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PSSG.
Messrs. Murray, Teahon,
Mansergh & Dalton:
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Steering Group on the Implementation of the Good Friday Agreement

First Meeting, Department of Foreign Affairs, 15 May 1998

LSA

Attendance:

Dept. of Foreign Affairs: Dermot Gallagher (Chairman), David Donoghue, David Cooney, Paul Murray, Colm Ó Floinn, Tim O'Connor, Stephen Dawson.

Dept. of the Taoiseach: Wally Kirwan, Simon Hare.

Department of Justice: Dermot Cole, Paul Hickey.

Attorney General's Office: Finola Flanagan.

1. Gallagher, introducing the first meeting of the Steering Group, distributed drafts of work tables and plans which attempted to break down and allocate prime responsibility for tasks arising under the Agreement in the period leading up to its entry into force. He emphasised that the drafts were of a preliminary nature and that he would value the input of colleagues before taking them further.
2. Implementation of the Agreement would be critical across a wide range of areas, and it would be essential to maintain the collegiate interdepartmental spirit which had been so important in the successful negotiation of the Agreement. We would wish to exploit the potential of the Agreement and move forward as quickly as possible, and the nationalist parties would have expectations of us in this regard. We would need to work closely with the British, and in particular maintain a broadly equivalent pace in implementation. It was noted that there was an overly cautious attitude in the NIO to consulting with us on Strand One matters, which might ease once the relevant officials were seconded to the shadow Assembly.
3. Gallagher said the initial trawl through the Agreement had made it clear that there was a great deal to be done. The circulated draft work plans and tables tried to lay this work out. He proposed that some of these areas - Strand Two, Rights and Equality, and Security and Justice - might be taken in Sub-Groups, and the rest in the full Group.

4. Cole said that D/Justice had identified a lot of legislation which fell to it, and had indicated to line Divisions the desired timescale for this. The Department already had a lot of legislation in the pipeline, and officials were meeting the Minister shortly to see if some of this needed to be deferred. Other Departments might have similar problems. There were several potential bottlenecks: Departmental, at Government, with the Draftsman and in the Dáil, which could only process so much legislation at a time. There was already some concern about the timescale for the establishment of the Human Rights Commission in the South, where major legislation would be needed.
5. The Group considered whether there might be a general problem getting essential Agreement legislation through in time. It was necessary to start immediately to look at legislative timetables and decide clearly what we were aiming for. It was felt that a Government Decision might help Departments and the Draftsman to prioritise Agreement -related business.
6. The timetable was already very tight for setting up the implementing bodies by year's end, if this were intended. Gallagher said that the bodies had at least to be designated by the end of October, and recalled the tentative date of February 1999 for getting the institutions up and running. The possibility was raised of short circuiting the legislative logjam in various ways - such as concluding supplementary international Agreements to set up the bodies, with perhaps one Omnibus Act to give effect to them, or leaving as much detail as possible to Regulations. It was felt that these possibilities could be looked at. The preliminary view was that the Omnibus route might prove difficult to carry through in practice. It was noted, in terms of the overall timescale, that the British-Irish Agreement would not come into force until after the implementing bodies were established.
7. Kirwan said that there were also timescale implications in respect of financing the bodies. The preferred option was probably to do it from the Central Fund, by analogy with the EU contribution. If it were felt it would have to be done in the Estimates, however, we would need to start making provision for it very soon. It was noted that the Unionists had preferred to deal with funding separately for each body, rather than a block grant to the Ministerial Council.

The Group then discussed the draft work tables.

Strand One

8. Donoghue said that we would probably be able to see elements of the British draft Settlement Bill soon, but they would be reluctant to show us the Bill itself

before MPs saw it. In practice, therefore, we were likely to have sight of the Bill by around mid June. It was not expected that the Bill would decide on Departments (and hence portfolios) in Northern Ireland: this would be a matter for the Assembly and Executive, and we had already begun to discuss it with the SDLP and Sinn Féin. Hickey said that D/Justice were particularly concerned with the British proposals for the HRC, as it was intended that the Southern HRC would be established on an equivalent basis. They would be seeking an early meeting with the British in this regard.

Strand Two

9. Kirwan said that the first question arising was whether legislation was needed to establish the Ministerial Council, or whether the new provisions in the Constitution would suffice. He noted that the Taoiseach had said in the Dáil that the establishment of the Council would be done by legislation. This was not an absolute commitment, but it might be difficult not to proceed on that basis. An Act, if needed, would presumably be quite short. Flanagan said if the Council were recommendatory, it might not require legislation, but if it were acting and making decisions affecting rights directly, then it probably would. This was being looked at, and would be given urgent attention. The British approach to this would emerge with the Settlement Bill, and we would not want to be far behind.
10. Kirwan said that although we could have initial discussions on the identification of implementing bodies, in practice not much would happen on this until the structure of Departments and Ministers was known. We would need to take decisions as to our own preferences for implementing bodies, drawing without prejudice from the 12 in the Agreement, the 4 in our side letter and the few others that had been floated. As regards the date for the first meeting of the Ministerial Council, it was agreed that we should aim for the second half of July - i.e. as soon as possible after 12 July, which marked the effective end of the marching season. Gallagher suggested that the focus of the first few meetings should be to bed down the Council.

