



Republic of Ireland No. 1 (1985)

Agreement
between the
Government of the United Kingdom
of Great Britain and Northern Ireland
and the
Government of the Republic of Ireland

November 1985

(with Joint Communiqué)

(The Agreement is not in force)

*Presented to Parliament by the Prime Minister,
the Secretary of State for Foreign and Commonwealth Affairs
and the Secretary of State for Northern Ireland
by Command of Her Majesty
November 1985*

LONDON

HER MAJESTY'S STATIONERY OFFICE

AGREEMENT
BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND AND THE
GOVERNMENT OF THE REPUBLIC OF IRELAND

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Ireland;

Wishing further to develop the unique relationship between their peoples, the close co-operation between their countries as friendly neighbours and partners in the European Community;

Recognising the major interest of both their countries and, above all, of people of Northern Ireland in diminishing the divisions there and achieving lasting peace and stability;

Recognising the need for continuing efforts to reconcile and to acknowledge the rights of the two major traditions that exist in Ireland, represented on the one hand by those who wish for no change in the present status of Northern Ireland and on the other hand by those who aspire to a sovereign united Ireland achieved by peaceful means and through agreement;

Reaffirming their total rejection of any attempt to promote political objectives by violence or the threat of violence and their determination to work together to ensure that those who adopt or support such methods do not succeed;

Recognising that a condition of genuine reconciliation and dialogue between unionists and nationalists is mutual recognition and acceptance of each other's rights;

Recognising and respecting the identities of the two communities in Northern Ireland and the right of each to pursue its aspirations by peaceful constitutional means;

Reaffirming their commitment to a society in Northern Ireland in which all may live in peace, free from discrimination and intolerance, and with opportunity for both communities to participate fully in the structures and processes of government;

ARTICLE 1

The Conference shall meet at Ministerial or official level, as required. The business of the Conference will thus receive attention at the highest level. Regular and frequent Ministerial meetings shall be held and in particular special meetings shall be convened at the request of either side. Officials may meet in subordinate groups. Membership of the Conference and of sub-groups shall be small and flexible. When the Conference meets at Ministerial level the Secretary of State for Northern Ireland and an Irish Minister designated as the Permanent Irish Ministerial Representative shall be joint Chairmen. Within the framework of the Conference other British and Irish Ministers may hold or attend meetings as appropriate; when legal matters are under consideration the Attorneys General may attend. Ministers may be accompanied by their officials and their professional advisers; for example, when questions of security policy or security co-operation are being discussed, they may be accompanied by the Chief Constable of the Royal Ulster Constabulary and the Commissioner of the Garda Síochána; or when questions of economic or social policy or co-operation are being discussed, they may be accompanied by officials of the relevant Departments. A Secretariat shall be established by the two Governments to service the Conference on a continuing basis in the discharge of its functions set out in this Agreement.

ARTICLE 4

- (a) in relation to matters coming within its field of activity, the Conference shall by a framework within which the United Kingdom Government and the Irish Government work together:
 - (i) for the accommodation of the rights and identities of the two traditions which exist in Northern Ireland; and
 - (ii) for peace, stability and prosperity throughout the island of Ireland by promoting reconciliation, respect for human rights, co-operation against terrorism and the development of economic, social and cultural co-operation.
- (b) It is the declared policy of the United Kingdom Government that the responsibility in respect of certain matters within the powers of the Secretary of State for Northern Ireland should be devolved within Northern Ireland on a basis which would secure widespread acceptance throughout the community. The Irish Government support that policy.
- (c) Both Governments recognise that devolution can be achieved only with the co-operation of constitutional representatives within Northern Ireland of both traditions there. The Conference shall be a framework within which the Irish Government may put forward views and proposals on the modalities of bringing about devolution in Northern Ireland, in so far as they relate to the interests of the minority community.

Have accordingly agreed as follows:

A

STATUS OF NORTHERN IRELAND

ARTICLE 1

The two Governments

- (a) affirm that any change in the status of Northern Ireland would only come about with the consent of a majority of the people of Northern Ireland;
- (b) recognise that the present wish of a majority of the people of Northern Ireland is for no change in the status of Northern Ireland;
- (c) declare that, if in the future a majority of the people of Northern Ireland clearly wish for and formally consent to the establishment of a united Ireland, they will introduce and support in the respective Parliaments legislation to give effect to that wish.

B

THE INTERGOVERNMENTAL CONFERENCE

ARTICLE 2

- (a) There is hereby established, within the framework of the Anglo-Irish Intergovernmental Council set up after the meeting between the two heads of Government on 6 November 1981, an Intergovernmental Conference (hereinafter referred to as "the Conference"), concerned with Northern Ireland and with relations between the two parts of the island of Ireland, to deal, as set out in this Agreement, on a regular basis with:
 - (i) political matters;
 - (ii) security and related matters;
 - (iii) legal matters, including the administration of justice;
 - (iv) the promotion of cross-border co-operation.
- (b) The United Kingdom Government accept that the Irish Government will put forward views and proposals on matters relating to Northern Ireland within the field of activity of the Conference in so far as those matters are not the responsibility of a devolved administration in Northern Ireland. In the interest of promoting peace and stability, determined effort shall be made through the Conference to resolve any differences. The Conference will be mainly concerned with Northern Ireland; but some of the matters under consideration will involve co-operative action in both parts of the island of Ireland, and possibly also in Great Britain. Some of the proposals considered in respect of Northern Ireland may also be found to have application by the Irish Government. There is no derogation from the sovereignty of either the United Kingdom Government or the Irish Government, and each retains its own responsibility for the decisions and administration of government within its own

