

2018 FREEDOM OF INFORMATION ATTACHMENTS

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Sam McBride

22
Ja
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to me, Communications

Hi Eamon,

I don't need a response to this until tomorrow.

I have got a copy of an advert which was recently circulated within the NI Civil Service for a 'Senior Policy Adviser - Rights and Equality' post at the NIO.

The advert says: "The post holder will lead on a range of very high profile equality and rights issues within the NIO. This includes driving forward the Government's approach to issues around equal marriage, abortion and human rights in the context of EU Exit."

At present, abortion and marriage are obviously devolved issues for which Stormont is responsible.

- 1) Has this post been filled yet?
- 2) Is the inclusion of devolved matters on the responsibilities of NIO staff an indication of planning for the potential that direct rule will be necessary in the near future?
- 3) The wording suggests that the Government has an abortion and same-sex marriage policy in relation to Northern Ireland. What is that policy?

Thanks,

Sam

--

Sam McBride
Political Editor, News Letter
Northern Ireland Political Editor, i
6-9 Donegall Square South
Belfast BT1 5JA
Direct line: [REDACTED]
Twitter: @SJAMcBride

[REDACTED]

22
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to me

One for legacy to answer see there are sources everywhere and just because it is internal to civil service doesn't mean it won't get in public domain!

I will send to [REDACTED] and [REDACTED] ...

On Mon, 22 Jan 2018 at 20:15, Eamon Deeny <[REDACTED]> wrote:
I know!!

On Mon, 22 Jan 2018 at 20:05, [REDACTED] <[REDACTED]> wrote:
!

Fwd: Job advert

Inbox x
[REDACTED]
[REDACTED]

to Communications, me, [REDACTED], [REDACTED]

[REDACTED], [REDACTED].

We received this query from Sam McBride in relation to you policy job advertised recently.

Grateful for guidance as to how we respond to Sam McBride. We owe a response by close on Tuesday.

Thx
[REDACTED]

 Click here to [Reply](#), [Reply to all](#) or [Forward](#)

Using 1.55 GB

Bilal Zahid

23
Ja
n

[REDACTED], [REDACTED], Communications, me, [REDACTED], [REDACTED]

[REDACTED]

[Apols for delay - I did try sending this over an hour ago...]

I think we can be pretty clear here -

The Government is committed to restoring a functioning Executive and Assembly. We have no plans to intervene in these areas of devolved competence.

The Government does however, receive a significant amount of correspondence on this matter (and indeed other devolved issues) from a range of stakeholders, which we need to respond to. The job description is purely illustrative of the types of sensitive issues that are raised.

Recruitment is underway.

Let me know if that is ok. Happy to discuss.

Bilal

On 23 January 2018 at 08:25,

Apologies [redacted]! Of course it is Bilal.

> wrote:

Bilal - grateful for view on a response asap.

Thx

[redacted]



Northern
Ireland
Office

[redacted]

[redacted]

23
Ja
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to Bilal, [redacted], Communications, me, [redacted], [redacted]

Bilal,

This looks fine. I just want to run past the SPADs to make sure they are aware and cited. Will keep you copied in.

[redacted]



Northern
Ireland
Office



Bital Zahid

24
Ja
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to PUS, Rosemary, Mark, Colin, SOS, [redacted] Ruth, [redacted] me, [redacted] [redacted] Peter, Jona

Folks,

Just to alert you that the Newsletter have been running a story about a post we are currently recruiting for - Band A Rights and Equality - https://news.co.uk/news/politics/nio-recruiting-sex-marriage-abortion-post/amp/?twitter_impression=true

The journalist got hold of the job description which sets out the types of issues the post holder will need to deal with, including equal marriage and abortion, as well as a range of other matters. The story wrongly asserts that the NIO are preparing to intervene in these devolved areas. It also wrongly suggests it is a newly formed post. It also makes reference to the legacy and elections posts, which are being recruited for as part of the campaign.

Press office were tipped off about the story yesterday, and we provided a rebuttal. The lines we are using, cleared by SpAds:

UK Government spokesperson:

The Government is committed to restoring a functioning Executive and Assembly. We have no plans to intervene in these areas of devolved competence.

The Government does, however, receive a significant amount of correspondence on this matter (and indeed other devolved issues) from a range of interested parties, to which we need to respond. The job description is purely illustrative of the types of sensitive issues that are raised.

Recruitment is currently under way.

Peter Cardwell

24
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to Rosemary, Bital, [redacted] [redacted], PUS, [redacted], Colin, Mark, Communications, Jonathan Content. But it's Brexit – please amend. Otherwise happy. Thanks [redacted]



Northern
Ireland
Office

Peter Cardwell
Special Adviser to the Secretary of State
London: 1 Horse Guards Road, Westminster SW1A 2HQ
Belfast: Stormont House, Belfast BT4 3SH
Mobile: [REDACTED]
www.gov.uk/nio | @niopressoffice @petercardwell

[REDACTED]
24
Ja
n

to Peter, Bilal, [REDACTED], [REDACTED], PUS, Rosemary, Colin, Mark, Communications, Jonathan

Thanks Peter I will amend.

If everyone is content, I will issue the updated statement. If no further amendments I plan to issue by 3.30 pm.

Updated quote below:

NIO spokesperson: Media speculation around the nature and appointment of a number of NIO posts is totally without foundation. To be clear, these are not newly created posts - they are existing posts which are being filled following staff moves. The Government does receive a significant amount of correspondence on a variety of matters across devolved issues from a range of interested parties and to whom it has to respond. The job description is purely illustrative of the types of sensitive issues that are raised. The post holder will also deal with a range of other matters including human rights and BREXIT. There is absolutely no correlation between the recruitment of these staff and the current political process.

As the Secretary of State has continually set out, the Government is committed to restoring a functioning Executive and Assembly at the earliest opportunity.

Judicial Communications Office

Wednesday 18 June 2014

COURT DISMISSES CHALLENGE TO SECRETARY OF STATE'S DECISION NOT TO RECOMMEND THE EXERCISE OF THE ROYAL PREROGATIVE OF MERCY

Summary of Judgment

Mr Justice Stephens, sitting today in the High Court in Belfast, dismissed an application by Robert James Shaw Rodgers for a judicial review of the decision of the Secretary of State not to recommend the exercise of the Royal Prerogative of Mercy in his case.

In 1975, Robert Rodgers (“the applicant”) was convicted of the murder of Kieran William McIlroy and was sentenced to life imprisonment. He was released from prison on licence in July 1990 having served approximately 16 years. On 14 December 2010, he was arrested on suspicion of the murder of Eileen Doherty in 1973. He was convicted in February 2013 and sentenced to life imprisonment with a recommendation that he serve a minimum term of 16 years imprisonment. The applicant contended that if he had been convicted and sentenced in relation to the murder of Eileen Doherty prior to 28 July 1998 he would have been released under the provisions of the Belfast Agreement and the Northern Ireland (Sentences) Act 1998 (“the 1998 Act”) as he had already served more than two years for an offence in connection with terrorism and the affairs of Northern Ireland. He claimed that the Royal Prerogative of Mercy (“RPM”) had been used in other cases to enable prisoners to be released and that the failure of the Secretary of State to recommend the exercise of the RPM in his case was unlawful on the grounds that:

- There had been an “unfair or unequal approach to the exercise of the RPM”;
- He had a legitimate expectation that the RPM would be exercised;
- The Secretary of State had no policy in relation to the exercise of the RPM and that this in itself was unlawful;
- The Secretary of State had failed to give any or adequate reasons for her decision; and
- There had been discrimination on the basis of unequal treatment being afforded to prisoners depending on whether they were nationalists or loyalists.

In his written judgment, Mr Justice Stephens set out the framework created by the Belfast Agreement and the 1998 Act. He also considered the exercise of the RPM which he described as “an act of grace and as such may be subject to compliance by the recipient with such conditions if any as the Sovereign may think fit to impose” (although he noted that the RPM was used between 2000-2002 in a limited number of cases to remit the unexpired

portions of fixed term sentences without any conditions being imposed). The judge next considered the legal principles as to whether the exercise of the RPM is justiciable. He referred to the Court of Appeal's decision in Terence McGeough's Application for Judicial Review and stated that the RPM is a power which is "only exercised in those rare situations where the legal process may leave an apparent injustice unresolved, its exercise is likely to be highly dependent upon the particular facts of each case, facts which will almost certainly vary greatly from one case to another". The Court of Appeal also concluded that it was open to the courts to interfere with the exercise of the RPM only if it was clear that the decision maker had refused to pardon someone on irrational grounds, where there may have been an error of law on the part of the decision maker, or where there had been an unfair or unequal approach to the exercise of the RPM in individual cases. Applying the principles of the Court of Appeal's decision in McGeough, Mr Justice Stephens considered that the burden is on the applicant to establish to a high factual threshold that there has been an unfair or unequal approach to the exercise of the RPM and that only in the clearest of cases should the court conclude that there has been unfairness or an unequal approach.

Mr Justice Stephens then considered the factual background to the applicant's case. Prior to his conviction in 2013, the applicant's solicitor wrote to the Secretary of State inquiring whether it was her intention to recommend the exercise of the RPM to remit the sentences of prisoners who were convicted of historic offences connected to the Troubles and who possibly fell within the spirit but not the strict terms of the early release scheme set up following the Belfast Agreement. The Secretary of State decided that the applicant should not be granted the RPM and wrote giving the reasons that the offence for which the applicant had now been convicted and sentenced related to an entirely separate offence, committed at a different time from that for which he previously served a life sentence; and that an anomaly did not exist in his case.

Evidence before the court showed that the RPM had been granted 16 times in the context of the 1998 Act in the period between 2000 – 2002 and that since 2002 there had been three requests, including the applicant's request, for the RPM to be exercised all of which have been refused (the others being Robert James Clarke and Terence McGeough). In each of the cases where it had been granted it had been done to address anomalies that otherwise prevented the application of the early release scheme. Officials in the Northern Ireland Office prepared advice for the Secretary of State which set out the "fourfold categorisation" of cases in which the RPM or some other method had been used to release individuals (this categorisation was referred to in a written answer in Parliament on 29 May 2002). The categories were:

- To correct anomalies in the treatment of offenders convicted of the same offence and given the same sentence as co-defendants but who would otherwise have served longer in prison (applied to James McArdle in 2000);
- To release prisoners who would have been eligible for release under the Belfast Agreement had they not transferred from a different jurisdiction (applied to Sean Braniff and Fergal Toal in 2000);
- To release prisoners who would have been eligible to be released under the Belfast Agreement had their offences (which subsequently became scheduled offences) had been scheduled at the time they were committed (applied to Hugh Clarke, Eugene Fanning, Malachy McCann, Edward Campbell, Daniel Keenan, James Monaghan, SJ Clarke and Gerard Fryers); and

- To release prisoners who would have been eligible to be released under the Belfast Agreement had they not served their sentences overseas having been convicted extra-territorially (applied to Robert Campbell, Paul Magee, Angelo Fusco, Gerard Sloan and Anthony Sloan).

In his written judgment, Mr Justice Stephens summarised the factual position in relation to each of the above noted cases. He considered that a direct comparator to the applicant's case was that of Robert James Clarke who was sentenced in 2011 to life imprisonment for the sectarian murder of Alfredo Fusco in 1973. Robert Clarke had been convicted in 1976 of the murder of Margaret O'Neill and had served 15 years in prison before being released on licence in 1990. His solicitors wrote to the Secretary of State after his conviction in 2011 seeking a "Royal Pardon" on the basis that he had already served 15 years in prison but was informed that the Secretary of State did not find Mr Clarke eligible for the RPM as "the offences for which [he] has now been convicted and sentenced relate to entirely separate offences from that for which he previously service a life sentence". This decision was not challenged and Mr Clarke was released on licence on his accelerated release date having served two years in prison.

Conclusions

Mr Justice Stephens firstly considered **whether the applicant had suffered unfair or unequal treatment**. He said that in the period 2000-2002 the Secretary of State had gone beyond the terms for early release and accelerated release contained in the 1998 Act and as such those affected have to be treated fairly and consistently. He considered each of the cases in which the Secretary of State stepped outside the terms of the 1998 Act and concluded that this was done in limited and highly fact dependent circumstances. He found that the Secretary of State had not fundamentally changed the legislative scheme and rejected the applicant's challenge that there had been an unfair or unequal approach to the exercise of the RPM in his case.

The next ground was **whether there ought to be a policy in relation to the exercise of the RPM in the context of section 10(6) of the 1998 Act**. Mr Justice Stephens said that a factor that indicated that there should be a policy was the references to the spirit of, but not the letter of, the Belfast Agreement or the spirit of, but not the letter of, the 1998 Act. He commented that "the spirit of an agreement or of an Act is a nebulous concept lacking definition particularly in relation to an agreement as one is searching for the spirit which has been agreed to by all those participating in the negotiations rather than in the subsequent and unilateral actions of one party to the agreement". He noted that the spirit of the Belfast Agreement or of the 1998 Act could mean different things to different people and if that was the defining feature in relation to the operation of the RPM then decisions could be made in an arbitrary manner and there would be a need for a policy both for the benefit of individual offenders and also to reassure the public as to the operation of this significant part of the political settlement.

Mr Justice Stephens considered that the operation of the RPM in the context of section 10(6) of the 1998 is likely to be highly dependent on the particular facts of each case. He also considered that no policy should undermine the legislative intent that those subsequently convicted should serve two years imprisonment before being entitled to accelerated release:

“On those grounds I do not consider that this is an area which is amenable to a policy which could conceivably cover the factual situations which might arise. Any policy that was created could only reiterate the legislative intent that a person subsequently convicted should serve two years in relation to any sentence imposed before being entitled to accelerated release and then go on to state that each case will be considered on its particular facts. I consider that the number of occasions upon which decisions require to be made are not so numerous that a policy is necessary to ensure consistency from cases to case”

The judge rejected the applicant’s challenge that he had a legitimate expectation that the RPM would be exercised in his case and that the lack of a policy was unlawful.

Mr Justice Stephens further rejected the applicant’s contention that the **Secretary of State had failed to give reasons**. He said that one of the reasons given by the Secretary of State for declining to recommend the exercise of the RPM was that the offence for which the applicant had now been convicted and sentenced related to an entirely separate offence, committed at a different time from that for which he previously served a life sentence. The judge held that in the context of section 10(6) of the 1998 Act the Secretary of State’s reason was “not only clear and adequate but also correct”. He found that the fourfold categorisation was descriptive and simplistic but that it did not obscure from consideration by the Secretary of State any case that was analogous to that of the applicant. Mr Justice Stephens further rejected the applicant’s challenge that he had been discriminated against.

