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Strand Three: East/West Arrangements

Two distinct institutions are proposed. Wider East/West co-operation would be organised through a **British/Irish Council** bringing together the two Governments and representatives of devolved institutions in Northern Ireland, Scotland and Wales, together with representatives of the Isle of Man and Channel Islands. It would be essentially consultative in nature, though further functions could be developed by agreement.

There would also be a **British/Irish Intergovernmental Conference**, which would essentially assume the functions of the existing Anglo-Irish Conference, with three differences of substance: its (Northern Ireland) remit would be confined to non-devolved matters, representatives of the Northern Ireland Administration would be involved in its work, and it would also deal on occasion with residual East-West issues between the two Governments (e.g. Sellafield) not covered by the British-Irish Council above.

Neither **Sinn Féin** nor the **SDLP** will be euphoric with the add-on East-West dimension to the Conference but, assuming other parts of the overall package are satisfactory, should have no particular difficulty. The SDLP have a particular attachment to the Conference and can be reassured that in substance it will continue, albeit in a different context. The key point is that the principle of the Government involvement has been safeguarded, including a joint standing Secretariat exclusively devoted to Northern Ireland.

⑨

STRAND THREE

BRITISH-IRISH COUNCIL

1. **A British-Irish Council (BIC) to be established under a new British-Irish Agreement to promote the harmonious and mutually beneficial development of the totality of relationships among the peoples of these islands.**
2. **Membership of the BIC to comprise representatives of the British and Irish Governments, devolved institutions in Northern Ireland, Scotland and Wales, when established, and, if appropriate, elsewhere in the United Kingdom, together with representatives of the Isle of Man and the Channel Islands.**
3. **The BIC to meet twice a year at Summit level, with other meetings on sectoral issues comprising appropriate representatives of the relevant members to be convened as necessary.**
4. **Representatives of members to operate in accordance with whatever procedures for democratic authority and accountability are in force in their respective elected institutions.**
5. **BIC to consider, and to promote consultation and co-operation on, matters of common interest falling within the competence of its members. Suitable issues for early discussion in the BIC could include: transport links; environmental issues; cultural issues; minority languages; approaches to EU issues.**



6. Open to BIC to agree common policies or common actions. Individual members may opt not to participate in such common policies and common action.
7. The BIC normally to operate by consensus. In relation to decisions on common policies or common actions, including their means of implementation, to operate by agreement of all members participating in such policies or actions.
8. The members of the BIC, on a basis to be agreed between them, to provide such financial support as it may require.
9. A secretariat for the BIC to be provided by the British and Irish Governments in co-ordination with officials of each of the other members.
10. In addition to the structures provided for under this agreement, open to two or more members to develop bilateral or multilateral arrangements between them. Such arrangements could include, subject to the agreement of the members concerned, mechanisms to enable consultation, co-operation and joint decision-making on matters of mutual interest; and mechanisms to implement any joint decisions they may reach. These arrangements not to require the prior approval of the BIC as a whole and to operate independently of it.
11. The elected institutions of the members to be encouraged to develop interparliamentary links, perhaps building on the British-Irish Interparliamentary Body

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^{BRITISH} ^{IRISH}
BRITISH-IRISH INTERGOVERNMENTAL [CONFERENCE] [COUNCIL]

[1. New British-Irish Agreement dealing with the totality of relationships to establish standing British-Irish Intergovernmental Conference, to subsume both the Anglo-Irish Intergovernmental Council and the Intergovernmental Conference established under the 1985 Agreement.

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2. The Conference to bring together the British and Irish Governments and to promote bilateral co-operation at all levels on all matters of mutual interest within the competence of both Governments.

3. The Conference to meet as required at Summit level (Prime Minister and Taoiseach). Otherwise, Governments to be represented by appropriate Ministers. Advisers, including police and security advisers, to attend as appropriate.]

[1. New British-Irish Agreement dealing with the totality of relationships to establish British-Irish Intergovernmental Council, bringing together the British and Irish Governments, to promote bilateral co-operation at all levels on all matters of mutual interest within the competence of both Governments. The Council to comprise British and Irish Governments, represented by appropriate Ministers. To meet, as required, at Summit level (ie British Prime Minister and Taoiseach).

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2. Within this framework, a standing Intergovernmental Conference, concerned with Northern Ireland and with relations within the island of Ireland.]