Strand Three

11. Gallagher said that there was unlikely to be a great deal of focus on the British-Irish Council in the short term, given the many other issues requiring priority. The British would like some evidence of activity on it, but they had not yet come to us about it. The question would arise as to whether it could commence immediately with the Isle of Man and the Channel Isles, or whether it essentially had to wait for the advent of the Scottish and Welsh Assemblies. The first meeting might be in early 1999, perhaps in shadow mode. Ó Floinn

said that the British-Irish Interparliamentary Body had also discussed that morning the question of including representation from the devolved Assemblies in their work. The prevailing view was that it would be preferable for the Body to continue as at present, with equal membership from Leinster House and Westminster, and perhaps add an additional meeting each year in a format to include the Assemblies.

12. On the Intergovernmental Conference, it was agreed that it would be useful to make an inventory of existing East-West cooperation, e.g. on drugs. In general the forum for continuing such cooperation would be dictated by whether the British devolved the relevant powers or not. Donoghue said that we would have to work out with the British what the involvement of members of the Assembly in the IGC would mean in practice. On the Secretariat, the British had in mind for Maryfield to close by the end of the year (in practice, therefore, by Christmas). We had no problem with this, so long as there was no gap; it might be necessary, therefore, for the new Secretariat to exist in shadow form when Maryfield closed. There seemed no likelihood of additional staff being necessary, given the reduced area of remit of the new Secretariat.

Security and Justice issues

13. There was no word yet on further names for the Policing Commission. The British had discussed with us the question of Southern candidates as such. It was crucial that the names were right. The timetables for the Criminal Justice review (to be chaired by Daniel or Pilling) and the Sentence Review Board were less tight. The British had names for the vacancies on the Parades Commission, but were not yet ready to make appointments. We had to stay in the closest touch with the British on all these Commissions; they were central to the credibility of the Agreement.

Rights, Safeguards and Equality

14. Hickey said that there were a number of dates in this area for the Dept. of Justice to meet. The Dept. would be concerned to keep the two HRCs closely aligned. It was not realistic to think of enacting the legislation and setting up the Southern HRC by the Autumn. While the British would be replacing SACHR with the HRC, we would be starting from scratch. It might be in place by February, if resources and a budget could be allocated in time. Ó Floinn said it might be useful to look at the information available in Geneva on the models of HRCs used in other countries, such as the Netherlands.

Reconciliation and Victims

15. Kirwan said that the Taoiseach had made a commitment to further consultation with the 1974 victims. One possibility being looked at, in relation to the Garda files they had unsuccessfully sought access to in the courts, was to show the files to a judge, so as to demonstrate that there had been full cooperation between the Garda and the RUC at the time. The possible precedent for other cases would have to be considered, as would the financial implications of compensation payments.

Validation, Implementation and Review

16. This had been largely covered under other headings. Hickey indicated that they would wish to have the reference to 40 year prisoners deleted from the draft work table.

International Economic Support

17. There was an exchange on the latest position regarding US economic support. Murray said that the British had been giving consideration to a possible joint approach by the Ambassadors in Washington. Gallagher said this was possible, but his impression was that the amount of money involved was likely to be small; it would be largely of symbolic value. If the Agreement worked, the real economic gain would be inward investment. It was suggested that the Embassy might assess the prospects of funding.

Conclusion

18. Gallagher suggested colleagues take away the second document (Work Plans) for reflection. He proposed that the Steering Group meet fortnightly, and more frequently as required. His initial thinking was that three Sub-Groups might be valuable - on Strand Two, Rights and Security - but that this could be decided on definitively after colleagues had reflected on the documents. The Strand Two area was probably the one requiring most urgent attention. On contacts with the British, there would be a Liaison Group immediately after the Referendum. We needed to get down immediately to serious work with the British.
19. Contacts with the parties would also resume fully then, including discussion of their preferred options for North/South bodies. Cole said that there was a need for care in consulting with Northern parties on the HRC, if the Opposition parties here were not being consulted about the parallel Southern HRC.

20. It was agreed that the next meeting would be held after the Referendum.
21. A revised work Table, taking account of amendments agreed at the meeting, is ~~attached~~ *to follow*.



Stephen Dawson
Anglo-Irish Division
21 May 1998