Mr Justice Stephens considered that none of the grounds of challenge had been made out and dismissed the application for judicial review.

NOTES TO EDITORS

1. This summary should be read together with the judgment and should not be read in isolation. Nothing said in this summary adds to or amends the judgment. The full judgment will be available on the Court Service website (www.courtsni.gov.uk).

ENDS

If you have any further enquiries about this or other court related matters please contact:

Alison Houston
Judicial Communications Officer
Lord Chief Justice’s Office
Royal Courts of Justice
Chichester Street
BELFAST
BT1 3JF

Telephone: 028 9072 5921
E-mail: Alison.Houston@courtsni.gov.uk



Northern Ireland Office

MINISTERIAL DIRECTIVE TO THE CHIEF CONSTABLE

Firearms Dealers – Keeping of Firearms

This Directive is made under Article 27(4) of the Firearms (Northern Ireland) Order 2004 and shall come into operation on 1 August 2009. The Directive dated 28 July 2005 shall cease to have effect on 31 July 2009.

The Directive's purpose is to control for security reasons the numbers and types of firearms which firearms dealers may keep.

There shall be two categories of firearms dealers to be known as Category 1 and Category 2, depending on the numbers of firearms kept. The Chief Constable shall determine the appropriate security measures for each category of dealer and a dealer must comply with them.

Handguns

The maximum number of handguns that may be kept for any reason by a firearms dealer is:-

Category 1 Dealer – 30 handguns.

Category 2 Dealer – 45 handguns.

Rifles

The maximum number of rifles that may be kept for any reason by a firearms dealer is:

Category 1 Dealer – 80 rifles.

Category 2 Dealer – 140 rifles.



Northern Ireland Office

Rifle bolts should be removed and stored separately.

Shotguns and air guns.

There is no limit on the number of shotguns and air guns which firearms dealers may keep.

Signed

One of Her Majesty's Principal Secretaries of State

Date



Northern
Ireland
Office

Secretary of State for Northern
Ireland
1 Horse Guards Road
London
SW1 2HQ

Stormont House
Belfast
BT4 3SH
T 028 9052 7021
E sos@nio.gov.uk

www.gov.uk/nio
[@niopressoffice](https://twitter.com/nio_pressoffice)

Mr John S Kiernan
The Association of The Bar of the City of New York
42 West, 44th Street
New York
NY 10036-6689

31 July 2017

Dear Mr Kiernan,

Thank you for your letter of 11th July to both myself and the Prime Minister with regards to your concerns surrounding the alleged intimidation of lawyers working on legacy related issues in Northern Ireland.

I acknowledge your concern about the various media reports referred to in your letter. You will understand that the principles of our democracy mean we have a free press which operates independently of Government. However, that does not excuse abuse or threats. Keeping the people of Northern Ireland safe and secure is one of my primary concerns as Secretary of State; I would therefore stress that should any lawyers, or any individual in Northern Ireland, believe their personal security to be at risk it is important that this is reported immediately to the Police Service of Northern Ireland.

I must emphasise this Government believes in the rule of law, and believes in the independent, impartial prosecution service. I have been clear many times that the rule of law applies to everyone equally and where there is evidence of wrongdoing this should be pursued by the police and prosecuting authorities.

This Government will seek to build on the progress made in the Stormont House Agreement. We remain committed to the implementation of the legacy institutions in the Stormont House Agreement as the best way to provide better outcomes for victims and survivors, and we will ensure they work in ways that are fair, balanced and proportionate.

Yours sincerely,

RT HON JAMES BROKENSHERE MP
SECRETARY OF STATE FOR NORTHERN IRELAND



THE
AGREEMENT

THIS AGREEMENT IS ABOUT YOUR FUTURE.
PLEASE READ IT CAREFULLY.

It's Your Decision



THE **AGREEMENT**

Agreement reached in the
multi-party
negotiations

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ANNEX:

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

DECLARATION OF SUPPORT

1. We, the participants in the multi-party negotiations, believe that the agreement we have negotiated offers a truly historic opportunity for a new beginning.
2. The tragedies of the past have left a deep and profoundly regrettable legacy of suffering. We must never forget those who have died or been injured, and their families. But we can best honour them through a fresh start, in which we firmly dedicate ourselves to the achievement of reconciliation, tolerance, and mutual trust, and to the protection and vindication of the human rights of all.
3. We are committed to partnership, equality and mutual respect as the basis of relationships within Northern Ireland, between North and South, and between these islands.
4. We reaffirm our total and absolute commitment to exclusively democratic and peaceful means of resolving differences on political issues, and our opposition to any use or threat of force by others for any political purpose, whether in regard to this agreement or otherwise.
5. We acknowledge the substantial differences between our continuing, and equally legitimate, political aspirations. However, we will endeavour to strive in every practical way towards reconciliation and rapprochement within the framework of democratic and agreed arrangements. We pledge that we will, in good faith, work to ensure the success of each and every one of the arrangements to be established under this agreement. It is accepted that all of the institutional and constitutional arrangements - an Assembly in Northern Ireland, a North/South Ministerial Council, implementation bodies, a British-Irish Council and a British-Irish Intergovernmental Conference and any amendments to British Acts of Parliament and the Constitution of Ireland - are interlocking and interdependent and that in particular the functioning of the Assembly and the North/South Council are so closely inter-related that the success of each depends on that of the other.
6. Accordingly, in a spirit of concord, we strongly commend this agreement to the people, North and South, for their approval.

CONSTITUTIONAL ISSUES

1. The participants endorse the commitment made by the British and Irish Governments that, in a new British-Irish Agreement replacing the Anglo-Irish Agreement, they will:
 - (i) recognise the legitimacy of whatever choice is freely exercised by a majority of the people of Northern Ireland with regard to its status, whether they prefer to continue to support the Union with Great Britain or a sovereign united Ireland;
 - (ii) recognise that it is for the people of the island of Ireland alone, by agreement between the two parts respectively and without external impediment, to exercise their right of self-determination on the basis of consent, freely and concurrently given, North and South, to bring about a united Ireland, if that is their wish, accepting that this right must be achieved and exercised with and subject to the agreement and consent of a majority of the people of Northern Ireland;
 - (iii) acknowledge that while a substantial section of the people in Northern Ireland share the legitimate wish of a majority of the people of the island of Ireland for a united Ireland, the present wish of a majority of the people of Northern Ireland, freely exercised and legitimate, is to maintain the Union and, accordingly, that Northern Ireland's status as part of the United Kingdom reflects and relies upon that wish; and that it would be wrong to make any change in the status of Northern Ireland save with the consent of a majority of its people;
 - (iv) affirm that if, in the future, the people of the island of Ireland exercise their right of self-determination on the basis set out in sections (i) and (ii) above to bring about a united Ireland, it will be a binding obligation on both Governments to introduce and support in their respective Parliaments legislation to give effect to that wish;
 - (v) affirm that whatever choice is freely exercised by a majority of the people of Northern Ireland, the power of the sovereign government with jurisdiction there shall be exercised with rigorous impartiality on behalf of all the people in the diversity of their identities and traditions and shall be founded on the principles of full respect for, and equality of, civil, political, social and cultural rights, of freedom from discrimination for all citizens, and of parity of esteem and of just and equal treatment for the identity, ethos, and aspirations of both communities;
 - (vi) recognise the birthright of all the people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship is accepted by both Governments and would not be affected by any future change in the status of Northern Ireland.
2. The participants also note that the two Governments have accordingly undertaken in the context of this comprehensive political agreement, to propose and support changes in, respectively, the Constitution of Ireland and in British legislation relating to the constitutional status of Northern Ireland.

ANNEX A

DRAFT CLAUSES/SCHEDULES FOR INCORPORATION IN BRITISH LEGISLATION

1. (1) It is hereby declared that Northern Ireland in its entirety remains part of the United Kingdom and shall not cease to be so without the consent of a majority of the people of Northern Ireland voting in a poll held for the purposes of this section in accordance with Schedule 1.
- (2) But if the wish expressed by a majority in such a poll is that Northern Ireland should cease to be part of the United Kingdom and form part of a united Ireland, the Secretary of State shall lay before Parliament such proposals to give effect to that wish as may be agreed between Her Majesty's Government in the United Kingdom and the Government of Ireland.
2. The Government of Ireland Act 1920 is repealed; and this Act shall have effect notwithstanding any other previous enactment.

SCHEDULE 1 POLLS FOR THE PURPOSE OF SECTION 1

1. The Secretary of State may by order direct the holding of a poll for the purposes of section 1 on a date specified in the order.
2. Subject to paragraph 3, the Secretary of State shall exercise the power under paragraph 1 if at any time it appears likely to him that a majority of those voting would express a wish that Northern Ireland should cease to be part of the United Kingdom and form part of a united Ireland.
3. The Secretary of State shall not make an order under paragraph 1 earlier than seven years after the holding of a previous poll under this Schedule.
4. (Remaining paragraphs along the lines of paragraphs 2 and 3 of existing Schedule 1 to 1973 Act.)

ANNEX B

IRISH GOVERNMENT DRAFT LEGISLATION TO AMEND THE CONSTITUTION

Add to Article 29 the following sections:

7.
 1. The State may consent to be bound by the British-Irish Agreement done at Belfast on the day of 1998, hereinafter called the Agreement.
 2. Any institution established by or under the Agreement may exercise the powers and functions thereby conferred on it in respect of all or any part of the island of Ireland notwithstanding any other provision of this Constitution conferring a like power or function on any person or any organ of State appointed under or created or established by or under this Constitution. Any power or function conferred on such an institution in relation to the settlement or resolution of disputes or controversies may be in addition to or in substitution for any like power or function conferred by this Constitution on any such person or organ of State as aforesaid.
 3. If the Government declare that the State has become obliged, pursuant to the Agreement, to give effect to the amendment of this Constitution referred to therein, then, notwithstanding Article 46 hereof, this Constitution shall be amended as follows:
 - i. the following Articles shall be substituted for Articles 2 and 3 of the Irish text:
 - “2. [Irish text to be inserted here]
 3. [Irish text to be inserted here]”

- ii. the following Articles shall be substituted for Articles 2 and 3 of the English text:

“Article 2

It is the entitlement and birthright of every person born in the island of Ireland, which includes its islands and seas, to be part of the Irish nation. That is also the entitlement of all persons otherwise qualified in accordance with law to be citizens of Ireland. Furthermore, the Irish nation cherishes its special affinity with people of Irish ancestry living abroad who share its cultural identity and heritage.

Article 3

1. It is the firm will of the Irish nation, in harmony and friendship, to unite all the people who share the territory of the island of Ireland, in all the diversity of their identities and traditions, recognising that a united Ireland shall be brought about only by peaceful means with the consent of a majority of the people, democratically expressed, in both jurisdictions in the island. Until then, the laws enacted by the Parliament established by this Constitution shall have the like area and extent of application as the laws enacted by the Parliament that existed immediately before the coming into operation of this Constitution.
2. Institutions with executive powers and functions that are shared between those jurisdictions may be established by their respective responsible authorities for stated purposes and may exercise powers and functions in respect of all or any part of the island.”

- iii. the following section shall be added to the Irish text of this Article:

“8. [Irish text to be inserted here]”

and

- iv. the following section shall be added to the English text of this Article:

“8. The State may exercise extra-territorial jurisdiction in accordance with the generally recognised principles of international law.”

4. If a declaration under this section is made, this subsection and subsection 3, other than the amendment of this Constitution effected thereby, and subsection 5 of this section shall be omitted from every official text of this Constitution published thereafter, but notwithstanding such omission this section shall continue to have the force of law.
5. If such a declaration is not made within twelve months of this section being added to this Constitution or such longer period as may be provided for by law, this section shall cease to have effect and shall be omitted from every official text of this Constitution published thereafter.

STRAND ONE

DEMOCRATIC INSTITUTIONS IN NORTHERN IRELAND

1. This agreement provides for a democratically elected Assembly in Northern Ireland which is inclusive in its membership, capable of exercising executive and legislative authority, and subject to safeguards to protect the rights and interests of all sides of the community.

The Assembly

2. A 108-member Assembly will be elected by PR(STV) from existing Westminster constituencies.
3. The Assembly will exercise full legislative and executive authority in respect of those matters currently within the responsibility of the six Northern Ireland Government Departments, with the possibility of taking on responsibility for other matters as detailed elsewhere in this agreement.
4. The Assembly - operating where appropriate on a cross-community basis - will be the prime source of authority in respect of all devolved responsibilities.

Safeguards

5. There will be safeguards to ensure that all sections of the community can participate and work together successfully in the operation of these institutions and that all sections of the community are protected, including:
 - (a) allocations of Committee Chairs, Ministers and Committee membership in proportion to party strengths;
 - (b) the European Convention on Human Rights (ECHR) and any Bill of Rights for Northern Ireland supplementing it, which neither the Assembly nor public bodies can infringe, together with a Human Rights Commission;
 - (c) arrangements to provide that key decisions and legislation are proofed to ensure that they do not infringe the ECHR and any Bill of Rights for Northern Ireland;
 - (d) arrangements to ensure key decisions are taken on a cross-community basis;
 - (i) **either** parallel consent, i.e. a majority of those members present and voting, including a majority of the unionist and nationalist designations present and voting;
 - (ii) **or** a weighted majority (60%) of members present and voting, including at least 40% of each of the nationalist and unionist designations present and voting.

Key decisions requiring cross-community support will be designated in advance, including election of the Chair of the Assembly, the First Minister and Deputy First

Minister, standing orders and budget allocations. In other cases such decisions could be triggered by a petition of concern brought by a significant minority of Assembly members (30/108).

- (e) an Equality Commission to monitor a statutory obligation to promote equality of opportunity in specified areas and parity of esteem between the two main communities, and to investigate individual complaints against public bodies.

