

FROM: BRYONY LODGE, SIL
8 NOVEMBER 1990

AF

1. General
2. Political, Economic & Social
3. Security Co-operation
**UNDER/ SEC 12/11
-9NOV1990
CENT SEC**

CC Mr Thomas - B
Mr D J R Hill - B
Mr D A Hill - B
Mr Bell - B
Mr Hamilton - B 12/11
Mr Archer - B
Mr Dodds - B
Mr Rickard
Ms McIver o/r
Mr Percival - B
Mr Ferguson

MR COOKE O/R

FIFTH ANNIVERSARY OF ANGLO-IRISH AGREEMENT

In your minute of 1 November you asked me to prepare some material giving Press Office a positive briefing line for the fifth anniversary of the Anglo-Irish Agreement on 15 November. I understand that Mr Dodds is preparing a separate brief for Ministers.

2. I have spoken to Mr Percival who has suggested a series of bullet points comparing expectations in 1985 with developments since then, together with defensive briefing in a Q & A format.

3. I should be grateful for any comments on, or additions to the attached draft from copy recipients by close of play on Monday 12 November.

(SIGNED:) B Lodge

BRYONY LODGE
SIL Division
OAB Ext 6506
8 November 1990

CN/SIL/16301

P.A.F

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Developments

- UK and ROI Governments have discussed issues of mutual concern and worked together towards mutual aims
- Growing understanding of respective positions and of constraints acting on each
- Scope for both sides to resolve differences as they occur

Q&A

- Q Surely many of the positive developments since 1955 would have taken place without the Agreement?

True that developments cannot be attributed solely to the Agreement. However, many have been discussed through the medium of the Conference and have benefited from closer co-operation between the two Governments.

GENERAL

AFS

- Acceptance by both Governments that the status of NI would be determined by the principle of consent
- Promotion of peace and stability in NI
- Reconciliation of the two traditions in NI
- Creation of a new climate of friendship between UK and ROI
- Improved co-operation in combating terrorism

Developments of Review of Pathway of 1985

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- Growing understanding of respective positions and of constraints acting on each
- Scope for both sides to resolve differences as they occur

Q&A

Q Surely many of the positive developments since 1985 would have taken place without the Agreement?

True that developments cannot be attributed solely to the Agreement. However, many have been discussed through the medium of the Conference and have benefited from closer co-operation between the two Governments.

Agreement means increase in Irish authority?

A:

There is no derogation from sovereignty in the Agreement. Decisions affecting Northern Ireland remain the responsibility of the British Government and Parliament. Irish views and proposals welcome, but not necessarily accepted.

Q. Is the Agreement too one-sided?

Whilst it is mostly concerned with NI some of the matters under consideration involve co-operative action in both parts of the island of Ireland.

Q Outcome of Review of Workings of IGC?

Concluded no fundamental changes necessary. However, highlighted potential advantages of greater cross-border economic and social co-operation, with the involvement of Departmental Ministers where appropriate. Agreed more details of the deliberations of the conference should be made public.

- Q. Irish constitution includes provision for Irish government to work towards reunification?
- Constitutionality of Agreement was upheld by the Irish courts in the McGimpsey judgement. Article 3 had little effect on the way Northern Ireland is governed.

POLITICAL DEVELOPMENT

To show acceptance by both Governments that the status of NI would be determined by the principle of consent.

- To devolve responsibility for certain matters in NI on a basis which would secure widespread acceptance.

- To reassure Unionists about NI's status as part of UK, thus giving them confidence to engage in the search for a widely acceptable form of devolved government.
- To reassure nationalists that their voice would be heard in Government in the absence of devolved institutions.

Developments

- Efforts are continuing to find a basis on which political talks can begin.
- Formation of British-Irish Parliamentary Body concerned with whole range of Anglo-Irish relations.

Q&A

Q Irish constitution includes imperative for Irish Government to work towards reunification?

- Constitutionality of Agreement was upheld by the Irish courts in the McGimpsey judgement. Articles 2 and 3 have never affected the way Northern Ireland is governed.

Is the Agreement a threat to NI's status?

No. It is explicitly affirmed in Article 1 of the Agreement that any change in the status of NI would only come about with the consent of a majority of the people of NI and recognised that the present wish of the majority is for no change.

Q. Dublin 'veto' on political talks?

- Talks about talks have not reached impasse. Efforts are continuing to find a basis on which all concerned would be prepared to enter substantive talks.

Q. Future of the agreement?

Increase in arms finds by the Garda.

- Prepared to consider any changes which would command widespread support.

RUC have made great efforts to increase levels of recruitment from the minority community.

- Considerable improvements in procedures for handling complaints against the police, including setting up of an independent commission for police complaints.

Q & A

Q. Irish support for terrorism?

- Both Governments remain committed to ensuring that terrorists do not win. The Irish have publicly condemned terrorism on many occasions.

Q. No drop in level of terrorism since Agreement?

- Need to bear in mind overseas resupply which has increased activities of terrorist groups. Increased security co-operation has helped to counter this.

SECURITY CO-OPERATION

ALS

- To enhance cross-border co-operation on security matters.
- To facilitate improvement of relations between the security forces and the minority community by providing a channel for airing and debating legitimate grievances about security force operations.

