments to the 5 bodies named in the Agreement."

Action to date

3. The Irish side of the Secretariat has been provided with a comprehensive list of public appointments and has been asked to indicate the other appointments in which they are interested, besides those to the 5 bodies listed in Article 6. The Irish have recently sought, and been given, information about the composition of some bodies.
4. The Irish have also been invited to contribute to the general pool of names of people who are considered for public appointments and have been specifically invited to suggest possible names for the Police Authority and the Police Complaints Board.
5. We have already consulted the Irish about a few appointments to the bodies named in Article 6 and we have given them notice of some other major appointments just before an announcement is made.

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6. We have now provided the Irish with a list of the major appointments to be made during the rest of 1986. They have been told that if they wish to suggest names for particular appointments which can be taken into account by Ministers in making their decisions, they should do so by specified dates; these dates are normally 3 months before the vacancies occur.

Future procedures

7. The following arrangements will apply:-
 - 7.1 Twice a year, Central Secretariat will provide the Secretariat with advance notice of the major appointments which the Secretary of State will be considering over the following 6 months, and will indicate the dates by which any suggestions by the Irish should be fed into our normal process;
 - 7.2 The initial submission to NIO Ministers about major appointments should include details of all the possible contenders and explain any particular point which the Irish wish to press;
 - 7.3 Departments should exercise their own judgement on the appropriate time at which the person or persons being considered for appointment should be sounded on their willingness to serve;
 - 7.4 After NIO Ministers have formed a provisional view, the UK side of the

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Secretariat would be briefed - by NIO or Central Secretariat, as appropriate - to tell the Irish side what Ministers had decided to do;

7.5 If the Irish express any reservations, these could be discussed through the Secretariat or, if necessary, at the Intergovernmental Conference, where "determined efforts" would be made to resolve any differences; and

7.6 After taking account of the views expressed by the Irish, Ministers would take their final decisions and the Irish would be informed before a public announcement was made.

R B SPENCE

Central Secretariat

April 1986

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