Operation of the Assembly

6. At their first meeting, members of the Assembly will register a designation of identity - nationalist, unionist or other - for the purposes of measuring cross-community support in Assembly votes under the relevant provisions above.
7. The Chair and Deputy Chair of the Assembly will be elected on a cross-community basis, as set out in paragraph 5(d) above.
8. There will be a Committee for each of the main executive functions of the Northern Ireland Administration. The Chairs and Deputy Chairs of the Assembly Committees will be allocated proportionally, using the d'Hondt system. Membership of the Committees will be in broad proportion to party strengths in the Assembly to ensure that the opportunity of Committee places is available to all members.
9. The Committees will have a scrutiny, policy development and consultation role with respect to the Department with which each is associated, and will have a role in initiation of legislation. They will have the power to:
 - consider and advise on Departmental budgets and Annual Plans in the context of the overall budget allocation;
 - approve relevant secondary legislation and take the Committee stage of relevant primary legislation;
 - call for persons and papers;
 - initiate enquiries and make reports;
 - consider and advise on matters brought to the Committee by its Minister.
10. Standing Committees other than Departmental Committees may be established as may be required from time to time.
11. The Assembly may appoint a special Committee to examine and report on whether a measure or proposal for legislation is in conformity with equality requirements, including the ECHR/Bill of Rights. The Committee shall have the power to call people and papers to assist in its consideration of the matter. The Assembly shall then consider the report of the Committee and can determine the matter in accordance with the cross-community consent procedure.
12. The above special procedure shall be followed when requested by the Executive Committee, or by the relevant Departmental Committee, voting on a cross-community basis.

13. When there is a petition of concern as in 5(d) above, the Assembly shall vote to determine whether the measure may proceed without reference to this special procedure. If this fails to achieve support on a cross-community basis, as in 5(d)(i) above, the special procedure shall be followed.

Executive Authority

14. Executive authority to be discharged on behalf of the Assembly by a First Minister and Deputy First Minister and up to ten Ministers with Departmental responsibilities.
15. The First Minister and Deputy First Minister shall be jointly elected into office by the Assembly voting on a cross-community basis, according to 5(d)(i) above.
16. Following the election of the First Minister and Deputy First Minister, the posts of Ministers will be allocated to parties on the basis of the d'Hondt system by reference to the number of seats each party has in the Assembly.
17. The Ministers will constitute an Executive Committee, which will be convened, and presided over, by the First Minister and Deputy First Minister.
18. The duties of the First Minister and Deputy First Minister will include, inter alia, dealing with and co-ordinating the work of the Executive Committee and the response of the Northern Ireland administration to external relationships.
19. The Executive Committee will provide a forum for the discussion of, and agreement on, issues which cut across the responsibilities of two or more Ministers, for prioritising executive and legislative proposals and for recommending a common position where necessary (e.g. in dealing with external relationships).
20. The Executive Committee will seek to agree each year, and review as necessary, a programme incorporating an agreed budget linked to policies and programmes, subject to approval by the Assembly, after scrutiny in Assembly Committees, on a cross-community basis.
21. A party may decline the opportunity to nominate a person to serve as a Minister or may subsequently change its nominee.
22. All the Northern Ireland Departments will be headed by a Minister. All Ministers will liaise regularly with their respective Committee.
23. As a condition of appointment, Ministers, including the First Minister and Deputy First Minister, will affirm the terms of a Pledge of Office (Annex A) undertaking to discharge effectively and in good faith all the responsibilities attaching to their office.
24. Ministers will have full executive authority in their respective areas of responsibility, within any broad programme agreed by the Executive Committee and endorsed by the Assembly as a whole.
25. An individual may be removed from office following a decision of the Assembly taken on a cross-community basis, if (s)he loses the confidence of the Assembly, voting on a cross-community basis, for failure to meet his or her responsibilities including, inter alia, those set

out in the Pledge of Office. Those who hold office should use only democratic, non-violent means, and those who do not should be excluded or removed from office under these provisions.

Legislation

26. The Assembly will have authority to pass primary legislation for Northern Ireland in devolved areas, subject to:
 - (a) the ECHR and any Bill of Rights for Northern Ireland supplementing it which, if the courts found to be breached, would render the relevant legislation null and void;
 - (b) decisions by simple majority of members voting, except when decision on a cross-community basis is required;
 - (c) detailed scrutiny and approval in the relevant Departmental Committee;
 - (d) mechanisms, based on arrangements proposed for the Scottish Parliament, to ensure suitable co-ordination, and avoid disputes, between the Assembly and the Westminster Parliament;
 - (e) option of the Assembly seeking to include Northern Ireland provisions in United Kingdom-wide legislation in the Westminster Parliament, especially on devolved issues where parity is normally maintained (e.g. social security, company law).
27. The Assembly will have authority to legislate in reserved areas with the approval of the Secretary of State and subject to Parliamentary control.
28. Disputes over legislative competence will be decided by the Courts.
29. Legislation could be initiated by an individual, a Committee or a Minister.

Relations with other institutions

30. Arrangements to represent the Assembly as a whole, at Summit level and in dealings with other institutions, will be in accordance with paragraph 18, and will be such as to ensure cross-community involvement.
31. Terms will be agreed between appropriate Assembly representatives and the Government of the United Kingdom to ensure effective co-ordination and input by Ministers to national policy-making, including on EU issues.
32. Role of Secretary of State:
 - (a) to remain responsible for NIO matters not devolved to the Assembly, subject to regular consultation with the Assembly and Ministers;
 - (b) to approve and lay before the Westminster Parliament any Assembly legislation on reserved matters;

- (c) to represent Northern Ireland interests in the United Kingdom Cabinet;
 - (d) to have the right to attend the Assembly at their invitation.
33. The Westminster Parliament (whose power to make legislation for Northern Ireland would remain unaffected) will:
- (a) legislate for non-devolved issues, other than where the Assembly legislates with the approval of the Secretary of State and subject to the control of Parliament;
 - (b) to legislate as necessary to ensure the United Kingdom's international obligations are met in respect of Northern Ireland;
 - (c) scrutinise, including through the Northern Ireland Grand and Select Committees, the responsibilities of the Secretary of State.
34. A consultative Civic Forum will be established. It will comprise representatives of the business, trade union and voluntary sectors, and such other sectors as agreed by the First Minister and the Deputy First Minister. It will act as a consultative mechanism on social, economic and cultural issues. The First Minister and the Deputy First Minister will by agreement provide administrative support for the Civic Forum and establish guidelines for the selection of representatives to the Civic Forum.

Transitional Arrangements

35. The Assembly will meet first for the purpose of organisation, without legislative or executive powers, to resolve its standing orders and working practices and make preparations for the effective functioning of the Assembly, the British-Irish Council and the North/South Ministerial Council and associated implementation bodies. In this transitional period, those members of the Assembly serving as shadow Ministers shall affirm their commitment to non-violence and exclusively peaceful and democratic means and their opposition to any use or threat of force by others for any political purpose; to work in good faith to bring the new arrangements into being; and to observe the spirit of the Pledge of Office applying to appointed Ministers.

Review

36. After a specified period there will be a review of these arrangements, including the details of electoral arrangements and of the Assembly's procedures, with a view to agreeing any adjustments necessary in the interests of efficiency and fairness.

ANNEX A

PLEDGE OF OFFICE

To pledge:

- (a) to discharge in good faith all the duties of office;
- (b) commitment to non-violence and exclusively peaceful and democratic means;
- (c) to serve all the people of Northern Ireland equally, and to act in accordance with the general obligations on government to promote equality and prevent discrimination;
- (d) to participate with colleagues in the preparation of a programme for government;
- (e) to operate within the framework of that programme when agreed within the Executive Committee and endorsed by the Assembly;
- (f) to support, and to act in accordance with, all decisions of the Executive Committee and Assembly;
- (g) to comply with the Ministerial Code of Conduct.

CODE OF CONDUCT

Ministers must at all times:

- observe the highest standards of propriety and regularity involving impartiality, integrity and objectivity in relationship to the stewardship of public funds;
- be accountable to users of services, the community and, through the Assembly, for the activities within their responsibilities, their stewardship of public funds and the extent to which key performance targets and objectives have been met;
- ensure all reasonable requests for information from the Assembly, users of services and individual citizens are complied with; and that Departments and their staff conduct their dealings with the public in an open and responsible way;
- follow the seven principles of public life set out by the Committee on Standards in Public Life;
- comply with this code and with rules relating to the use of public funds;
- operate in a way conducive to promoting good community relations and equality of treatment;
- not use information gained in the course of their service for personal gain; nor seek to use the opportunity of public service to promote their private interests;
- ensure they comply with any rules on the acceptance of gifts and hospitality that might be offered;
- declare any personal or business interests which may conflict with their responsibilities. The Assembly will retain a Register of Interests. Individuals must ensure that any direct or indirect pecuniary interests which members of the public might reasonably think could influence their judgement are listed in the Register of Interests;

STRAND TWO

NORTH/SOUTH MINISTERIAL COUNCIL

1. Under a new British/Irish Agreement dealing with the totality of relationships, and related legislation at Westminster and in the Oireachtas, a North/South Ministerial Council to be established to bring together those with executive responsibilities in Northern Ireland and the Irish Government, to develop consultation, co-operation and action within the island of Ireland - including through implementation on an all-island and cross-border basis - on matters of mutual interest within the competence of the Administrations, North and South.
2. All Council decisions to be by agreement between the two sides. Northern Ireland to be represented by the First Minister, Deputy First Minister and any relevant Ministers, the Irish Government by the Taoiseach and relevant Ministers, all operating in accordance with the rules for democratic authority and accountability in force in the Northern Ireland Assembly and the Oireachtas respectively. Participation in the Council to be one of the essential responsibilities attaching to relevant posts in the two Administrations. If a holder of a relevant post will not participate normally in the Council, the Taoiseach in the case of the Irish Government and the First and Deputy First Minister in the case of the Northern Ireland Administration to be able to make alternative arrangements.
3. The Council to meet in different formats:
 - (i) in plenary format twice a year, with Northern Ireland representation led by the First Minister and Deputy First Minister and the Irish Government led by the Taoiseach;
 - (ii) in specific sectoral formats on a regular and frequent basis with each side represented by the appropriate Minister;
 - (iii) in an appropriate format to consider institutional or cross-sectoral matters (including in relation to the EU) and to resolve disagreement.
4. Agendas for all meetings to be settled by prior agreement between the two sides, but it will be open to either to propose any matter for consideration or action.
5. The Council:
 - (i) to exchange information, discuss and consult with a view to co-operating on matters of mutual interest within the competence of both Administrations, North and South;
 - (ii) to use best endeavours to reach agreement on the adoption of common policies, in areas where there is a mutual cross-border and all-island benefit, and which are within the competence of both Administrations, North and South, making determined efforts to overcome any disagreements;
 - (iii) to take decisions by agreement on policies for implementation separately in each jurisdiction, in relevant meaningful areas within the competence of both Administrations, North and South;

- (iv) to take decisions by agreement on policies and action at an all-island and cross-border level to be implemented by the bodies to be established as set out in paragraphs 8 and 9 below.
6. Each side to be in a position to take decisions in the Council within the defined authority of those attending, through the arrangements in place for co-ordination of executive functions within each jurisdiction. Each side to remain accountable to the Assembly and Oireachtas respectively, whose approval, through the arrangements in place on either side, would be required for decisions beyond the defined authority of those attending.
 7. As soon as practically possible after elections to the Northern Ireland Assembly, inaugural meetings will take place of the Assembly, the British/Irish Council and the North/South Ministerial Council in their transitional forms. All three institutions will meet regularly and frequently on this basis during the period between the elections to the Assembly, and the transfer of powers to the Assembly, in order to establish their *modus operandi*.
 8. During the transitional period between the elections to the Northern Ireland Assembly and the transfer of power to it, representatives of the Northern Ireland transitional Administration and the Irish Government operating in the North/South Ministerial Council will undertake a work programme, in consultation with the British Government, covering at least 12 subject areas, with a view to identifying and agreeing by 31 October 1998 areas where co-operation and implementation for mutual benefit will take place. Such areas may include matters in the list set out in the Annex.
 9. As part of the work programme, the Council will identify and agree at least 6 matters for co-operation and implementation in each of the following categories:
 - (i) Matters where existing bodies will be the appropriate mechanisms for co-operation in each separate jurisdiction;
 - (ii) Matters where the co-operation will take place through agreed implementation bodies on a cross-border or all-island level.
 10. The two Governments will make necessary legislative and other enabling preparations to ensure, as an absolute commitment, that these bodies, which have been agreed as a result of the work programme, function at the time of the inception of the British-Irish Agreement and the transfer of powers, with legislative authority for these bodies transferred to the Assembly as soon as possible thereafter. Other arrangements for the agreed co-operation will also commence contemporaneously with the transfer of powers to the Assembly.
 11. The implementation bodies will have a clear operational remit. They will implement on an all-island and cross-border basis policies agreed in the Council.
 12. Any further development of these arrangements to be by agreement in the Council and with the specific endorsement of the Northern Ireland Assembly and Oireachtas, subject to the extent of the competences and responsibility of the two Administrations.
 13. It is understood that the North/South Ministerial Council and the Northern Ireland Assembly are mutually inter-dependent, and that one cannot successfully function without the other.

14. Disagreements within the Council to be addressed in the format described at paragraph 3(iii) above or in the plenary format. By agreement between the two sides, experts could be appointed to consider a particular matter and report.
15. Funding to be provided by the two Administrations on the basis that the Council and the implementation bodies constitute a necessary public function.
16. The Council to be supported by a standing joint Secretariat, staffed by members of the Northern Ireland Civil Service and the Irish Civil Service.
17. The Council to consider the European Union dimension of relevant matters, including the implementation of EU policies and programmes and proposals under consideration in the EU framework. Arrangements to be made to ensure that the views of the Council are taken into account and represented appropriately at relevant EU meetings.
18. The Northern Ireland Assembly and the Oireachtas to consider developing a joint parliamentary forum, bringing together equal numbers from both institutions for discussion of matters of mutual interest and concern.
19. Consideration to be given to the establishment of an independent consultative forum appointed by the two Administrations, representative of civil society, comprising the social partners and other members with expertise in social, cultural, economic and other issues.

ANNEX

Areas for North/South co-operation and implementation may include the following:

1. Agriculture - animal and plant health.
2. Education - teacher qualifications and exchanges.
3. Transport - strategic transport planning.
4. Environment - environmental protection, pollution, water quality, and waste management.
5. Waterways - inland waterways.
6. Social Security/Social Welfare - entitlements of cross-border workers and fraud control.
7. Tourism - promotion, marketing, research, and product development.
8. Relevant EU Programmes such as SPPR, INTERREG, Leader II and their successors.
9. Inland Fisheries.
10. Aquaculture and marine matters
11. Health: accident and emergency services and other related cross-border issues.
12. Urban and rural development.

Others to be considered by the shadow North/South Council.

