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RECEIVED 11 AUG 1998

cc Mr Zacher - Dr.
Munnich; Mr. Decker
B. Ward; PS 44; P. 44
Rob W; sub 6.
S = 6 her

Sec Gallagher,

Comments on the Sinn Fein letter to the Taoiseach

Human Rights and Equality Elements

SEEN BY
TAOISEACH

1. The Gerry Adams letter to the Taoiseach is clearly out of date and many of the complaints in it have been superseded by later developments. The British side accepted amendments in the House of Commons which rectified many of the problems outlined by Mr Adams. I have been in constant contact with Barbara de Brún on the Human Rights and Equality areas and she is, with a few small exceptions, reasonably satisfied with the present text. I have prepared more detailed points on the Adams letter below.

Human Rights Commission

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2. The present British draft has been amended to include
 - The North/South Committee
 - The Bill of Rights
 - The need for Community Balance in the membership of the Commission
 - The independence of the Commission
3. None of the above was included in the original Bill but the British side agreed to their inclusion after bilateral discussions.
4. There is virtually nothing in the Human Rights Section of the Agreement which has not been included in the Settlement Bill. One omission is the power for the new Commission to take legal cases in its own name. This has presented legal difficulties for authorities on both sides of the border so we have not pressed the issue. We have suggested that the matter could be subject to a review, after the Commissions have been in operation for two years.

Equality Issues

5. The British side was much slower to take on board our reservations about the Equality section but there has now been a considerable improvement in the situation. The Sinn Féin objection to placing a community relations test on equality promotion has in fact been rectified by a new amendment to the Bill.
6. The British are intent on moving forward with the Equality Commission and while we disagree with this policy, it is not in breach of the Agreement.

7. We still wish to see some improvement in the Equality Schemes but the British have already accepted some helpful amendments in this area.

Irish Language and Fair Employment measures

8. While the Settlement Bill is to be the main vehicle for implementing the Agreement, there are some other pieces of legislation which will fulfill commitments on the Irish Language and changes to Fair Employment legislation. The Education Order will place the statutory obligation on the Northern Ireland authorities to promote the Irish language and the new fair employment legislation in the Autumn will cover the strengthening of anti-discrimination which was promised in the Agreement.

Symbols and Emblems

9. The Agreement states that in regard to Symbols and Emblems "arrangements will be made to monitor this issue and consider what action might be required". It was never envisaged that this issue would be catered for in the Settlement Bill. There will be a meeting after the Summer, between representatives of the two Governments, to discuss how this issue can be taken forward.

National Security Opt Out

10. The national security opt out of Fair employment legislation will be amended in the Lords in the Autumn session. The British are examining the implications of the Court of Human Rights finding in Strasbourg that the present opt out is incompatible with the ECHR. We await their proposals.


Ray Bassett
10 August 1998

cc Mr O'Connor and Mr Montgomery

Mr Gallagher

Letter to Taoiseach from Gerry Adams

1. Overall, I think that this is a fairly predictable, and probably largely for the record, "laundry-list" of well-established SF positions. None of the points is made with particular force and some are perhaps slightly out-of-date.. It is perhaps intended as a protective move against attempts to put the spotlight on them and the "war is over" issue.
2. Northern Ireland Bill (page 3): The focus is above all on equality/rights issues, but fails to take account of developments over the past couple of weeks. In regard to the North/South aspects, I last week briefed SF (de Brún, McAteer and Maskey) on our contacts with the British, and they seemed reasonably satisfied. Specifically in regard to point 4, we were assured by the British (and the SoS said in the House) that the Assembly will not receive its devolved powers until the date of entry into force of the British-Irish Agreement.
3. Institutions (page 9): We fully agree that consultations on the establishment of all institutions, including the N/S and E/W, should be timely, structured and inclusive. The question is how, politically, this is to be achieved.


Rory Montgomery
7 August 1998

cc Mr Bassett, Mr O'Connor.

Private Secretary
If you are having
papers on to
the Taoiseach,
this should be
included.
Secure E Mail

cc see Gallagher; Connolly A.I.,
Amb L & W; Hon. Featon,
Dalton, Mansfield, Keenan

Anglo-Irish Secretariat
Belfast

25A

7 August 1998

10.8.98


No of pages including this one: 1

For: Rory Montgomery

From: Kieran Dowling

Subj: Northern Ireland Bill

1. Just in case it contains anything not already known, John Fisher offered the following information on the time-table for the Northern Ireland Bill, picked up at a (high-level) NIO meeting he attended this afternoon:
 - The intention is to put the matter to Ministers around the end of this month for 'policy decisions'.
 - It is proposed to meet (a) the NI political parties and (b) ourselves on the issue in mid-September.
2. The Bill will have its second reading in the Lords on 5 October and go to Committee stage there in mid-October. The British side do not expect the Bill to be out of the Lords before mid or late November.
3. Fisher mentioned, incidentally, that much of the NIO meeting today was given over to what he referred to as "Trimble's difficulties" and the need to provide as much assistance as possible in getting him to sit down with Sinn Féin (this, however, rested very much on something being offered by Sinn Féin).

W. Kieran

 W. McLaughlin
 10.8.98

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difficult for those who have suffered bereavement and loss, but we must keep our focus on peace, and seek to make sure that others do not suffer in the same way.

Garda Mc Cabe

- In the case of Garda Jerry McCabe - nobody has been convicted, as yet, in this case and the justice system has to be allowed to take its course. But if anybody is eventually convicted, his/her case will not come within the ambit of the Good Friday Agreement.