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4. All decisions to be by agreement between both Governments. The Governments to make determined efforts to resolve disagreements between them. No derogation from sovereignty of either Government.

5. In recognition of the Irish Government's special interest in Northern Ireland and of the extent to which issues of mutual concern arise in relation to Northern Ireland, there will be regular and frequent meetings of the Conference concerned with non-devolved Northern Ireland matters, on which the Irish Government may put forward views and proposals. These meetings to be co-chaired by the Minister for Foreign Affairs and the Secretary of State for Northern Ireland would also deal with all-island and cross-border co-operation of non-devolved issues. [Advisers, including police and security advisers, to attend as appropriate.]

6. Co-operation within the framework of the Conference to include facilitation of co-operation in security matters. The Conference also to address, in particular, the areas of rights, justice, prisons and policing in Northern Ireland (unless and until responsibility is devolved to a Northern Ireland administration) and to intensify co-operation between the two Governments on the all-island or cross border aspects of these matters.

7. Relevant members of the Northern Ireland administration to be involved in meetings of the Conference to discuss non-devolved Northern Ireland matters. [The Northern Ireland administration to be given advance notice of what is to be discussed at such meetings of the Conference, and to be invited to express views

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to both Governments in advance. At the invitations of the Governments, to make presentations to the Conference. Open to the two Governments, in consultation with the Northern Ireland administration, to propose ways in which the latter's involvement could over time be enhanced.]

8. Conference to be supported by officials of the British and Irish Governments, including by a standing joint secretariat of officials dealing with non-devolved Northern Ireland matters.
9. Conference to keep under review the workings of the new British-Irish Agreement and the machinery and institutions established under it, including a formal published review three years after the Agreement comes into effect, and to contribute as appropriate to any review of the overall political agreement arising from the multi-party negotiations.

Rights and Equality of Opportunity

The equality area is an important one for nationalists in the all-party talks. During the week, the two Governments agreed a joint text on the issue. This paper translates the commitments given in the Joint Framework Document to the strengthening of human rights in Northern Ireland into practical effect. The paper contains several substantial gains from the human rights point of view including,

- new standing Human Rights Commissions in both jurisdictions. This has been an issue for human rights organisations for many years. The Commissions will have the power to bring court proceedings where it believes that there have been violations of human rights.
- it is envisaged that there will be a joint North/South committee of representatives of the two Human Rights Commissions to act as a forum for consideration of human rights issues on the island of Ireland as a whole.
- the Northern Human Rights Commission will be given the task of preparing a Bill of Rights for Northern Ireland. This Bill of Rights will include new rights to reflect the principles of mutual respect for the identity and ethos of both communities and parity of esteem.
- there will be statutory obligation on all public authorities in Northern Ireland to promote equality of opportunity which will be a particular priority of the Government. This obligation is often known as PAFT (Policy Appraisal and Fair Treatment).
- the Northern Ireland parties will be asked to affirm a series of human rights commitments which will reflect a more peaceful society in Northern Ireland.
- the paper notes the need for the new institutions to ensure that symbols and emblems are

used in a manner which promotes mutual respect rather than division. The paper mentions that arrangements will be made to monitor this issue and consider what action might be required.

The paper has been discussed with both the SDLP and Sinn Féin. The SDLP is very happy with the outcome but Sinn Féin have complained that the language needs to be strengthened and they would have wished for a much stronger commitment in the document to reform in the area of symbols and emblems. The British resisted strongly any reference to this issue on the grounds that it would antagonise unionists but eventually conceded and included the above text. They would, however, be very opposed to any further changes in the party negotiations.

The paper has informally been discussed with the Standing Advisory Commission on Human Rights (SACHR) in the North which views it as a major step forward. SACHR and a number of human rights organisation in the North were very helpful to our delegation during the negotiations.

From any objective reading of the paper, the commitments in the human rights section of the Framework Document have been met.