STRAND THREE

BRITISH-IRISH COUNCIL

1. A British-Irish Council (BIC) will be established under a new British-Irish Agreement to promote the harmonious and mutually beneficial development of the totality of relationships among the peoples of these islands.
2. Membership of the BIC will comprise representatives of the British and Irish Governments, devolved institutions in Northern Ireland, Scotland and Wales, when established, and, if appropriate, elsewhere in the United Kingdom, together with representatives of the Isle of Man and the Channel Islands.
3. The BIC will meet in different formats: at summit level, twice per year; in specific sectoral formats on a regular basis, with each side represented by the appropriate Minister; in an appropriate format to consider cross-sectoral matters.
4. Representatives of members will operate in accordance with whatever procedures for democratic authority and accountability are in force in their respective elected institutions.
5. The BIC will exchange information, discuss, consult and use best endeavours to reach agreement on co-operation on matters of mutual interest within the competence of the relevant Administrations. Suitable issues for early discussion in the BIC could include transport links, agricultural issues, environmental issues, cultural issues, health issues, education issues and approaches to EU issues. Suitable arrangements to be made for practical co-operation on agreed policies.
6. It will be open to the BIC to agree common policies or common actions. Individual members may opt not to participate in such common policies and common action.
7. The BIC normally will operate by consensus. In relation to decisions on common policies or common actions, including their means of implementation, it will operate by agreement of all members participating in such policies or actions.
8. The members of the BIC, on a basis to be agreed between them, will provide such financial support as it may require.
9. A secretariat for the BIC will be provided by the British and Irish Governments in co-ordination with officials of each of the other members.
10. In addition to the structures provided for under this agreement, it will be open to two or more members to develop bilateral or multilateral arrangements between them. Such arrangements could include, subject to the agreement of the members concerned, mechanisms to enable consultation, co-operation and joint decision-making on matters of mutual interest; and mechanisms to implement any joint decisions they may reach. These arrangements will not require the prior approval of the BIC as a whole and will operate independently of it.
11. The elected institutions of the members will be encouraged to develop interparliamentary links, perhaps building on the British-Irish Interparliamentary Body.

12. The full membership of the BIC will keep under review the workings of the Council, including a formal published review at an appropriate time after the Agreement comes into effect, and will contribute as appropriate to any review of the overall political agreement arising from the multi-party negotiations.

BRITISH-IRISH INTERGOVERNMENTAL CONFERENCE

1. There will be a new British-Irish Agreement dealing with the totality of relationships. It will establish a standing British-Irish Intergovernmental Conference, which will subsume both the Anglo-Irish Intergovernmental Council and the Intergovernmental Conference established under the 1985 Agreement.
2. The Conference will bring together the British and Irish Governments to promote bilateral co-operation at all levels on all matters of mutual interest within the competence of both Governments.
3. The Conference will meet as required at Summit level (Prime Minister and Taoiseach). Otherwise, Governments will be represented by appropriate Ministers. Advisers, including police and security advisers, will attend as appropriate.
4. All decisions will be by agreement between both Governments. The Governments will make determined efforts to resolve disagreements between them. There will be no derogation from the sovereignty of either Government.
5. In recognition of the Irish Government's special interest in Northern Ireland and of the extent to which issues of mutual concern arise in relation to Northern Ireland, there will be regular and frequent meetings of the Conference concerned with non-devolved Northern Ireland matters, on which the Irish Government may put forward views and proposals. These meetings, to be co-chaired by the Minister for Foreign Affairs and the Secretary of State for Northern Ireland, would also deal with all-island and cross-border co-operation on non-devolved issues.
6. Co-operation within the framework of the Conference will include facilitation of co-operation in security matters. The Conference also will address, in particular, the areas of rights, justice, prisons and policing in Northern Ireland (unless and until responsibility is devolved to a Northern Ireland administration) and will intensify co-operation between the two Governments on the all-island or cross-border aspects of these matters.
7. Relevant executive members of the Northern Ireland Administration will be involved in meetings of the Conference, and in the reviews referred to in paragraph 9 below to discuss non-devolved Northern Ireland matters.
8. The Conference will be supported by officials of the British and Irish Governments, including by a standing joint Secretariat of officials dealing with non-devolved Northern Ireland matters.
9. The Conference will keep under review the workings of the new British-Irish Agreement and the machinery and institutions established under it, including a formal published review three years after the Agreement comes into effect. Representatives of the Northern Ireland Administration will be invited to express views to the Conference in this context.

The Conference will contribute as appropriate to any review of the overall political agreement arising from the multi-party negotiations but will have no power to override the democratic arrangements set up by this Agreement.

RIGHTS, SAFEGUARDS AND EQUALITY OF OPPORTUNITY

Human Rights

1. The parties affirm their commitment to the mutual respect, the civil rights and the religious liberties of everyone in the community. Against the background of the recent history of communal conflict, the parties affirm in particular:
 - the right of free political thought;
 - the right to freedom and expression of religion;
 - the right to pursue democratically national and political aspirations;
 - the right to seek constitutional change by peaceful and legitimate means;
 - the right to freely choose one's place of residence;
 - the right to equal opportunity in all social and economic activity, regardless of class, creed, disability, gender or ethnicity;
 - the right to freedom from sectarian harassment; and
 - the right of women to full and equal political participation.

United Kingdom Legislation

2. The British Government will complete incorporation into Northern Ireland law of the European Convention on Human Rights (ECHR), with direct access to the courts, and remedies for breach of the Convention, including power for the courts to overrule Assembly legislation on grounds of inconsistency.
3. Subject to the outcome of public consultation underway, the British Government intends, as a particular priority, to create a statutory obligation on public authorities in Northern Ireland to carry out all their functions with due regard to the need to promote equality of opportunity in relation to religion and political opinion; gender; race; disability; age; marital status; dependants; and sexual orientation. Public bodies would be required to draw up statutory schemes showing how they would implement this obligation. Such schemes would cover arrangements for policy appraisal, including an assessment of impact on relevant categories, public consultation, public access to information and services, monitoring and timetables.
4. The new Northern Ireland Human Rights Commission (see paragraph 5 below) will be invited to consult and to advise on the scope for defining, in Westminster legislation, rights

supplementary to those in the European Convention on Human Rights, to reflect the particular circumstances of Northern Ireland, drawing as appropriate on international instruments and experience. These additional rights to reflect the principles of mutual respect for the identity and ethos of both communities and parity of esteem, and - taken together with the ECHR - to constitute a Bill of Rights for Northern Ireland. Among the issues for consideration by the Commission will be:

- the formulation of a general obligation on government and public bodies fully to respect, on the basis of equality of treatment, the identity and ethos of both communities in Northern Ireland; and
- a clear formulation of the rights not to be discriminated against and to equality of opportunity in both the public and private sectors.

New Institutions in Northern Ireland

5. A new Northern Ireland Human Rights Commission, with membership from Northern Ireland reflecting the community balance, will be established by Westminster legislation, independent of Government, with an extended and enhanced role beyond that currently exercised by the Standing Advisory Commission on Human Rights, to include keeping under review the adequacy and effectiveness of laws and practices, making recommendations to Government as necessary; providing information and promoting awareness of human rights; considering draft legislation referred to them by the new Assembly; and, in appropriate cases, bringing court proceedings or providing assistance to individuals doing so.
6. Subject to the outcome of public consultation currently underway, the British Government intends a new statutory Equality Commission to replace the Fair Employment Commission, the Equal Opportunities Commission (NI), the Commission for Racial Equality (NI) and the Disability Council. Such a unified Commission will advise on, validate and monitor the statutory obligation and will investigate complaints of default.
7. It would be open to a new Northern Ireland Assembly to consider bringing together its responsibilities for these matters into a dedicated Department of Equality.
8. These improvements will build on existing protections in Westminster legislation in respect of the judiciary, the system of justice and policing.

Comparable Steps by the Irish Government

9. The Irish Government will also take steps to further strengthen the protection of human rights in its jurisdiction. The Government will, taking account of the work of the All-Party Oireachtas Committee on the Constitution and the Report of the Constitution Review Group, bring forward measures to strengthen and underpin the constitutional protection of human rights. These proposals will draw on the European Convention on Human Rights and other international legal instruments in the field of human rights and the question of the incorporation of the ECHR will be further examined in this context. The measures brought forward would ensure at least an equivalent level of protection of human rights as will pertain in Northern Ireland. In addition, the Irish Government will:

- establish a Human Rights Commission with a mandate and remit equivalent to that within Northern Ireland;
- proceed with arrangements as quickly as possible to ratify the Council of Europe Framework Convention on National Minorities (already ratified by the UK);
- implement enhanced employment equality legislation;
- introduce equal status legislation; and
- continue to take further active steps to demonstrate its respect for the different traditions in the island of Ireland.

A Joint Committee

10. It is envisaged that there would be a joint committee of representatives of the two Human Rights Commissions, North and South, as a forum for consideration of human rights issues in the island of Ireland. The joint committee will consider, among other matters, the possibility of establishing a charter, open to signature by all democratic political parties, reflecting and endorsing agreed measures for the protection of the fundamental rights of everyone living in the island of Ireland.

Reconciliation and Victims of Violence

11. The participants believe that it is essential to acknowledge and address the suffering of the victims of violence as a necessary element of reconciliation. They look forward to the results of the work of the Northern Ireland Victims Commission.
12. It is recognised that victims have a right to remember as well as to contribute to a changed society. The achievement of a peaceful and just society would be the true memorial to the victims of violence. The participants particularly recognise that young people from areas affected by the troubles face particular difficulties and will support the development of special community-based initiatives based on international best practice. The provision of services that are supportive and sensitive to the needs of victims will also be a critical element and that support will need to be channelled through both statutory and community-based voluntary organisations facilitating locally-based self-help and support networks. This will require the allocation of sufficient resources, including statutory funding as necessary, to meet the needs of victims and to provide for community-based support programmes.
13. The participants recognise and value the work being done by many organisations to develop reconciliation and mutual understanding and respect between and within communities and traditions, in Northern Ireland and between North and South, and they see such work as having a vital role in consolidating peace and political agreement. Accordingly, they pledge their continuing support to such organisations and will positively examine the case for enhanced financial assistance for the work of reconciliation. An essential aspect of the reconciliation process is the promotion of a culture of tolerance at every level of society, including initiatives to facilitate and encourage integrated education and mixed housing.

RIGHTS, SAFEGUARDS AND EQUALITY OF OPPORTUNITY

ECONOMIC, SOCIAL AND CULTURAL ISSUES

1. Pending the devolution of powers to a new Northern Ireland Assembly, the British Government will pursue broad policies for sustained economic growth and stability in Northern Ireland and for promoting social inclusion, including in particular community development and the advancement of women in public life.
2. Subject to the public consultation currently under way, the British Government will make rapid progress with:
 - (i) a new regional development strategy for Northern Ireland, for consideration in due course by a the Assembly, tackling the problems of a divided society and social cohesion in urban, rural and border areas, protecting and enhancing the environment, producing new approaches to transport issues, strengthening the physical infrastructure of the region, developing the advantages and resources of rural areas and rejuvenating major urban centres;
 - (ii) a new economic development strategy for Northern Ireland, for consideration in due course by a the Assembly, which would provide for short and medium term economic planning linked as appropriate to the regional development strategy; and
 - (iii) measures on employment equality included in the recent White Paper (“Partnership for Equality”) and covering the extension and strengthening of anti-discrimination legislation, a review of the national security aspects of the present fair employment legislation at the earliest possible time, a new more focused Targeting Social Need initiative and a range of measures aimed at combating unemployment and progressively eliminating the differential in unemployment rates between the two communities by targeting objective need.
3. All participants recognise the importance of respect, understanding and tolerance in relation to linguistic diversity, including in Northern Ireland, the Irish language, Ulster-Scots and the languages of the various ethnic communities, all of which are part of the cultural wealth of the island of Ireland.
4. In the context of active consideration currently being given to the UK signing the Council of Europe Charter for Regional or Minority Languages, the British Government will in particular in relation to the Irish language, where appropriate and where people so desire it:
 - take resolute action to promote the language;
 - facilitate and encourage the use of the language in speech and writing in public and private life where there is appropriate demand;
 - seek to remove, where possible, restrictions which would discourage or work against the maintenance or development of the language;

- make provision for liaising with the Irish language community, representing their views to public authorities and investigating complaints;
 - place a statutory duty on the Department of Education to encourage and facilitate Irish medium education in line with current provision for integrated education;
 - explore urgently with the relevant British authorities, and in co-operation with the Irish broadcasting authorities, the scope for achieving more widespread availability of *Teilifis na Gaeilge* in Northern Ireland;
 - seek more effective ways to encourage and provide financial support for Irish language film and television production in Northern Ireland; and
 - encourage the parties to secure agreement that this commitment will be sustained by a new Assembly in a way which takes account of the desires and sensitivities of the community.
5. All participants acknowledge the sensitivity of the use of symbols and emblems for public purposes, and the need in particular in creating the new institutions to ensure that such symbols and emblems are used in a manner which promotes mutual respect rather than division. Arrangements will be made to monitor this issue and consider what action might be required.

DECOMMISSIONING

1. Participants recall their agreement in the Procedural Motion adopted on 24 September 1997 “that the resolution of the decommissioning issue is an indispensable part of the process of negotiation”, and also recall the provisions of paragraph 25 of Strand 1 above.
2. They note the progress made by the Independent International Commission on Decommissioning and the Governments in developing schemes which can represent a workable basis for achieving the decommissioning of illegally-held arms in the possession of paramilitary groups.
3. All participants accordingly reaffirm their commitment to the total disarmament of all paramilitary organisations. They also confirm their intention to continue to work constructively and in good faith with the Independent Commission, and to use any influence they may have, to achieve the decommissioning of all paramilitary arms within two years following endorsement in referendums North and South of the agreement and in the context of the implementation of the overall settlement.
4. The Independent Commission will monitor, review and verify progress on decommissioning of illegal arms, and will report to both Governments at regular intervals.
6. Both Governments will take all necessary steps to facilitate the decommissioning process to include bringing the relevant schemes into force by the end of June.

SECURITY

1. The participants note that the development of a peaceful environment on the basis of this agreement can and should mean a normalisation of security arrangements and practices.
2. 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, dealing with:
 - (i) the reduction of the numbers and role of the Armed Forces deployed in Northern Ireland to levels compatible with a normal peaceful society;
 - (ii) the removal of security installations;
 - (iii) the removal of emergency powers in Northern Ireland; and
 - (iv) other measures appropriate to and compatible with a normal peaceful society.
3. The Secretary of State will consult regularly on progress, and the response to any continuing paramilitary activity, with the Irish Government and the political parties, as appropriate.
4. The British Government will continue its consultation on firearms regulation and control on the basis of the document published on 2 April 1998.
5. The Irish Government will initiate a wide-ranging review of the Offences Against the State Acts 1939-85 with a view to both reform and dispensing with those elements no longer required as circumstances permit.