SECURITY AND RELATED MATTERS

ARTICLE 7

- (a) The Conference shall consider:
- (i) security policy;
 - (ii) relations between the security forces and the community;
 - (iii) prisons policy.
- (b) The Conference shall consider the security situation at its regular meetings and thus provide an opportunity to address policy issues, serious incidents and forthcoming events.
- (c) The two Governments agree that there is a need for a programme of special measures in Northern Ireland to improve relations between the security forces and the community, with the object in particular of making the security forces more readily accepted by the nationalist community. Such a programme shall be developed, for the Conference's consideration, and may include the establishment of local consultative machinery, training in community relations, crime prevention schemes involving the community, improvements in arrangements for handling complaints, and action to increase the proportion of members of the minority in the Royal Ulster Constabulary. Elements of the programme may be considered by the Irish Government suitable for application within their jurisdiction.
- (d) The Conference may consider policy issues relating to prisons. Individual cases may be raised as appropriate, so that information can be provided or enquiries instituted.

LEGAL MATTERS, INCLUDING THE ADMINISTRATION OF JUSTICE

ARTICLE 8

The Conference shall deal with issues of concern to both countries relating to the enforcement of the criminal law. In particular it shall consider whether there are areas of the criminal law applying in the North and in the South respectively which might with benefit be harmonised. The two Governments agree on the importance of public confidence in the administration of justice. The Conference shall seek, with the help of advice from experts as appropriate, measures which would express to this aim, considering *inter alia* the possibility of arrangements in both jurisdictions for the trial of certain offences. The Conference shall also be concerned with policy aspects of extradition and extra-territorial jurisdiction as between North and South.

POLITICAL MATTERS

ARTICLE 5

- (a) The Conference shall concern itself with measures to recognise and accommodate the rights and identities of the two traditions in Northern Ireland, to protect human rights and to prevent discrimination. Matters to be considered in this area include measures to foster the cultural heritage of both traditions, changes in electoral arrangements, the use of flags and emblems, the avoidance of economic and social discrimination and the advantages and disadvantages of a Bill of Rights in some form in Northern Ireland.
- (b) The discussion of these matters shall be mainly concerned with Northern Ireland, but the possible application of any measures pursuant to this Article by the Irish Government in their jurisdiction shall not be excluded.
- (c) If it should prove impossible to achieve and sustain devolution on a basis which secures widespread acceptance in Northern Ireland, the Conference shall be a framework within which the Irish Government may, where the interests of the minority community are significantly or especially affected, put forward views on proposals for major legislation and on major policy issues, which are within the purview of the Northern Ireland Departments and which remain the responsibility of the Secretary of State for Northern Ireland.

ARTICLE 6

The Conference shall 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 Northern Ireland or by departments subject to his direction and control including:

- the Standing Advisory Commission on Human Rights;
- the Fair Employment Agency;
- the Equal Opportunities Commission;
- the Police Authority for Northern Ireland;
- the Police Complaints Board.

INTERPARLIAMENTARY RELATIONS

ARTICLE 2

It will be for Parliamentary decision in Westminster and in Dublin whether to establish an Anglo-Irish Parliamentary body of the kind adumbrated in the Anglo-Irish Studies Report of November 1981(1). The two Governments agree that they would give support as appropriate to such a body, if it were to be established.

FINAL CLAUSES

ARTICLE 8

This Agreement shall enter into force on the date on which the two Governments exchange notifications of their acceptance of this Agreement.

CROSS-BORDER CO-OPERATION ON SECURITY, ECONOMIC, SOCIAL AND CULTURAL MATTERS

ARTICLE 9

(a) With a view to enhancing cross-border co-operation on security matters, the Conference shall, in a programme of work to be undertaken by the Chief Constable of the Royal Ulster Constabulary and the Commissioner of the Garda Síochána and, where appropriate, groups of officials in such areas as threat assessments, exchange of information, liaison structures, technical co-operation, training of personnel, and operational resources.

(b) The Conference shall have no operational responsibilities; responsibility for police operations shall remain with the heads of the respective police forces, the Chief Constable of the Royal Ulster Constabulary maintaining his links with the Secretary of State for Northern Ireland and the Commissioner of the Garda Síochána his links with the Minister for Justice.

ARTICLE 10

(a) The two Governments shall co-operate to promote the economic and social development of those areas of both parts of Ireland which have suffered most severely from the consequences of the instability of recent years, and shall consider the possibility of securing international support for this work.

