



# An Chartlann Náisiúnta National Archives

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**Confidential****Implementation of the Good Friday Agreement****Overview Note on Current State of Play****Introduction**

1. This note summarises the current state of play in regard to implementation of the Good Friday Agreement. Its focus is factual and concentrates on the individual elements of the Agreement (ie it does not address in any detailed way the core political impasse on the formation of the Shadow Executive/Decommissioning, which is regarded as being largely covered in a separate context).
2. On our side, the overview function in regard to the implementation of the Agreement rests with an Interdepartmental Steering Committee (chaired by Sec Gallagher). A Sub-Group of the Committee is taking forward implementation of the North/South aspects of the Agreement.

**Northern Ireland Bill**

3. The Northern Ireland Bill, which provides the UK legal base for the institutional and constitutional provisions of the Agreement, went through its stages in the House of Commons before the summer recess. It is now in the House of Lords, where it received a second reading on 5th October. It is expected to complete all of its parliamentary stages and to receive Royal Assent in November.

**Northern Ireland Assembly.**

4. The Assembly has met in shadow form (without exercising legislative or executive powers) on four occasions since the elections on 25 June. At its initial meeting on 1 July, David Trimble and Seamus Mallon were elected as First Minister and Deputy First Minister respectively. The Assembly also set up a number of Committees. These include a Standing Orders Committee (co-chaired by Denis Haughey of the SDLP) to adopt standing orders and working practices. This has been meeting regularly in the interim and all participants, including the DUP and UKUP, have been working closely and harmoniously together.
5. The 14/15 September meetings heard a progress report from the First Minister and Deputy First Minister on the issue of the demarcation of up to ten Ministerial portfolios. A decision on this matter was deferred largely because to

proceed with their designation would automatically trigger, by the d'Hondt system, the appointment of the shadow Executive. The Assembly also approved an interim report on standing orders. The full report is to be tabled by 26 October. Two further committees were established: a shadow committee to oversee practical matters such as staffing, control of buildings etc and an ad hoc committee to examine the procedural consequences of devolution and in particular relations between the Assembly and Westminster. The Assembly met most recently on 5 October to examine the crisis in the Northern Ireland pig industry and to have adjournment debates on Portadown and the need for a junior Minister for Belfast.

6. The key issue, however, for the Assembly remains the timing of the announcement of the number and designation of Departments, which would lead in turn to the appointment of the shadow Executive; the appointment of the Assembly Committees which will shadow each of the Ministers; early meetings of the North South Ministerial Council and the British Irish Council and to the establishment of the Civic Forum. The UUP's wish to long finger the issue of automatic Sinn Fein participation in the shadow Executive, until some progress on or actual decommissioning, has led to the current impasse on the implementation of the institutional aspects of the Agreement. Strenuous efforts by the two Governments towards resolving the decommissioning/shadow Executive issue are on going.

#### North/South Ministerial Council and Implementation Bodies

7. While it has not been possible, due to the wider political impasse, to hold an inaugural meeting of the North/South Ministerial Council, a considerable amount of preparatory activity is under way.
8. In regard to the identification of an agreement on initial areas for co-operation and implementation:
  - the Government is expected shortly to agree upon its negotiating position, following extensive consultation with Departments;
  - on the Northern side, preparatory work by civil servants is now being built on by an increasingly serious engagement between the UUP and the SDLP, with a view to formulating a single negotiating position; Sinn Féin is also preparing a set of proposals. Both nationalist parties are in close touch with Government officials.
  - there is a continuing series of meetings between the co-ordinating officials

North and South, including the heads of the Office of the First and Deputy First Ministers. A first round of exploratory meetings between relevant line Departments is due to take place next week, while meetings between the appropriate experts on "horizontal" legal and financial issues are also in progress.

9. The group of co-ordinating officials has also had a first discussion of some of the organisational issues likely to arise in relation to the inaugural meeting of the Shadow Council. The Agreement envisages that the agreement on the future modus operandi of the Council should also be reached during the transitional phase, and a first draft of a possible Memorandum of Understanding on operational and procedural aspects (eg frequency of meetings, Secretariat etc.) is currently being worked on for discussion with the Northern side.

#### **British-Irish Council**

10. The Agreement also requires that the British-Irish Council (BIC) meet in shadow form during the current transitional period. It has been agreed between the two Governments that the timing of its inaugural meeting will depend on that of the shadow North/South Ministerial Council; it is tentatively envisaged that the BIC might follow a few days later. The main items to be considered would appear to be (a) a possible Memorandum of Understanding on procedural/operational issues (eg chairmanship of meetings, venues etc) and (b) a possible work programme. Neither appears likely to be particularly contentious. The British have informally given us drafts of each: possible counter-proposals are at present under consideration and could be rapidly finalised when necessary.