POLICING AND JUSTICE

1. The participants recognise that policing is a central issue in any society. They equally recognise that Northern Ireland's history of deep divisions has made it highly emotive, with great hurt suffered and sacrifices made by many individuals and their families, including those in the RUC and other public servants. They believe that the agreement provides the opportunity for a new beginning to policing in Northern Ireland with a police service capable of attracting and sustaining support from the community as a whole. They also believe that this agreement offers a unique opportunity to bring about a new political dispensation which will recognise the full and equal legitimacy and worth of the identities, senses of allegiance and ethos of all sections of the community in Northern Ireland. They consider that this opportunity should inform and underpin the development of a police service representative in terms of the make-up of the community as a whole and which, in a peaceful environment, should be routinely unarmed.
2. The participants believe it essential that policing structures and arrangements are such that the police service is professional, effective and efficient, fair and impartial, free from partisan political control; accountable, both under the law for its actions and to the community it serves; representative of the society it polices, and operates within a coherent and co-operative criminal justice system, which conforms with human rights norms. The participants also believe that those structures and arrangements must be capable of maintaining law and order including responding effectively to crime and to any terrorist threat and to public order problems. A police service which cannot do so will fail to win public confidence and acceptance. They believe that any such structures and arrangements should be capable of delivering a policing service, in constructive and inclusive partnerships with the community at all levels, and with the maximum delegation of authority and responsibility, consistent with the foregoing principles. These arrangements should be based on principles of protection of human rights and professional integrity and should be unambiguously accepted and actively supported by the entire community.
3. An independent Commission will be established to make recommendations for future policing arrangements in Northern Ireland including means of encouraging widespread community support for these arrangements within the agreed framework of principles reflected in the paragraphs above and in accordance with the terms of reference at Annex A. The Commission will be broadly representative with expert and international representation among its membership and will be asked to consult widely and to report no later than Summer 1999.
4. The participants believe that the aims of the criminal justice system are to:
 - deliver a fair and impartial system of justice to the community;
 - be responsive to the community's concerns, and encouraging community involvement where appropriate;
 - have the confidence of all parts of the community; and
 - deliver justice efficiently and effectively.
5. There will be a parallel wide-ranging review of criminal justice (other than policing and those aspects of the system relating to the emergency legislation) to be carried out by the

British Government through a mechanism with an independent element, in consultation with the political parties and others. The review will commence as soon as possible, will include wide consultation, and a report will be made to the Secretary of State no later than Autumn 1999. Terms of Reference are attached at Annex B.

6. Implementation of the recommendations arising from both reviews will be discussed with the political parties and with the Irish Government.
7. The participants also note that the British Government remains ready in principle, with the broad support of the political parties, and after consultation, as appropriate, with the Irish Government, in the context of ongoing implementation of the relevant recommendations, to devolve responsibility for policing and justice issues.

ANNEX A

COMMISSION ON POLICING FOR NORTHERN IRELAND

Terms of Reference

Taking account of the principles on policing as set out in the agreement, the Commission will inquire into policing in Northern Ireland and, on the basis of its findings, bring forward proposals for future policing structures and arrangements, including means of encouraging widespread community support for those arrangements.

Its proposals on policing should be designed to ensure that policing arrangements, including composition, recruitment, training, culture, ethos and symbols, are such that in a new approach Northern Ireland has a police service that can enjoy widespread support from, and is seen as an integral part of, the community as a whole.

Its proposals should include recommendations covering any issues such as re-training, job placement and educational and professional development required in the transition to policing in a peaceful society.

Its proposals should also be designed to ensure that:

- the police service is structured, managed and resourced so that it can be effective in discharging its full range of functions (including proposals on any necessary arrangements for the transition to policing in a normal peaceful society);
- the police service is delivered in constructive and inclusive partnerships with the community at all levels with the maximum delegation of authority and responsibility;
- the legislative and constitutional framework requires the impartial discharge of policing functions and conforms with internationally accepted norms in relation to policing standards;
- the police operate within a clear framework of accountability to the law and the community they serve, so:
 - they are constrained by, accountable to and act only within the law;
 - their powers and procedures, like the law they enforce, are clearly established and publicly available;
 - there are open, accessible and independent means of investigating and adjudicating upon complaints against the police;
 - there are clearly established arrangements enabling local people, and their political representatives, to articulate their views and concerns about policing and to establish publicly policing priorities and influence policing policies, subject to safeguards to ensure police impartiality and freedom from partisan political control;

- there are arrangements for accountability and for the effective, efficient and economic use of resources in achieving policing objectives;
- there are means to ensure independent professional scrutiny and inspection of the police service to ensure that proper professional standards are maintained;
- the scope for structured co-operation with the Garda Síochána and other police forces is addressed; and
- the management of public order events which can impose exceptional demands on policing resources is also addressed.

The Commission should focus on policing issues, but if it identifies other aspects of the criminal justice system relevant to its work on policing, including the role of the police in prosecution, then it should draw the attention of the Government to those matters.

The Commission should consult widely, including with non-governmental expert organisations, and through such focus groups as they consider it appropriate to establish.

The Government proposes to establish the Commission as soon as possible, with the aim of it starting work as soon as possible and publishing its final report by Summer 1999.

ANNEX B

REVIEW OF THE CRIMINAL JUSTICE SYSTEM

Terms of Reference

Taking account of the aims of the criminal justice system as set out in the Agreement, the review will address the structure, management and resourcing of publicly funded elements of the criminal justice system and will bring forward proposals for future criminal justice arrangements (other than policing and those aspects of the system relating to emergency legislation, which the Government is considering separately) covering such issues as:

- the arrangements for making appointments to the judiciary and magistracy, and safeguards for protecting their independence;
- the arrangements for the organisation and supervision of the prosecution process, and for safeguarding its independence;
- measures to improve the responsiveness and accountability of, and any lay participation in the criminal justice system;
- mechanisms for addressing law reform;
- the scope for structured co-operation between the criminal justice agencies on both parts of the island; and
- the structure and organisation of criminal justice functions that might be devolved to an Assembly, including the possibility of establishing a Department of Justice, while safeguarding the essential independence of many of the key functions in this area.

The Government proposes to commence the review as soon as possible, consulting with the political parties and others, including non-governmental expert organisations. The review will be completed by Autumn 1999.

PRISONERS

1. Both Governments will put in place mechanisms to provide for an accelerated programme for the release of prisoners, including transferred prisoners, convicted of scheduled offences in Northern Ireland or, in the case of those sentenced outside Northern Ireland, similar offences (referred to hereafter as qualifying prisoners). Any such arrangements will protect the rights of individual prisoners under national and international law.
2. Prisoners affiliated to organisations which have not established or are not maintaining a complete and unequivocal ceasefire will not benefit from the arrangements. The situation in this regard will be kept under review.
3. Both Governments will complete a review process within a fixed time frame and set prospective release dates for all qualifying prisoners. The review process would provide for the advance of the release dates of qualifying prisoners while allowing account to be taken of the seriousness of the offences for which the person was convicted and the need to protect the community. In addition, the intention would be that should the circumstances allow it, any qualifying prisoners who remained in custody two years after the commencement of the scheme would be released at that point.
4. The Governments will seek to enact the appropriate legislation to give effect to these arrangements by the end of June 1998.
5. The Governments continue to recognise the importance of measures to facilitate the reintegration of prisoners into the community by providing support both prior to and after release, including assistance directed towards availing of employment opportunities, re-training and/or re-skilling, and further education.

VALIDATION, IMPLEMENTATION AND REVIEW

VALIDATION AND IMPLEMENTATION

1. The two Governments will as soon as possible sign a new British-Irish Agreement replacing the 1985 Anglo-Irish Agreement, embodying understandings on constitutional issues and affirming their solemn commitment to support and, where appropriate, implement the agreement reached by the participants in the negotiations which shall be annexed to the British-Irish Agreement.
2. Each Government will organise a referendum on 22 May 1998. Subject to Parliamentary approval, a consultative referendum in Northern Ireland, organised under the terms of the Northern Ireland (Entry to Negotiations, etc.) Act 1996, will address the question: "Do you support the agreement reached in the multi-party talks on Northern Ireland and set out in

Command Paper 3883?”. The Irish Government will introduce and support in the Oireachtas a Bill to amend the Constitution as described in paragraph 2 of the section “Constitutional Issues” and in Annex B, as follows: (a) to amend Articles 2 and 3 as described in paragraph 8.1 in Annex B above and (b) to amend Article 29 to permit the Government to ratify the new British-Irish Agreement. On passage by the Oireachtas, the Bill will be put to referendum.

3. If majorities of those voting in each of the referendums support this agreement, the Governments will then introduce and support, in their respective Parliaments, such legislation as may be necessary to give effect to all aspects of this agreement, and will take whatever ancillary steps as may be required including the holding of elections on 25 June, subject to parliamentary approval, to the Assembly, which would meet initially in a “shadow” mode. The establishment of the North-South Ministerial Council, implementation bodies, the British-Irish Council and the British-Irish Intergovernmental Conference and the assumption by the Assembly of its legislative and executive powers will take place at the same time on the entry into force of the British-Irish Agreement.
4. In the interim, aspects of the implementation of the multi-party agreement will be reviewed at meetings of those parties relevant in the particular case (taking into account, once Assembly elections have been held, the results of those elections), under the chairmanship of the British Government or the two Governments, as may be appropriate; and representatives of the two Governments and all relevant parties may meet under independent chairmanship to review implementation of the agreement as a whole.

Review procedures following implementation

5. Each institution may, at any time, review any problems that may arise in its operation and, where no other institution is affected, take remedial action in consultation as necessary with the relevant Government or Governments. It will be for each institution to determine its own procedures for review.
6. If there are difficulties in the operation of a particular institution, which have implications for another institution, they may review their operations separately and jointly and agree on remedial action to be taken under their respective authorities.
7. If difficulties arise which require remedial action across the range of institutions, or otherwise require amendment of the British-Irish Agreement or relevant legislation, the process of review will fall to the two Governments in consultation with the parties in the Assembly. Each Government will be responsible for action in its own jurisdiction.
8. Notwithstanding the above, each institution will publish an annual report on its operations. In addition, the two Governments and the parties in the Assembly will convene a conference 4 years after the agreement comes into effect, to review and report on its operation.

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

The British and Irish Governments:

Welcoming the strong commitment to the Agreement reached on 10th April 1998 by themselves and other participants in the multi-party talks and set out in Annex 1 to this Agreement (hereinafter “the Multi-Party Agreement”);

Considering that the Multi-Party Agreement offers an opportunity for a new beginning in relationships within Northern Ireland, within the island of Ireland and between the peoples of these islands;

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

Reaffirming their total commitment to the principles of democracy and non-violence which have been fundamental to the multi-party talks;

Reaffirming their commitment to the principles of partnership, equality and mutual respect and to the protection of civil, political, social, economic and cultural rights in their respective jurisdictions;

Have agreed as follows:

ARTICLE 1

The two Governments:

- (i) recognise the legitimacy of whatever choice is freely exercised by a majority of the people of Northern Ireland with regard to its status, whether they prefer to continue to support the Union with Great Britain or a sovereign united Ireland;
- (ii) recognise that it is for the people of the island of Ireland alone, by agreement between the two parts respectively and without external impediment, to exercise their right of self-determination on the basis of consent, freely and concurrently given, North and South, to bring about a united Ireland, if that is their wish, accepting that this right must be achieved and exercised with and subject to the agreement and consent of a majority of the people of Northern Ireland;
- (iii) acknowledge that while a substantial section of the people in Northern Ireland share the legitimate wish of a majority of the people of the island of Ireland for a united Ireland, the present wish of a majority of the people of Northern Ireland, freely exercised and legitimate, is to maintain the Union and accordingly, that Northern Ireland’s status as part of the

United Kingdom reflects and relies upon that wish; and that it would be wrong to make any change in the status of Northern Ireland save with the consent of a majority of its people;

- (iv) affirm that, if in the future, the people of the island of Ireland exercise their right of self-determination on the basis set out in sections (i) and (ii) above to bring about a united Ireland, it will be a binding obligation on both Governments to introduce and support in their respective Parliaments legislation to give effect to that wish;
- (v) affirm that whatever choice is freely exercised by a majority of the people of Northern Ireland, the power of the sovereign government with jurisdiction there shall be exercised with rigorous impartiality on behalf of all the people in the diversity of their identities and traditions and shall be founded on the principles of full respect for, and equality of, civil, political, social and cultural rights, of freedom from discrimination for all citizens, and of parity of esteem and of just and equal treatment for the identity, ethos and aspirations of both communities;
- (vi) recognise the birthright of all the people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship is accepted by both Governments and would not be affected by any future change in the status of Northern Ireland.

ARTICLE 2

The two Governments affirm their solemn commitment to support, and where appropriate implement, the provisions of the Multi-Party Agreement. In particular there shall be established in accordance with the provisions of the Multi-Party Agreement immediately on the entry into force of this Agreement, the following institutions:

- (i) a North/South Ministerial Council;
- (ii) the implementation bodies referred to in paragraph 9 (ii) of the section entitled “Strand Two” of the Multi-Party Agreement;
- (iii) a British-Irish Council;
- (iv) a British-Irish Intergovernmental Conference.

ARTICLE 3

- (1) This Agreement shall replace the Agreement between the British and Irish Governments done at Hillsborough on 15th November 1985 which shall cease to have effect on entry into force of this Agreement.
- (2) The Intergovernmental Conference established by Article 2 of the aforementioned Agreement done on 15th November 1985 shall cease to exist on entry into force of this Agreement.

ARTICLE 4

- (1) It shall be a requirement for entry into force of this Agreement that:
 - (a) British legislation shall have been enacted for the purpose of implementing the provisions of Annex A to the section entitled "Constitutional Issues" of the Multi-Party Agreement;
 - (b) the amendments to the Constitution of Ireland set out in Annex B to the section entitled "Constitutional Issues" of the Multi-Party Agreement shall have been approved by Referendum;
 - (c) such legislation shall have been enacted as may be required to establish the institutions referred to in Article 2 of this Agreement.
- (2) Each Government shall notify the other in writing of the completion, so far as it is concerned, of the requirements for entry into force of this Agreement. This Agreement shall enter into force on the date of the receipt of the later of the two notifications.
- (3) Immediately on entry into force of this Agreement, the Irish Government shall ensure that the amendments to the Constitution of Ireland set out in Annex B to the section entitled "Constitutional Issues" of the Multi-Party Agreement take effect.