(b) If it should prove impossible to achieve and sustain devolution on a basis which secures widespread acceptance in Northern Ireland, the Conference shall be a framework for the promotion of co-operation between the two parts of Ireland concerning cross-border aspects of economic, social and cultural matters in relation to which the Secretary of State for Northern Ireland continues to exercise authority.

(c) If responsibility is devolved in respect of certain matters in the economic, social or cultural areas currently within the responsibility of the Secretary of State for Northern Ireland, machinery will need to be established by the responsible authorities in the North and South for practical co-operation in respect of cross-border aspects of these issues.

G

ARRANGEMENTS FOR REVIEW

ARTICLE 11

At the end of three years from signature of this Agreement, or earlier if requested by either Government, the working of the Agreement shall be reviewed by the two Governments to see whether any changes to the scope and

In witness whereof the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement.

Done in two originals at Hillsborough on the 15th day of November 1985.

For the Government of the United Kingdom of Great Britain and Northern Ireland: For the Government of the Republic of Ireland:

MARGARET THATCHER

GARRET FITZGERALD

ANGLO-IRISH SUMMIT N. .ING

Joint Communiqué

1. The Prime Minister, the Rt. Hon. Margaret Thatcher, FRS, MP, a Taoiseach, Dr. Garret Fitzgerald, TD, met at Hillsborough on 15 Nov 1985. It was the third meeting of the Anglo-Irish Intergovernmental Conference held at the level of Heads of Government.

2. The Prime Minister was accompanied by the Secretary of State for Foreign and Commonwealth Affairs, the Rt. Hon. Sir Geoffrey Howe, Q.C., and the Secretary of State for Northern Ireland, the Rt. Hon. Tom King, M.P. Taoiseach was accompanied by the Tánaiste, Mr. Dick Spring, TD, and the Minister for Foreign Affairs, Mr. Peter Barry, TD.

3. The Prime Minister and the Taoiseach signed a formal and binding Agreement between their two Governments, which will enter into force as each Government has notified the other of acceptance, the Agreement has as its aims of promoting peace and stability in Northern Ireland; helping to realise the two major traditions in Ireland; creating a new climate of friendship and co-operation between the people of the two countries; and improving co-operation in combating terrorism.

4. The Agreement deals in particular with the status of Northern Ireland and the establishment of an Intergovernmental Conference in which the two Governments will put forward views and proposals concerning stated aspects of Northern Ireland affairs; in which the promotion of cross-border co-operation will be discussed; and in which determined efforts will be made to resolve differences between the two Governments.

5. The Prime Minister and the Taoiseach committed themselves to implementing and sustaining the measures set out in the Agreement by determination and imagination and undertook to encourage people of both countries to respect each other's concerns with a view to promoting reconciliation.

6. The exchange of notifications will not be completed until the Agreement has been approved by the British Parliament and by Dail Eireann. The two Governments intend that action to implement the provisions of the Agreement should begin once the exchange of notifications has been completed. The meeting of the Intergovernmental Conference will take place as soon as possible thereafter. The British side will be led by the Secretary of State for Northern Ireland and the Irish side by the Minister designated as the Permanent Ministerial Representative.

7. The two Governments envisage that the details of the arrangements and agenda for the Conference will not normally be announced. But they wish it to be known

at its first meeting, the Conference will consider its future programme of work in all the fields—political, security, legal, economic, social and cultural—assigned to it under the Agreement. It will concentrate at its initial meetings on:

—relations between the security forces and the minority community in Northern Ireland;

—ways of enhancing security co-operation between the two Governments; and

—seeking measures which would give substantial expression to the aim of underlining the importance of public confidence in the administration of justice.

In the interests of all the people of Northern Ireland the two sides are committed to work for early progress in these matters. Against this background, the Taoiseach said that it was the intention of his Government to accede as soon as possible to the European Convention on the Suppression of Terrorism⁽²⁾.

8. In addressing the improvement of relations between the security forces and the minority community, the Conference at its first meeting will consider:

(a) the application of the principle that the Armed Forces (which include the Ulster Defence Regiment) operate only in support of the civil power, with the particular objective of ensuring as rapidly as possible that, save in the most exceptional circumstances, there is a police presence in all operations which involve direct contact with the community;

(b) ways of underlining the policy of the Royal Ulster Constabulary and of the Armed Forces in Northern Ireland that they discharge their duties even-handedly and with equal respect for the unionist and nationalist identities and traditions.

9. In its discussion of the enhancement of cross-border co-operation on security, the first meeting of the Intergovernmental Conference will give particular attention to the importance of continuing and enhanced co-operation, as envisaged in Article 9(a) of the Agreement, in the policing of border areas.

10. In addition to concluding the new Agreement, the Prime Minister and the Taoiseach reviewed the wide range of work being done under the auspices of the Anglo-Irish Intergovernmental Council to develop further the unique relationship between the two countries. The fact that in the past year there have been more than twenty meetings between Ministers of the two Governments demonstrates the closeness of co-operation. The Prime Minister and the Taoiseach decided that this work should be actively continued, in the interests of friendship between all the people of both countries.

11. The Prime Minister and the Taoiseach agreed to meet again at an appropriate time to take stock of the development of relations between the two countries and of the implementation of the Agreement which they have signed.