#### **Human Rights Commissions**

11. Provision for the establishment of the Northern Ireland Human Rights Commission is contained in the Northern Ireland Bill currently before parliament. The Bill is expected to receive Royal Assent in November. During the Bill's passage through the Commons before the summer recess the British Government accepted several amendments proposed by opposition parties, including the SDLP.
12. In our jurisdiction, the Department of Justice, Equality and Law Reform is drafting similar legislation to establish the Irish Human Rights Commission which, it is hoped, will be introduced into the Oireachtas later this year.

#### **Security Issues**

### Decommissioning

13. Under the terms of the Good Friday Agreement, all parties confirm their intention to "use any influence they may have, to achieve the decommissioning of all paramilitary arms within two years". The Statutory Instrument setting out the regulations making provision for the decommissioning of arms was introduced on 29 June 1998. The functions of the Independent International Commission on Decommissioning in accordance with the 1997 Decommissioning Act were also set out. The appointment in September 1998 of Martin McGuinness as the representative of Sinn Féin to the Commission on Decommissioning was welcomed by most parties as a positive step.
14. Decommissioning has not commenced. Discussions are ongoing between the parties and the International Commission.

### Security

15. The Good Friday Agreement states that the British Government "will make progress towards the objective of as early a return as possible to normal security arrangements in Northern Ireland, consistent with the level of threat and with a published overall strategy...". The British side drafted a strategy paper on which the Irish side provided detailed comments. The British are currently understood to be preparing a revised draft.
16. There has been some de-escalation of security activity and moves to normal security arrangements which have been welcomed in public statements by the Minister for Foreign Affairs, Mr David Andrews T.D., including:
  - ending of military patrolling in Belfast and south Derry
  - removal of cover view screens, erected in August, in Bessbrook
  - withdrawal of two roulement battalions from Northern Ireland (approx. 1,000 troops)
  - withdrawal of the military presence from permanent vehicle checkpoints at the Culmore Road in Derry and on the Lifford Road in Strabane
  - demolition of the permanent checkpoint at Aughnacloy and observation sangars at the Crumlin Road in Belfast and at Cloghoge on the main Dublin Road outside Newry (however, the main hill top observation post will remain).

### Policing and Justice

17. The Independent Commission on Policing in Northern Ireland, provided for in the Good Friday Agreement, was appointed on 3 June 1998, and is chaired by Chris Patten. There are seven other commissioners. Interested parties were invited to make written submissions on policing to the Commission by 15

September 1998. In addition, the Commission has begun a series of public hearings in Belfast and has heard presentations from a number of political parties and other organisations. Public hearings are planned with residents of the Shankill area and West Belfast on 14 and 15 October 1998 respectively.

18. Officials from the Department of Foreign Affairs and the Department of Justice, Equality and Law Reform met members of the Commission on 11 September. Mr Patten also paid a courtesy call on the Taoiseach.

#### **Early Release of Prisoners**

19. Both Governments have introduced legislation to implement their commitments to put in place mechanisms which provide for an accelerated programme for the release of qualifying prisoners.
20. In this jurisdiction, seven prisoners have to date been released under the Criminal Justice (Release of Prisoners) Act 1998, which became law on 13 July.
21. In Northern Ireland 68 prisoners have been released (up to 6 October) under the Northern Ireland (Sentences) Act which came into force on 28 July. 454 prisoners have applied to the Sentence Review Commission set up under the Act for early release, of whom a number are not thought to be eligible. It is estimated that approximately 200 prisoners will be released by the end of October.

#### **Review of the Criminal Justice System**

22. The Secretary of State for Northern Ireland launched the Review of the Criminal Justice System on 27 June. The Review Group is led by Jim Daniell (NIO Director of Criminal Justice), and comprises of officials from the NIO, the Lord Chancellor's office and the Attorney General's Office as well as a number of Independent Assessors.
23. Eugene Grant Q.C., one of the names we had put forward, and John Jackson, Professor of Public Law and Head of the Law School at Queen's University, a name we had put forward for the Sentence Review Commission, have been appointed to the Group as Assessors.
24. The Review Group met for the first time on 1 July. In August it published a consultation paper on which observations are invited from interested parties, if possible by 30 October.
25. The Review Group will be in Dublin on 15 and 16 October. The Departments

6

of Foreign Affairs and of Justice, Equality and Law Reform will brief the group on 15 October. A programme of meetings is being set up with relevant offices and bodies, such as the Attorney General's Office, the Director of Public Prosecutions etc.

**Irish Nationality and Citizenship Acts**

26. The Department of Justice, Equality and Law Reform will bring to the Cabinet shortly a Memorandum for Government on changes to the Irish Nationality and Citizenship Acts to reflect the terms of the British-Irish Agreement and the Constitutional changes provided for in the Good Friday Agreement.

Anglo-Irish Division  
6 October 1998