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

Done in two originals at Belfast on the 10th day of April 1998.

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

For the Government
of Ireland

ANNEX 1

The Agreement Reached
in the Multi-Party Talks

ANNEX 2

Declaration on the Provisions of
Paragraph (vi) of Article 1
In Relationship to Citizenship

The British and Irish Governments declare that it is their joint understanding that the term “the people of Northern Ireland” in paragraph (vi) of Article 1 of this Agreement means, for the purposes of giving effect to this provision, all persons born in Northern Ireland and having, at the time of their birth, at least one parent who is a British citizen, an Irish citizen or is otherwise entitled to reside in Northern Ireland without any restriction on their period of residence.

SoS - N Ireland Visit
Sunday 22 - Monday 23 April

Sunday 22nd April

Monday 23rd April

0805 Arrive at location for border tour

0915 Depart border tour

Car - 1 hour

1015 Arrive Stormont House, BT4 3SH

1020 Meeting with HMRC at Stormont House Conference Room

Organised Crime Northern Ireland,
Fraud Investigation Service, HM Revenue & Customs
Northern Ireland Border Force

NIO

1100 Security Briefing with PSNI

1145 Meeting with Northern Ireland Meat Exporters Association

NIMEA

John Thompson & Sons Ltd

Dairy UK Northern Ireland

NIO

1215 Depart for airport

Car - 30mins

FOI - 18/121

E-mail correspondence

On 18 April 2018 at 11:33,

wrote:

Copying [redacted] who made the arrangements on our side previously,
forward, bearing in mind that this remains tentative at this stage.

[redacted] please could you take this

On 19 April 2018 at 12:16,

wrote:

I will be happy to meet [redacted] and HMRC colleagues and escort them to the Conference room.
I would also like to sit in on the discussion.

Regards

19 April 2018 at 12:43

Cc:

Yes, SPG will sit in on the PSNI meeting.

On 19 April 2018 at 12:46,

wrote:

Hi,

Please see below agenda for the meeting with David Davis on Monday, and DExEU's thanks for moving around your meetings. Can you please confirm the names of who will be attending from the PSNI?

If there are any further issues please just let me know.

Thank

From:

Date: 19 April 2018 at 13:27

Subject: OFFICIAL [PARTNERS]: RE: TRIM. Fwd: David Davis visit to NI 5133-18

To:

Cc:

This e-mail has been marked OFFICIAL [PARTNERS]

Thanks,

as requested.

will be accompanied by

and attach bios

I have copied my colleague in on this email as she will now be the point of contact for any further correspondence.

Best wishes

On 19 April 2018 at 14:14,

wrote:

Thanks really appreciate your help.
I spoke to who had spoken to someone else in your team about meeting content so hope you now have what you need.

Let me know if anything else is outstanding



Department
for Exiting the
European Union

From:
Date: 19 April 2018 at 14:15
Subject: Re: David Davis visit to NI
To:

Yes gave me a ring and I passed the info on to PSNI who are content with the arrangements, so that should be everything.

Let me know if you need anything else from this side.

Thanks

On 19 April 2018 at 14:07,

> wrote:

Hi

will be accompanied by
will also attend in support.

Bios for and are attached.

The NIO will be represented by either Director, Political and Security or
Deputy Director, Security and Protection Group.

Thanks

From:

Date: 20 April 2018 at 11:39

Subject: Re: David Davis visit to NI

T

Thanks

Copying and as the NIO policy leads on agri, to make them aware.

I'm sure one of them will be keen to join the meeting, and will meet and greet these visitors on arrival.

Thanks all.

On 19 Apr 2018, at 22:39,

wrote:

Hi

Thanks for your time earlier and the opportunity to meet the Secretary of State for EU Exit. AS discussed, please find attached profiles in advance of Monday's meeting. You will see details of my colleagues on the attached.

Let me know if you need anything else. I'll be on the mobile tomorrow.

Yours sincerely

On 20 Apr 2018, at 08:28,

wrote:

Many thanks,

We will be in touch with more details and logistics for Monday.

On 20 April 2018 at 10:47,

wrote:

Thanks

Let me know if you need anything else

Will be on email and mobile.

On 20 Apr 2018, at 15:42,

wrote:

Thanks for the quick chat.

To confirm details for the meeting:

Location: Stormont House - see attached map and access directions

Time: 11.45 - 12.15 - please can you arrive at 11.30am

and just a reminder that timings will be tight but we will try our best to keep it ticking over!

Have copied colleagues from NIO
able to help on the day with any logistics.

and our visits team who will be

Thanks



Department
for Exiting the
European Union

From:
Date: 20 April 2018 at 15:51
Subject: Re: Profiles for DEXEU Meeting
To:
Cc:

Thanks

Can you tell me about the officials who will be attending from DEXEU,

I look forward to seeing you on Monday,

Thanks

From:
Date: 19 April 2018 at 14:16
Subject: Visitors Monday 23 April
To:

Cc:

Hi there

To advise a number of visitors on Monday am:

- Approx. 10.15 David Davis & colleagues - on arrival please contact me

• Approx 10.20

from HMRC plus poss colleagues!
- on arrival please contact!

• Approx 10.55 PSNI

- please contact!

Many thanks

to [redacted] me

Dear [redacted]

As discussed on the phone call with Arlene earlier, please find attached an embargoed copy of the UKG NI and Ireland position paper, which is due to be published at 12noon tomorrow.

Best wishes,

Chris



[redacted]
PS to the Secretary of State
1 Horse Guards Road, London

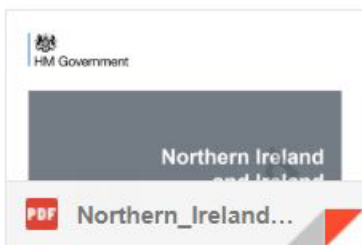
[redacted]
Stormont House, Belfast

Mobile [redacted]

www.gov.uk/nio

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HM Government

Northern Ireland and Ireland

POSITION PAPER

Embargoed

Position Paper by the United Kingdom

Northern Ireland and Ireland

This paper outlines the United Kingdom's (UK) position on how to address the unique circumstances of Northern Ireland and Ireland in light of the UK's withdrawal from, and new partnership with, the European Union (EU).

Introduction

1. The United Kingdom welcomes the establishment of a dialogue on Northern Ireland/Ireland issues between the UK and the EU negotiating teams. The UK believes that this dialogue should be substantial and detailed, and seek to address the unique circumstances of Northern Ireland and Ireland in a comprehensive and flexible way. The UK and the EU had positive exploratory discussions in the July round of negotiations covering the UK's proposals in relation to the Belfast ('Good Friday') Agreement and the Common Travel Area and associated rights.
2. The UK's withdrawal from the EU, and the development of a new, deep and special partnership between the UK and the EU, has important implications for Northern Ireland and Ireland. While continuing to take account of these interests across the board, the UK believes that there are four broad areas where a specific focus on the unique relationship between the UK and Ireland, and the importance of the peace process in Northern Ireland, is required in the initial phases of the dialogue. This paper sets out the UK's proposals for these areas as follows:
 - Section 1: upholding the Belfast ('Good Friday') Agreement in all its parts;
 - Section 2: maintaining the Common Travel Area and associated rights;
 - Section 3: avoiding a hard border for the movement of goods; and
 - Section 4: aiming to preserve North-South and East-West cooperation, including on energy.
3. An early and specific focus on these issues is consistent with the European Council's negotiating guidelines and the European Commission's directives, the Irish Government's priorities paper, and the UK Government's White Paper and Article 50 letter (see Annex 1 for more detail on these documents). It is also in line with the issues "of particular significance" set out by the former First Minister and deputy First Minister of Northern Ireland in their joint letter of 10 August 2016 to the Prime Minister.¹ The European Council's negotiating guidelines are clear that "flexible and imaginative solutions" must be developed on border arrangements as an early priority in the negotiations.²

¹ Letter to the Prime Minister from the First Minister and deputy First Minister, 10 August 2016.

² European Council (Art. 50) guidelines for Brexit negotiations, 29 April 2017.

4. There is significant overlap in the objectives set out by the UK Government, the Irish Government and the EU. In particular, it is clear that our high level objectives are wholly aligned with regards to: avoiding a hard border; maintaining the existing Common Travel Area and associated arrangements; and upholding the Belfast ('Good Friday') Agreement, including the principles of continued North-South and East-West cooperation. The UK therefore welcomes the opportunity to discuss how best to deliver these shared objectives.
5. The UK believes that swift progress should be made in agreeing the way forward on the Common Travel Area and associated rights and some of the specific issues arising from the Belfast ('Good Friday') Agreement by October. The UK also believes it is possible in this phase to establish working principles for the movement of goods, energy and wider cross-border cooperation that will underpin the development of technical solutions as part of the negotiations on the future relationship between the UK and the EU. Given the complete alignment between the UK, Ireland and the EU on high level objectives for these crucial issues, and our strong support for the peace process in Northern Ireland, these solutions should be agreed at the earliest opportunity. To facilitate progress, the UK proposes to discuss in forthcoming negotiating rounds the high level principles and criteria that could be agreed and used to test potential future models for border arrangements.

Section 1: The Belfast ('Good Friday') Agreement

Upholding the Agreement

6. The Belfast ('Good Friday') Agreement – signed by the UK Government, Irish Government, and eight of the Northern Ireland political parties on 10 April 1998; endorsed by a treaty between the UK Government and the Irish Government signed on the same date³; and endorsed in parallel referendums in Northern Ireland and Ireland – represents the bedrock of the peace process. It paved the way for inclusive power-sharing devolved government in Northern Ireland and set up structures to foster strong relationships between the Northern Ireland Executive, UK Government, and Irish Government. It confirmed Northern Ireland's position as part of the United Kingdom, in accordance with the principle of consent: that Northern Ireland's constitutional status is a matter for the people of Northern Ireland alone to determine. It also confirmed the permanent birthright of all the people of Northern Ireland to hold both UK and Irish citizenship.
7. Political stability in Northern Ireland is dependent on the continued operation of the Agreement's institutions and constitutional framework, effective management of the security environment, and economic prosperity. Maintaining these three policy pillars has been a core part of UK Government policy, and is reflected in the structures and commitments in the Belfast ('Good Friday') Agreement, which takes a three-stranded approach:
 - Strand 1 sets out the internal governance of Northern Ireland, including the arrangements for power-sharing within the Executive and the structure of the Northern Ireland devolved institutions;
 - Strand 2 details relations between Northern Ireland and Ireland ("North-South cooperation"), including arrangements for cross-border and all-island cooperation; and
 - Strand 3 focuses on relations between the UK and Ireland ("East-West cooperation"), reflecting the close ties between our two nations and our role as signatories to the Belfast ('Good Friday') Agreement.
8. The EU's unwavering support for the peace process has been valuable in furthering political progress and reconciliation. In particular, the EU has provided support through EU regional policy, including financial contributions to the International Fund for Ireland and, most recently, the PEACE programmes. As the Report of the European Commission's Task Force 2007-2014 of October 2014 states: "Northern Ireland can count on the European Commission in its efforts to ensure lasting peace and prosperity".⁴ The Opinion of the European Economic and Social Committee of 23 October 2008 (SC/029) sets out that: "The EU peace-building method in Northern Ireland has been a unique, long-term commitment of substantial resources, strategically planned and executed, based on the principles of social partnership and subsidiarity and guided every step of the way by inclusive local consultation. The EU should retain its long-term support for peace-building in Northern Ireland".⁵

³ Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10th April 1998.

⁴ 'Northern Ireland in Europe: Report of the European Commission's Task Force 2007-2014', October 2014.

⁵ Opinion of the European Economic and Social Committee on The role of the EU in the Northern Ireland peace process (Own-initiative opinion), 23 October 2008.

9. Although the Belfast ('Good Friday') Agreement is not predicated on EU membership, the UK is clear that it must be considered and safeguarded throughout the exit process, as a whole and in all its parts. There are some important themes flowing from the Agreement that the UK and the EU need to be particularly mindful of in the context of UK exit, including: the constitutional context and framework for North-South and East-West cooperation; the border; citizenship rights; and the Northern Ireland economy in recognition of the importance of economic prosperity to sustaining the peace process.

Proposal for the dialogue

10. The UK believes that the UK Government, the Irish Government and the EU share a strong desire to continue to safeguard the Belfast ('Good Friday') Agreement, and to ensure that nothing agreed as part of the UK's exit in any way undermines the Agreement. The Prime Minister made clear in her Article 50 letter that the UK has "an important responsibility to make sure that nothing is done to jeopardise the peace process in Northern Ireland, and to continue to uphold the Belfast Agreement".⁶ The European Council's negotiating guidelines state that "the Union has consistently supported the goal of peace and reconciliation enshrined in the Good Friday Agreement in all its parts, and continuing to support and protect the achievements, benefits and commitments of the Peace Process will remain of paramount importance".⁷ The Irish Government has also stated that "we must ensure that there is no disruption to the integrity of the peace settlement achieved through the Good Friday Agreement".⁸
11. The UK believes that the UK and the EU should be mindful of the full breadth of commitments made in the Belfast ('Good Friday') Agreement. Ensuring that nothing is done to undermine it will require detailed and close engagement between the UK and the EU throughout the negotiations. At this stage, the UK proposes that both the UK and the EU should:
- affirm the ongoing support of the UK Government and Irish Government, and the European Union, for the peace process;
 - formally recognise that the citizenship rights set out in the Belfast ('Good Friday') Agreement will continue to be upheld; and
 - agree to the continuation of PEACE funding to Northern Ireland and border counties of Ireland.

More detail on these proposals is set out in the following sections.

⁶ Prime Minister's letter to Donald Tusk triggering Article 50, 29 March 2017.

⁷ European Council (Art. 50) guidelines for Brexit negotiations, 29 April 2017.

⁸ 'Ireland and the negotiations on the UK's withdrawal from the European Union: The Government's Approach', May 2017.

Protecting the Belfast ('Good Friday') Agreement – identity and citizenship rights

12. Issues of identity go to the heart of the divisions in Northern Ireland, so finding a way to address them was a crucial part of the Belfast ('Good Friday') Agreement. The Agreement confirmed the permanent birthright of the people of Northern Ireland, irrespective of Northern Ireland's constitutional status: to identify themselves and be accepted as British or Irish or both, as they may so choose; to equal treatment irrespective of their choice; and to hold both British and Irish citizenship.
13. The British-Irish Agreement, signed by the UK Government and Irish Government, arose out of the Belfast ('Good Friday') Agreement, which was reached on the same day between the Northern Ireland parties, the UK Government and the Irish Government. The British-Irish Agreement is binding on the UK Government and Irish Government, and gives the commitments on equality, parity of esteem and citizenship legal force in international law.

