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Roinn an Taoisigh.

S.18966E

28 Feabhra, 1974.

MEMORANDUM FOR THE GOVERNMENT

AGREEMENT BETWEEN IRISH AND BRITISH GOVERNMENTS:
COUNCIL OF IRELAND

1. On 28 Eanáir, 1974, the Government settled (Ref. No. S.18966/D) on the text of the proposed Statute of the Council of Ireland, on the basis of a draft prepared by the Office of the Attorney General. The draft Statute was sent to the British Government and the Northern Ireland Executive on 6 February, 1974 for examination. It was envisaged that the Statute would be accompanied by an Agreement between the Irish and British Governments, the main effect of which would be that a Council of Ireland should be established. The proposed text of the Agreement is attached.
2. The Taoiseach now seeks the approval of the Government
 - (1) to the text of this draft Agreement and
 - (2) to its transmission by the Minister for Foreign Affairs to the British Government and to the Northern Ireland Executive, as a draft document, subject to any minor drafting changes, which may be found necessary.

This procedure is a necessary preliminary to the formal Conference between the two Governments and the Northern Ireland Executive.

Clár ~~HA~~ 4/3/74

Cúirtín timpeall led thail
ag an gceannaircín inu

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ny

Agreed Minute

The Agreement which follows will be accompanied by an agreed minute to be signed by the Irish and British Governments and the Parties comprising the Northern Ireland Executive.

Draft/

AGREEMENT

between

The Government of Ireland

and

The Government of the United Kingdom

concerning

The Government of Ireland and the Government of the United Kingdom meeting in conference with the representatives of the Northern Ireland Executive:

RECALLING that at the Conference held at Sunningdale from 6 to 9 December, 1973 -

The Irish Government fully accepted and solemnly declared that there could be no change in the status of Northern Ireland until a majority of the people of Northern Ireland desired a change in that status.

The British Government solemnly declared that it was, and would remain, their policy to support the wishes of the majority of the people of Northern Ireland. The present status of Northern Ireland is that it is part of the United Kingdom. If in the future the majority of the people of Northern Ireland should indicate a wish to become part of a united Ireland, the British Government would support that wish.

HAVE AGREED AS FOLLOWS.

Article 1.

- (1) A Council of Ireland shall be established in accordance with the provisions set out in the Statute of the Council of Ireland annexed hereto.
- (2) Each of the Contracting Parties shall undertake such enactments and other measures as may be required to give full effect to those provisions.

Article 2.

The Contracting Parties shall invite the Council of Ministers of the Council of Ireland to consider in what manner the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms should be expressed in each part of Ireland and to recommend whether further legislation or the creation of other institutions, administrative or judicial (not excluding recommendations as to the functions to be given to an Ombudsman or Commissioner for Complaints or as to other arrangements of a similar nature) is required in either part of, or covering the whole of, Ireland to provide additional protection in the field of human rights.

Article 3

- (1) The Government of Ireland shall provide for the establishment of a Police Authority as soon as may be and shall consult with the Council of Ministers of the Council of Ireland on the making of appointments to the said Authority.
- (2) The Government of the United Kingdom shall consult with the Northern Ireland Executive on the making of appointments to the Northern Ireland Police Authority after the Executive has consulted the Council of Ministers of the Council of Ireland.
- (3) The two Police Authorities shall adopt arrangements for co-operation under the auspices of the Council of Ireland with a view to improving policing throughout the whole of Ireland and developing community identification with and support for the police services.
- (4) An independent complaints procedure for dealing with complaints against the police [in each part of Ireland] shall be set up [under the auspices of the Council of Ireland]. [Such procedure could be associated with any functions which might be recommended for an Ombudsman or a Commissioner for Complaints following the deliberations provided for in Article 3.]

Article 4.

This Agreement shall enter into force on the date on which each of the Contracting Parties shall have received from the other notification that it has completed all domestic procedures required for its entry into force.

Done in duplicate at

this

day of

1974.

For the Government
of Ireland

For the Government
of the United Kingdom

Oifig an TaoisighS.18966 E

7 Márta, 1974.

MEMORANDUM FOR THE GOVERNMENTAgreement between Irish and British Governments:Council of Ireland

1. At their meeting on the 1st March, 1974, the Government approved (S.18966 E) the text of a draft Agreement between the Government and the British Government concerning the establishment of a Council of Ireland and related matters. The Government's approval was on the basis of the insertion in the draft of a recital incorporating so much of the text, or the substance, of paragraphs 3 and 4 of the Sunningdale communiqué as might be decided by the Taoiseach and the Attorney General, and certain other amendments.
2. These amendments have been incorporated in the attached draft of an Agreement, with the exception that the Taoiseach and the Attorney General propose that the text of paragraphs 3 and 4 of the Sunningdale communiqué should be incorporated as a substantive part of the Agreement rather than as a recital to it.
3. The Taoiseach seeks the approval of the Government
 - (1) to the text of the draft Agreement as amended and
 - (2) to its transmission by the Minister for Foreign Affairs to the British Government and to the Northern Ireland Executive, as a draft document, subject to any minor drafting changes which may be found necessary.

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