

TO: THE INDEPENDENT CHAIRMEN  
THE IRISH GOVERNMENT DELEGATION  
TALKS PARTICIPATING PARTIES

FROM: THE BRITISH GOVERNMENT DELEGATION

DATE: 2 MARCH 1998

CROSS-STRAND MEETING MONDAY 2 MARCH

To help facilitate discussion at this afternoon's Cross-strand meeting we attach, for your consideration, two papers which provide issues for discussion in respect of Rights and Safeguards.

(2 March 1998)

## SAFEGUARDS: ISSUES FOR DISCUSSION

### A paper by the British Government

1. In essence, safeguards reflect a certain lack of trust that proposed new institutions or arrangements will not be exploited by "the other side" to achieve advantage. Participants in each Strand of the negotiations are naturally seeking safeguards to protect the interests of those they represent.
2. Such safeguards may well be necessary, but they may in some cases lead to complication.
3. In a multi stranded negotiating process there may be some risk that safeguards being sought in one strand could be reciprocated by safeguards being sought by a different party in another strand, multiplying the additional complexity.
4. On the other hand, the establishment of mutual trust across the various strands might allow different parties to relax their requirement for particular safeguards to be written in to the arrangements in individual strands. Put it another way, parties may come to realise that even without some of the specific safeguards which have been suggested, the positions of the various parties are protected by the simple fact that if the package as a whole is not broadly acceptable, it won't be agreed. Equally, if any part of the agreement is implemented in a way which is unacceptable to one part of the community or another, it is likely to break down.
5. There may therefore be value in taking a look across the various strands to identify the different types of safeguards which are being sought and whether there might be scope for simplification.

(2 March 1998)

## **RIGHTS: ISSUES FOR DISCUSSION**

### A paper by the British Government

The British Government considers that the baseline for the future of protection of human rights in Northern Ireland should be the Human Rights Bill, which will enable people to enforce their rights under the European Convention of Human Rights in the Courts of the UK. The Bill will make it unlawful for public authorities to act in a way which is incompatible with the Convention, and all legislation would have to be interpreted as far as possible in a way which is compatible with the Convention. This, and the other measures which the Government is proposing in the areas of, for example, policing, parades, and employment equality, will go a long way to providing the kinds of rights protection that the participants in the talks have proposed.

Other questions that will have to be addressed are:

- the desirability of a list of further rights, perhaps contained in a "Northern Ireland Charter of Rights" which would be justiciable in a similar way to the ECHR rights;
- what the Charter should contain;
- the need for a new Northern Ireland Human Rights Commission, and whether it should have the power to take up individual cases;
- the relationship between a new Human Rights Commission and the other equality body such as EOC(NI) and FEC; and
- the extent to which the law in the Republic of Ireland should be brought into line with the proposed arrangement for Northern Ireland.