Proposal for the dialogue

14. **The UK proposes that the Withdrawal Agreement confirms that the current substantive position is not changed as a result of the UK's withdrawal from the EU and that both parties recognise that it will remain unchanged.** As long as Ireland remains a member of the EU, Irish citizenship also confers EU citizenship, with all the rights that go with this. This is as true for the people of Northern Ireland who are Irish citizens – or who hold both British and Irish citizenship – as it is for Irish citizens in Ireland. The UK welcomes the commitment in the European Commission's directives that these EU rights should continue to be respected following the UK's departure from the EU: "Full account should be taken of the fact that Irish citizens residing in Northern Ireland will continue to enjoy rights as EU citizens".⁹

Continuing PEACE funding

15. Since the first programme in 1995, there have been four PEACE programmes that have funded victims' groups and cross community projects in Northern Ireland and the border counties of Ireland. Funding is provided by the European Commission (through the European Regional Development Fund) and by the Northern Ireland Executive and the Irish Government. The programme is implemented by the Special EU Programmes Body (SEUPB) and its content is agreed by both the Northern Ireland Executive and the Irish Government through the North South Ministerial Council (NSMC). Both the SEUPB (one of the six North South Implementation Bodies) and the NSMC were established by treaties between the UK Government and the Irish Government in the context of Strand 2 of the Belfast ('Good Friday') Agreement relating to North-South cooperation.¹⁰

⁹ European Commission's Negotiating Directives May 2017.

¹⁰ 'Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing Implementation Bodies, done at Dublin on 8th March 1999' and 'Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a North/South Ministerial Council, done at Dublin on 8th March 1999'.

16. Between 1995 and 2013, the PEACE programmes allocated almost €2 billion of funding to projects supporting peace and reconciliation, and the current programme (running from 2014 to 2020) has a total value of €270 million. PEACE funding has played a significant role in advancing cohesion between communities and promoting economic and social stability. The Irish Government has commented on the importance of PEACE funding in “sustaining cross-border cooperation beyond the immediate term”.¹¹

Proposal for the dialogue

17. The UK proposes that, without prejudice to the wider discussions¹² on the financial settlement and Structural and Investment Funds, the UK and the EU should agree the continuation of funding for PEACE IV for the duration of the existing programme and, with the Northern Ireland Executive and Irish Government, explore a potential future programme post-2020. In doing so, the UK wants to work with the EU on how together we can maintain the implementation of the PEACE IV programme, including the role of the SEUPB as managing authority¹³, and that of the NSMC in agreeing the policy direction of future programmes. Notwithstanding the outcome of the negotiations on this specific issue, the UK government would remain committed to peace and reconciliation programmes and to sustaining cross-border cooperation. The UK’s approach to PEACE funding applies to the exceptional circumstances of this programme, recognising its link to the Belfast (‘Good Friday’) Agreement, and should not be taken to imply any wider policy positions on the financial settlement as a whole.

¹¹ ‘Ireland and the negotiations on the UK’s withdrawal from the European Union: The Government’s Approach’, May 2017.

¹² Including on regulatory, budgetary, supervisory, judiciary and enforcement instruments and structures.

¹³ Article 21 of the ETC Regulation states that “the managing authority and the audit authority shall be located in the same Member State.” As the SEUPB is based in Belfast, this regulation would need to be amended to allow it to act as the managing authority post-Exit.

Section 2: Maintaining the Common Travel Area and associated rights

The Common Travel Area and associated rights

18. The Common Travel Area (CTA) is a special border-free zone comprising the UK, Ireland, the Channel Islands and the Isle of Man. The CTA arose to facilitate the principle of free movement for British and Irish citizens between the UK, Ireland and the Islands, and the reciprocal enjoyment of rights and entitlements to public services of citizens when in the other's state. The CTA's internal borders are subject to some immigration restrictions but not, or only to a minimal extent, border controls. The CTA arrangement established cooperation between the immigration authorities of its members to provide a pragmatic response to the movement of people within it, including other nationalities who remain subject to immigration control.
19. The CTA was formed before either the UK or Ireland were members of the EU and means that reciprocal rights for Irish and UK citizens operate separately and alongside those rights afforded to EU nationals. It is a partly administrative arrangement and has been in place for most of the period since the Irish Free State was established in 1922. The CTA is reflected in each state's application of national immigration policy. In its current form the CTA was put on a statutory footing in the UK by the Immigration Act 1971. Under Ireland's immigration law, British citizens are outside the definition of 'non-national' and are therefore exempt from immigration law.
20. Although it precedes the Belfast ('Good Friday') Agreement, the principle of free movement between the UK and Ireland carries symbolic significance in implementing the Agreement's commitment to the continued respect of the civil, political, social and cultural rights of the communities in Northern Ireland. It is a tangible example of East-West cooperation between the UK and Ireland, which is explained in more detail in Section 4, including its significance in the context of the Agreement.
21. Cooperation between the UK and Ireland in support of the CTA is provided for by bilateral agreements and arrangements. In 2011, a Joint Ministerial Statement was signed, setting out a joint programme of work in support of securing the external CTA border.¹⁴ This built on the prior practice of exchanging letters between CTA members. The operation of the CTA is dependent on cooperation between its members, with full regard for the interests and legal obligations of each nation. This continuing joint programme of work with all CTA members to strengthen the external border includes investment in border procedures, increased data sharing to inform immigration and border security decisions and alignment on non-EU nationals visa policy and processes. Data on the volume of traffic moving within the CTA will be published alongside this policy paper.

¹⁴ 'Joint Statement by Mr Damian Green, Minister of State for Immigration, The United Kingdom's Home Department, and Mr Alan Shatter, Minister for Justice and Equality, Ireland's Department of Justice and Equality, regarding cooperation on measures to secure the external Common Travel Area', December 2011.

22. In relation to the rights associated with the CTA, the rights of Irish citizens in the UK were first codified in 1949, when Ireland left the Commonwealth. The Ireland Act 1949 states that Ireland “is not a foreign country for the purposes of any law in force in any part of the United Kingdom”. The Irish Government also legislated in 1949 to ensure that British citizens in Ireland enjoy similar rights and privileges to those enjoyed by Irish citizens in the UK.¹⁵ From the 1920s onwards, there were a number of bilateral agreements between the UK and Ireland in relation to social security and healthcare provision; for example, the Social Welfare (Great Britain Reciprocal Arrangements) Order 1960 provided for reciprocity in equal treatment of citizens from either state across the branches of social security covering sickness, maternity, unemployment, what was termed “widowhood” and guardian’s allowance”.¹⁶
23. As a result of these historic arrangements, the reciprocal rights for UK and Irish nationals include:
- the right to enter and reside in each others’ state without being subject to a requirement to obtain permission;
 - the right to work without being subject to a requirement to obtain permission;
 - the right to study;
 - access to social welfare entitlements and benefits;
 - access to health services; and
 - the right to vote in local and parliamentary elections.¹⁷
24. In practice, the operation of the CTA and many of the benefits enjoyed by Irish and UK nationals have also been provided for in instruments setting out EU free movement and associated rights. This intermingling of rights can make it difficult to distinguish what rights accrue under the CTA as opposed to under EU instruments.
25. However, the UK and Ireland have continued to make provisions in support of reciprocal rights beyond EU law.¹⁸ Since the 1970s, the UK, the Channel Islands and the Isle of Man have also continued to make arrangements bilaterally in support of protecting these rights. In addition, the existing CTA arrangements and associated rights – and their independence from EEA Treaty rights – mean that UK and Irish nationals have different rights to other EEA nationals in the UK or Ireland, and there are different administrative requirements in relation to accessing some public services.

¹⁵ Citizens of the United Kingdom and Colonies (Irish Citizenship Rights) Order 1949.

¹⁶ S.I. No. 96/1960 – Social Welfare (Great Britain Reciprocal Arrangements) Order, 1960.

¹⁷ In the UK, the Representation of People Act 1983 provides for the franchise of Parliamentary elections and local government elections which includes Irish citizens. Section 8 of Electoral Act 1992 provides that UK citizens resident in Ireland are entitled to register to vote in Dáil elections. Section 10 of the Act provides that any person resident in a local electoral area may register to vote in local elections. The right to vote at elections is linked directly to registration. UK nationals resident in Ireland cannot vote in Presidential elections or in constitutional referendums (as there is no equivalent election for head of state in the UK).

¹⁸ For example, the Social Security (Ireland) Order 2007 implements a reciprocal agreement with Ireland covering social security for countries where EU Regulation 883/2004 does not apply.

26. The CTA has proven to be resilient over the years, withstanding legal challenges and new policy and political developments. It has been staunchly protected by all its members, and both the UK Government and Irish Government are firmly committed to protecting and maintaining the CTA and associated rights. As the Prime Minister made clear in her Article 50 letter, preserving these arrangements and the unique relationship between the UK and Ireland is a priority for the negotiations ahead. The Irish Government has stated its intention to “secure acknowledgment from EU partners and institutions that the long-standing bilateral CTA arrangements with the UK will be maintained (in conformity with EU law)”.¹⁹
27. For its part, the UK wants to continue to protect the CTA and associated reciprocal bilateral arrangements. This means protecting the ability to move freely within the UK and between the UK and Ireland with no practical change from now, recognising the special importance of this to people in their daily lives, and the underpinning it provides for the Northern Ireland political process. As the Irish Government has stated: “the CTA ... has a vital role for the peace process in facilitating mobility of people across the island”.²⁰ The UK recognises, and is committed to protecting on a reciprocal basis, the ability for British and Irish nationals to work without hindrance across the border between Northern Ireland and Ireland.
28. While the CTA arrangements rely on close administrative cooperation, they have never required the UK and Ireland to have entirely harmonised immigration arrangements. One area where extensive cooperation is evident – but which does not necessitate harmonised systems – concerns the list of states whose nationals require a visa to enter. Currently, 103 states are subject to visa requirements in both the UK and Ireland; there are six states subject to visa requirements in the UK only; and a separate seven states are subject to visa requirements in Ireland only.
29. The legal basis for the CTA is provided through longstanding UK and Irish domestic provisions, as set out above, and has also long been recognised in European Union law (see Annex 2 for a timeline of the evolution of the CTA). Recognition of the CTA is provided for in Protocol 20 to the Treaty on European Union and the Treaty on the Functioning of the EU, which was originally introduced by the Treaty of Amsterdam. This confirmed that the UK and Ireland may “continue to make arrangements between themselves relating to the movement of persons between their territories (the Common Travel Area)”.²¹

¹⁹ ‘Ireland and the negotiations on the UK’s withdrawal from the European Union: The Government’s Approach’, May 2017.

²⁰ ‘Ireland and the negotiations on the UK’s withdrawal from the European Union: The Government’s Approach’, May 2017.

²¹ Protocol (No 20) on the application of certain aspects of Article 26 of the Treaty on the Functioning of the European Union to the United Kingdom and to Ireland.

30. The UK welcomes the commitment by both the European Council and Commission to recognise these bilateral arrangements, and in particular notes that the European Commission's directives expressly confirm the conformity of these arrangements with EU law: "Existing bilateral agreements and arrangements between Ireland and the United Kingdom, such as the Common Travel Area, which are in conformity with EU law, should be recognised".²² It is important to note that there are a number of examples of EU law recognising longstanding historical arrangements for Member States.²³

Embargoed

²² European Commission's Negotiating Directives May 2017.

²³ For example, Article 350 TFEU expressly acknowledges that "The provisions of the Treaties shall not preclude the existence or completion of regional unions between Belgium and Luxembourg, or between Belgium, Luxembourg and the Netherlands, to the extent that the objectives of these regional unions are not attained by application of the Treaties".

Proposal for the dialogue

31. **The UK proposes that the UK and the EU seek to agree text for the Withdrawal Agreement that recognises the ongoing status of the CTA and associated reciprocal arrangements following the UK's exit from the EU. The UK believes that this proposal is consistent with the European Commission's directives.** Given the alignment between the UK Government, Irish Government, and European Union, our view is that an agreement on protecting and upholding the CTA and associated bilateral arrangements should be concluded at an early stage.
32. The development of our future immigration system will not impact on the ability to enter the UK from within the CTA free from routine border controls. It will support the preservation of the rights of British and Irish citizens as enjoyed today. Neither the UK nor Ireland is part of the Schengen border-free area, which enables both countries to maintain border checks. In the July round of negotiations, the Commission sought further assurances from the UK that the continued operation of the CTA would not result in any negative implications for other EEA nationals exercising their free movement rights in Ireland. The UK can provide a clear assurance that the CTA can continue to operate in the current form and can do so without compromising in any way Ireland's ability to honour its obligations as an EU Member State, including in relation to free movement for EEA nationals in Ireland. If the EU wishes, the UK would be content for such an assurance to be reflected in the Withdrawal Agreement.
33. Wider questions about the UK's future operation of its whole border and immigration controls for EEA nationals (other than Irish nationals) can only be addressed as part of the future relationship between the UK and the EU, and further highlights the need to move to this next phase of negotiations as quickly as possible. When considering the nature of the CTA as a border-free zone, it is important to note that immigration controls are not, and never have been, solely about the ability to prevent and control entry at the UK's physical border. Along with many other Member States, controlling access to the labour market and social security have long formed an integral part of the UK's immigration system. The nature of this range of control mechanisms means that the UK is confident that it will be able to: maintain existing movement to the UK from within the CTA without requiring border controls, as now; respect Ireland's ongoing EU free movement obligations; and put in place a new UK immigration system and controls for EEA citizens. The UK will be setting out further detail on our wider plans for the future immigration system in the autumn. Given the UK's willingness to provide a clear assurance now that Ireland's immigration and border arrangements will be unaffected by the preservation of the CTA – and our proposal that this guarantee could be set out in the Withdrawal Agreement – the UK believes that it can conclude an agreement on the CTA swiftly in this first phase of negotiations. This issue, and the longstanding rights associated with the CTA, is clearly separate from the ongoing negotiations on EEA national rights in the UK.