Anglo-Irish Division

4 April 1998

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RIGHTS, SAFEGUARDS AND EQUALITY OF OPPORTUNITY

Human Rights

1. **The parties affirm their commitment to the mutual respect, the civil rights and the religious liberties everyone in the community. Against the background of the recent history of communal conflict, the parties affirm in particular:**
 - **the right of free political thought;**
 - **the right to freedom and expression of religion;**
 - **the right to pursue democratically national and political aspirations;**
 - **the right to seek constitutional change by peaceful and legitimate means;**
 - **the right to live wherever one chooses without hindrance;**
 - **the right to equal opportunity in all social and economic activity, regardless of class, creed, gender or colour; and**
 - **the right to freedom from sectarian harassment.**

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United Kingdom Legislation

2. **The British Government to complete incorporation into Northern Ireland law of the European Convention on Human Rights, with direct access to the courts, and remedies for breach of the Convention, including power for the courts to overrule Assembly legislation on grounds of inconsistency.**

3. **The British Government has proposed as a particular priority the creation of a statutory obligation on public authorities in Northern Ireland to carry out all their functions with due regard to the need to promote equality of opportunity in relation to religion and political opinion; gender; race; disability; age; marital status; dependants; and sexual orientation. Public bodies would be required to draw up statutory schemes showing how they would implement this obligation. Such schemes would cover arrangements for policy appraisal, public consultation, public access to services, monitoring and timetables.**

4. **The new Northern Ireland Human Rights Commission (see paragraph 5 below) to be invited to advise on the scope for defining, in Westminster legislation, rights supplementary to those in the European Convention on Human Rights, to reflect the particular circumstances of Northern Ireland. These additional rights to reflect the principles of mutual respect for the identity and ethos of both communities and parity of esteem, and - taken together with the ECHR - to constitute a Bill of Rights for Northern Ireland. Among the issues for consideration by the Commission will be:**

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- the formulation of a general obligation on government and public bodies fully to respect, on the basis of equality of treatment, the identity and ethos of both communities in Northern Ireland;
- a clear formulation of the rights not to be discriminated against and to equality of opportunity in both the public and private sectors.

New Institutions in Northern Ireland

5. A new Northern Ireland Human Rights Commission to be established by Westminster legislation, independent of Government, with an extended and enhanced role beyond that currently exercised by the Standing Advisory Commission on Human Rights, to include keeping under review the adequacy and effectiveness of laws and practices, making recommendations to Government as necessary; providing information and promoting awareness of human rights; considering draft legislation referred to them by the new Assembly; and, in appropriate cases, bringing court proceedings or providing assistance to individuals doing so.
6. The British Government has proposed a new statutory Equality Commission to replace the Fair Employment Commission, the Equal Opportunities Commission (NI), the Commission for Racial Equality (NI) and the Disability Council - such a unified Commission to advise on, validate and monitor the statutory obligation and to investigate complaints of default.

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7. These improvements to build on existing protections in Westminster legislation in respect of the judiciary, the system of justice and policing.

Comparable Steps by the Irish Government

8. The Irish Government will also take steps to further strengthen the protection of human rights in its jurisdiction. The Government will, taking account of the work of the All-Party Oireachtas Committee on the Constitution and the Report of the Constitution Review Group, bring forward measures to strengthen and underpin the constitutional protection of human rights. These proposals will draw on the European Convention on Human Rights and other international legal instruments in the field of human rights and will ensure at least an equivalent level of protection of human rights as will pertain in Northern Ireland. In addition, the Irish Government will

- establish a Human Rights Commission with a mandate and remit equivalent to that within Northern Ireland;
- proceed with arrangements to ratify the Council of Europe Framework Convention on National Minorities (already ratified by the UK);
- implement enhanced employment equality legislation;
- introduce equal status legislation.

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A Joint Committee

9. It is envisaged that there would be a joint committee of representatives of the two Human Rights Commissions, North and South, as a forum for consideration of human rights issues in the island of Ireland. The joint committee to consider among other matters the possibility of establishing a charter, open to signature by all democratic political parties, reflecting and endorsing agreed measures for the protection of the fundamental rights of everyone living in the island of Ireland.

Reconciliation

10. The participants recognise and value the work being done by many organisations to develop reconciliation and mutual understanding and respect between communities and traditions, in Northern Ireland and between North and South, and they see such work as having a vital role in consolidating peace and political agreement. Accordingly they pledge their continuing support to such organisations and shall positively examine the case for enhanced financial assistance for the work of reconciliation.