Developments

- Close working relationship between RUC and Garda Siochana: many more joint operations and greater intelligence sharing.
- Increase in arms finds by the Garda.
- New RUC Code of Conduct has been made available to the public.
- RUC have made great efforts to increase levels of recruitment from the minority community.
- Considerable improvements in procedures for handling complaints against the police, including setting up of an independent commission for police complaints.

Q & A

Q Irish support for terrorism?

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Allegations of collusion by security forces?

Chief Constable of RUC has asked Mr John Stevens, Deputy Chief Constable of Cambridgeshire to set up a full enquiry. Some recommendations already implemented.

Series of events of criminal law which might have happened.

Would public confidence in the administration of justice be undermined.

- Elements

Ratification of the European Convention on the Suppression of Terrorism by the Irish Government

Narrowing down of the "political offence" exception which now inhibited extradition.

Agreement used to pursue contacts with policy aspects of extradition and extra-territorial jurisdiction.

Q Does the ROI law on extradition present a major obstacle to the capture and trial of ROI suspects?

A No. Obviously, we were disappointed at the recent decisions of the Irish Supreme Court in the case of Finucane, Clarke and Caron. These however, were independent judicial systems which must be respected. It should, however, be borne in mind that since January 1988 14 persons have been returned to the UK [NB this includes non-terrorist cases] and other cases are currently before the courts.

Q Has the Irish Government made any attempts to improve extradition arrangements?

LEGAL MATTERS

As

To consider areas of criminal law which might with benefit be harmonised.

- To build public confidence in the administration of justice

Developments

- Ratification of the European Convention on the Suppression of Terrorism by the Irish Government.

- Narrowing down of the 'political offence' exception which had inhibited extradition.

- Agreement used to pursue concerns with policy aspects of extradition and extra-territorial jurisdiction.

Q Does the ROI law on extradition present a major obstacle to the capture and trial of ROI suspects?

- No. Obviously, we were disappointed at the recent decisions of the Irish Supreme Court in the case of Finucane, Clarke and Caron. These however, were independent judicial systems which must be respected. It should, however, be borne in mind that since January 1988 14 persons have been returned to the UK [NB this includes non-terrorist cases] and other cases are currently before the courts.

Q Has the Irish Government made any attempts to improve extradition arrangements?

In 1987, in an effort to facilitate easier extradition, the Irish Government ratified the European Convention in the Supression of Terrorism. We still have some concerns about the arrangements for extradition and these are being considered by both Governments within the framework of the Anglo-Irish Agreement.

To promote human rights and provide additional protection

The ultimate economic and social development

Developments

- Establishment of International Fund for the Environment from USA, Canada, New Zealand and ROI. Total funds available over £52m in over 1000 projects.
Initiatives in rejuvenated urban areas in Belfast and Londonderry.
- Elected Authorities (NI) Act 1983 has ensured that 110 welfare have been able to vote in district council elections.
- Flags and Emblems Act (NI) 1984 has been repealed.
- Fair Employment (NI) Act 1989 provides further measures to eliminate religious discrimination and encourage equal opportunities in employment.
- Greater contact between UK and ROI Departments at all levels.
- Transport, tourism and energy matters discussed at TCC.
- Irish have made recommendations on composition of a range of public bodies.

ECONOMIC, SOCIAL AND CULTURAL CO-OPERATION

To ensure that the identities of both communities are respected.

- To protect human rights and prevent discrimination.
- To promote economic and social development.

Developments

- Establishment of International Fund for Ireland with funding from USA, Canada, New Zealand and EEC. Fund has invested over £52m in over 1000 projects.
- Initiatives to rejuvenate urban areas in Belfast and Londonderry.
- Elected Authorities (NI) Act 1989 has ensured that 'I' voters have been able to vote in district council elections.
- Flags and Emblems Act (NI) 1984 has been repealed.
- Fair Employment (NI) Act 1989 provides further measures to eliminate religious discrimination and encourage equal opportunities in employment.
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- Transport, tourism and energy matters discussed at IGC.
- Irish have made recommendations on composition of a range of public bodies.

Fair Employment Act proved ineffective?

- Implications of recent decision of Fair Employment Tribunal under urgent review, and measures to remedy the situation being considered.
- Q Withdrawal of funding from Glor na nGael inconsistent with encouraging Irish language and culture?
- British Government policy designed to ensure that public funding will not have the effect of improving the standing and furthering the aims of a paramilitary organisation either directly or indirectly. Remain committed to encouragement of Irish language and culture.

A TUE
It is reported in the Belfast Telegraph that the DUP will stand in all seats, and their main focus of activity will centre on the 12 seats, of the 18, in the East Belfast seat at the next general election. This is the first positive indication of the DUP's policy on contesting Parliamentary seats which was announced at last year's DUP Conference. It is likely to be implemented by the two leading unionist candidates in East Belfast and North Antrim, currently held by Peter Robinson and Ian Paisley respectively. It is less certain, however, that unionist candidates will not be opposed with others in seats (eg Mid-Ulster) where a split unionist vote might fall in the SDLP.

2 On the face of it, Beggs should be safe; his majority at the 1987 General Election was over 15,000. But it should be remembered that the last time the DUP contested the seat, in the shape of City Minister in 1983, Beggs' majority was just 357. Thus the result may not be a foregone conclusion.