RIGHTS, SAFEGUARDS AND EQUALITY OF OPPORTUNITY

Economic, Social and Cultural Issues

1. **The British Government to pursue broad policies for sustained economic growth and stability in Northern Ireland, and to reduce social exclusion, pending devolution of powers to a new Northern Ireland Assembly.**

2. **In the light of reactions to public consultation currently under way, the British Government to make rapid progress with:**
 - (i) **a new regional development strategy for Northern Ireland, for consideration in due course by a new Northern Ireland Assembly, which would go beyond conventional land use and planning issues to include:**
 - **tackling the problems of a divided society and social cohesion;**
 - **generating a dynamic region and promoting sustainable developments;**
 - **protecting and enhancing the environment;**
 - **deciding on major new development;**
 - **producing new approaches to transport issues;**
 - **strengthening the physical infrastructure of the region;**
 - **developing the advantages and resources of rural areas;**
and
 - **rejuvenating major urban centres;**

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- (ii) a new economic development strategy for Northern Ireland, for consideration in due course by a new Northern Ireland Assembly, which would provide for short and medium term economic planning linked as appropriate to the regional development strategy;
- (iii) measures on employment equality, including:
- the extension of anti-discrimination legislation to the supply of goods, facilities and services;
 - the strengthening of other aspects of existing fair employment laws; and
 - at the earliest possible time, a review of the national security aspects of the present fair employment legislation;
 - a new more focused Targeting Social Need initiative to combat deprivation defined objectively;
 - a range of measures aimed at combating unemployment, in particular youth and long-term unemployment, and at progressively eliminating the differential in employment rates between the two communities by targeting objective need.
3. All participants to recognise the importance of respect, understanding and tolerance in relation to linguistic diversity, which is part of the cultural wealth of the people of the island of Ireland.

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4. All participants to acknowledge the sensitivity of the use of symbols and emblems for public purposes, and the need in particular in creating the new institutions to ensure that such symbols and emblems are used in a manner which promotes mutual respect rather than division. Arrangements will be made to monitor this issue and consider what action might be required.

The Irish Language

Agreement has been reached between the two Governments on the issue of the Irish language in Northern Ireland. The paper contains a series of commitments which the British Government have agreed to undertake including

- (i) take resolute action to promote the language.

This commitment changes the British Government position from a policy which was often characterised by "sullen hostility" to the language to a positive pro-active one. While the details of this new policy have yet to be outlined, it is clearly an important gain for the language.

- (ii) impose a statutory duty on the Department of Education for Northern Ireland to encourage and facilitate Irish medium education.

This commitment gives the Irish language its first legal recognition in the North and places Irish language schools on the same level as integrated schools. This has been a campaign issue for many Irish language enthusiasts for many years.

- (iii) explore urgently with the relevant British authorities, and in co-operation with the Irish broadcasting authorities, the scope for achieving more widespread availability of *Teleifis na Gaeilge* in Northern Ireland.

This is a further commitment to promote the Irish language and in particular the use of the term "urgently" is important.

The SDLP spokesperson on the Irish language, Bríd Rogers (a native speaker), was warmly enthusiastic about the proposals, stating that they represent a major advance on the old position. Sinn Féin expressed disagreement with that position and stated that the party wanted full equality for the Irish language with English in Northern Ireland. In addition, the Sinn Féin leader, Gerry

Adams, would like to see Bord na Gaeilge operate on an all-island basis as one of the first implementing bodies in Strand two.

In overall terms, the commitments made by the British Government in the paper represent significant progress but they do not represent the complete fulfilment of the campaign for the Irish language. The Secretary of State and the Political Development Minister, Paul Murphy, are more sympathetic to the Irish language than the Northern Ireland officials, and may be open to further concessions in this area during the party negotiations.

Anglo-Irish Division

4 April 1998

IRISH LANGUAGE

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The British Government will in particular in relation to the Irish language, pending the transfer of responsibility to a new Northern Ireland Assembly:

- take resolute action to promote the language;
- facilitate the use of the language in speech and writing in public and private life, where there is appropriate demand;
- seek to remove, where possible, restrictions which would discourage or work against the maintenance or development of the language;
- continue to take into consideration the needs and wishes expressed by users of the language in determining policy;
- impose a statutory duty on the Department of Education for Northern Ireland to encourage and facilitate Irish medium education;
- explore urgently with the relevant British authorities, and in co-operation with the Irish broadcasting authorities, the scope for achieving more widespread availability of Teilifis na Gaelige in Northern Ireland.

The parties will seek to secure agreement that this commitment will be sustained by a new Northern Ireland Assembly.