Section 3: Avoiding a hard border for the movement of goods

The goods border

34. Delivering our shared objective for a land border that is as seamless and frictionless as possible cannot be achieved solely through preserving the Common Travel Area and maintaining the free flow of people between Northern Ireland and Ireland. It is also important to ensure that there is no return to a hard border as a result of any new controls placed on the movement of goods between the UK and the EU. This will require detailed engagement on customs, agriculture, and other relevant economic matters as negotiations progress. As a first step, the UK proposes agreeing principles and criteria against which to test potential models for the land border.
35. The UK recognises that avoiding a hard border for the movement of goods is only one strand of the future economic relationship relevant to Northern Ireland and Ireland. Services, for example, are of significant importance to the economies of Northern Ireland and Ireland and form part of the wider cross-border economic relationship that is also addressed in Section 4. While these elements of the future economic relationship are not unique to Northern Ireland and Ireland in the same way as the issues relating to the movement of goods, they do highlight the importance of the bold and ambitious Free Trade Agreement that the UK has called for, and the need to press ahead with talks on our deep and special future partnership.
36. The invisible and open border between Northern Ireland and Ireland is, as the Irish Government has said, arguably “the most tangible symbol of the peace process”.²⁴ Customs controls were first introduced at the land border in 1923, shortly after the establishment of the Irish Free State. These controls, and the associated system of ‘approved roads’, were maintained to varying degrees until the the European Single Market was formally established in December 1992. In 1972 there was a chain of 17 HM Customs and Excise boundary posts at the major road crossing points along the Northern Ireland land border, with the other (over 200) crossings not approved for vehicular traffic. During the ‘Troubles’, customs posts were frequently the subject of bombing attacks. Border crossings and checkpoints were manned by a very substantial military and security presence, including a series of ‘watchtowers’ in border areas, and a number of border roads were blocked by the security forces adding to the disruption created by the approved road network. The Belfast (‘Good Friday’) Agreement included a specific commitment to “the removal of security installations”.²⁵ All military security installations and other infrastructure were removed following the Agreement and the border today is invisible and seamless across its 310 mile/500 km length. As the Irish Government has said, “the disappearance of physical border crossings and checkpoints is both a symbol of, and a dividend from, the success of the peace process”.²⁶

²⁴ ‘Ireland and the negotiations on the UK’s withdrawal from the European Union: The Government’s Approach’, May 2017.

²⁵ The Belfast (‘Good Friday’) Agreement 10 April 1998.

²⁶ ‘Ireland and the negotiations on the UK’s withdrawal from the European Union: The Government’s Approach’, May 2017.

37. There has long been recognition of the link between political stability in Northern Ireland and economic prosperity. Northern Ireland's economy suffered considerably as a result of the Troubles, and deprivation within communities reduced support for the democratic process. The Belfast ('Good Friday') Agreement therefore recognised the importance of laying the foundations for "sustained economic growth and stability in Northern Ireland" in order to break the cycle of declining economic conditions and reduced support for the political process.²⁷
38. Internal trade between Northern Ireland and Great Britain is of critical importance to Northern Ireland's economy. In 2015, external sales of goods from Northern Ireland to Great Britain stood at £10.7 billion (22 per cent of all NI's sales in goods by value).²⁸ Trade between Northern Ireland and Ireland is also very important. Over the same period, Ireland was Northern Ireland's biggest external trading partner, exporting £2.7 billion of goods to Ireland (6 per cent of all NI's sales in goods by value and 36 per cent of NI's total goods exports).²⁹ Similarly, Ireland-Great Britain trade is significant. In 2016, Great Britain exported goods worth £13.6bn to Ireland and imported £9.1bn.³⁰ When considering cross-border trade, it is particularly important to note the integrated nature of the agri-food sector. Food, beverages and tobacco account for 49 per cent of cross-border manufacturing trade,³¹ with, for example, more than 10,000 pigs exported from Ireland to Northern Ireland every week³² and a quarter of all milk produced on Northern Ireland's farms exported for processing in Ireland.³³
39. Citizens rely on being able to cross the border freely with goods for their own personal use. Current rules mean they do not have to make declarations or pay duties on these goods at the border. The UK will seek to ensure that individuals travelling to the UK from the EU, and vice versa, can continue to travel with goods for personal use as freely and as smoothly as they do now.
40. The deeply integrated nature of trade, both domestically between Northern Ireland and Great Britain, and across the land border between Northern Ireland and Ireland, highlights why the UK is prioritising finding a solution that protects businesses' ability to access these important markets. The UK will publish statistics on trade between Northern Ireland, Great Britain and Ireland alongside this policy paper.

²⁷ The Belfast ('Good Friday') Agreement 10 April 1998.

²⁸ Northern Ireland Broad Economy Sales and Exports Statistics (BESES), 2017.

²⁹ Northern Ireland Broad Economy Sales and Exports Statistics (BESES), 2017. Further information on trade flows to and from Northern Ireland can be found in the additional data paper on Northern Ireland trade.

³⁰ HM Revenue and Customs, Regional Trade Statistics (2016).

³¹ 'Sectoral Cross Border Trade', InterTradeIreland, 2015.

³² 'Brexit Briefing Document', Bord Bia, June 2016.

³³ 'Annual Report and Accounts', National Milk Agency 2015, 2015.

Proposal for the dialogue

41. The UK welcomes the clear commitment from the European Council and Commission to work on “flexible and imaginative” solutions to avoid a hard border. It is important to note that following our exit from the European Union the UK Government will have flexibility to determine its own border arrangements for the purposes of goods movements, while remaining consistent with its international obligations. The UK Government’s clear priority in devising new border arrangements is to respect the strong desire from all parties and all parts of the community in Northern Ireland and Ireland to avoid any return to a hard border, and to maintain as seamless and frictionless a border as possible.
42. However, the Government recognises that unilateral flexibility is insufficient to deliver UK objectives on the border. The UK must reach an agreement with the EU in order to ensure that the Irish side of the land border, which is subject to relevant EU regulations, is also as seamless and frictionless as possible. The nature of the border clearly means that we must aim for an agreed, reciprocal solution. As Michel Barnier, the EU’s chief negotiator, has said – the solution for the border between Northern Ireland and Ireland cannot “be based on a precedent”. While agreeing that the solution for Northern Ireland cannot be based on any previous precedent, the UK also notes that there are a number of examples of where the EU has set aside the normal regulations and codes set out in EU law in order to recognise the circumstances of certain border areas.³⁴ Devising a way forward on the Irish side of the land border will also require a flexible and imaginative approach that goes beyond current EU frameworks to achieve this.
43. Delivering our shared objective will require detailed joint work and can only properly be finalised in the context of the new, deep and special partnership that the UK wishes to build with the EU. However, as the European Council’s negotiating guidelines and the letter from the President of the European Council to the Prime Minister acknowledge, it is clearly important to make progress now on how best to address our shared objectives on the border. To this end, the UK sets out in this paper a number of high-level principles and criteria that the UK proposes the UK and the EU should discuss in forthcoming rounds. Establishing clear principles now will help shape potential technical solutions and, as the Irish Government has said, recognises that this issue requires “a political and not just a technical solution, as well as recognition that the land border on the island represents a unique and unprecedented set of circumstances”.³⁵ The UK believes that agreeing principles and criteria first is the right approach to these discussions. The UK and the EU can then test proposals for specific models against these core principles in the context of the deep and special partnership.

³⁴ For example, in the context of Cyprus, European Council regulation 866/2004 came into force in May 2004 to facilitate trade with areas which are temporarily outside the customs and fiscal territory of the Union. There are other recent examples of derogations from the UCC in relation to, for example, the Croatia-Bosnia border, as well as derogations from the Schengen Border Code in an immigration context in recognition of the unique circumstances of certain border areas. The Irish Seanad Special Select Committee on the Withdrawal of the United Kingdom from the European Union noted historical examples of unique circumstances recognised by the EU. There are also smaller micro-states with a variety of different, and often unique, customs arrangements with the European Union which reflect their historical, geographic and social context.

³⁵ ‘Ireland and the negotiations on the UK’s withdrawal from the European Union: The Government’s Approach’, May 2017.

44. **The UK proposes that our dialogue should, at the earliest opportunity, focus in particular on the issues most critical to delivering as frictionless and seamless a border as possible: customs arrangements; and checks and processes on particular goods, such as Sanitary and Phytosanitary measures for agri-food.** The dialogue should also consider and agree the scope of other potential barriers that need to be addressed to meet our shared objectives for the border.³⁶ The UK recognises that different potential barriers in relation to the border may necessitate different solutions and that the UK and the EU should consider this in a flexible way rather than one that assumes a uniform approach.
45. The UK therefore proposes that potential models for the land border are developed on the basis of the following nine key principles and criteria.
- Recognise the crucial importance of avoiding a return to a hard border for the peace process in Northern Ireland. This must mean aiming to avoid any physical border infrastructure in either the United Kingdom or Ireland, for any purpose (including customs or agri-food checks).
 - Respect the provisions of the Belfast ('Good Friday') Agreement in all its parts, with particular reference to: the three-stranded constitutional framework set out in the Agreement; the need to respect and treat equally the identity, ethos and aspirations of both communities; and the importance of promoting sustained economic growth in Northern Ireland.
 - Recognise the unique nature of the land border, in particular: its history and geography; the cross-border movements of smaller traders, farmers and individuals; the need to protect everyday movement of goods; and the integrated nature of the agri-food industry.
 - Prevent the creation of new barriers to doing business within the UK, including between Northern Ireland and Great Britain.
 - Address other regulatory and customs-related barriers necessary to deliver as frictionless a land border as possible including waivers from security and safety declarations, and ensuring there is no requirement for product standards checks or intellectual property rights checks at the border.
 - Address the transit of goods to and from Ireland to the rest of the European Union via the United Kingdom – in line with the European Commission's directives – through UK membership of the Common Transit Convention.
 - Consider how best to protect the integrity of both the EU Customs Union, Single Market and trade policy, and the new independent UK customs regime, internal market and trade policy, in the context of finding flexible and imaginative solutions, while recognising that the solution will need to go beyond any previous precedents.

³⁶ The UK has identified a wide range of border-related issues to discuss with the EU, including: product standards; checks on intellectual property rights; and mutual recognition of driving licenses, vehicle registration and insurance cover.

- Take account of the importance of trade between Ireland and the UK and aim to avoid economic harm to Ireland as an EU Member State.
- Agree at an early stage a time-limited interim period, linked to the speed at which the implementation of new arrangements could take place, that allows for a smooth and orderly transition.

Specific options in relation to the customs border

46. The principles set out above are designed to cover any potential border frictions between Northern Ireland and Ireland, not just new customs processes. The UK recognises, however, that the specific issues relating to customs and checks on particular goods such as Sanitary and Phytosanitary (SPS) measures will need to be prioritised and considered in depth at an early stage of our negotiations on the border. On 15 August, the UK Government set out two broad approaches to a future customs relationship with the EU in *Future customs arrangements: a future partnership paper*.

- A highly streamlined customs arrangement between the UK and the EU, streamlining and simplifying requirements, leaving as few additional requirements on UK-EU trade as possible. This would aim to: continue some of the existing agreements between the UK and the EU, put in place new negotiated facilitations to reduce and remove barriers to trade, and implement technology-based solutions to make it easier to comply with customs procedures.
- A new customs partnership with the EU, aligning our approach to the customs border in a way that removes the need for a UK-EU customs border. One potential approach would involve the UK mirroring the EU's requirements for imports from the rest of the world where their final destination is the EU. This is of course unprecedented as an approach and could be challenging to implement so we will look to explore the principles of this with business and the EU.

47. Some of the specific facilitations set out in *Future customs arrangements: a future partnership paper*, and reflected in the principles above, would be essential to enable a Northern Ireland border under the model of a highly streamlined customs arrangement that is as seamless as possible. In particular, the following measures would be particularly important in relation to Northern Ireland and Ireland.

- Negotiating a continued waiver from the requirement to submit entry and exit summary declarations for goods being moved between the UK and the EU, removing a time-sensitive administrative requirement. Pre-notification of travel by businesses on either side of the land border, through entry and exit summary declarations, would clearly not be consistent with the objectives shared by the UK and the EU.
- Membership of the Common Transit Convention (CTC) simplifies border crossing for goods in transit, meaning that goods do not need to complete import and export declarations each time they cross a new border. This would be particularly important in relation to the use of Great Britain as a land bridge to the EU by businesses in Ireland. It is also important to note that businesses in Northern Ireland frequently transit through Ireland when exporting to, and importing from, Great Britain.

48. Under this arrangement, the UK believes it would still need to go further to agree specific facilitations that recognise the unique circumstances of the Northern Ireland-Ireland border. As the principles above outline, these facilitations will need to go beyond existing precedents and should be developed in a flexible and imaginative way. One potential approach that the UK intends to explore further with the EU is a cross-border trade exemption that would recognise the unique economic, social and cultural context of the land border and the fact that many of the movements of goods across it by smaller traders cannot be properly categorised and treated as economically significant international trade. Such an exemption would ensure that smaller traders could continue to operate as they do now, with no new requirements in relation to customs processes. It is important to note that in 2015, over 80 per cent of North to South trade was carried out by micro, small and medium sized businesses.³⁷ They are, in effect, examples of local trade in local markets.
49. For those businesses not eligible for this exemption, the UK would explore with the EU how to ensure that administrative processes could be significantly streamlined. In our paper on future customs arrangements, the UK sets out the UK-EU wide option of negotiating mutual recognition of Authorised Economic Operators (AEOs), enabling faster clearance of AEO goods at the border. In relation to Northern Ireland and Ireland, the UK would want to explore even further streamlined processes for businesses, including for 'trusted traders' on either side of the border who did not qualify for the cross-border trade exemption. This could, for example, allow for simplified customs procedures, such as reduced declaration requirements and periodic payment of duty. The UK would test any new approach against our proposed principles above, including the essential aim of no physical infrastructure at the border.
50. The option of a new customs partnership arrangement with the EU, outlined in our customs paper, would remove the need for the UK and the EU to introduce customs processes between them, so that goods moving between the UK and the EU would be treated as they are now for customs purposes. This would enable the border between Northern Ireland and Ireland to continue to be seamless in relation to customs, and operate largely in the same way it does today. There would need to be a robust enforcement mechanism that ensured goods which had not complied with the EU's trade policy stayed in the UK. This could involve, for instance, a tracking mechanism, where imports to the UK were tracked until they reached an end user, or a repayment mechanism, where imports to the UK paid whichever was the higher of the UK's or the EU's tariff rates and traders claimed a refund for the difference between the two rates when the goods were sold to an end user in the country charging lower tariffs. As with other businesses in the UK, traders in Northern Ireland would need to be able to track goods or pass the ability to claim a repayment along their supply chain in order to benefit from tariff differences between the UK and the EU for rest of the world goods. It is important to note that this partnership would need to cover all goods, not just certain sectors or types of goods, in order to deliver a seamless border in Northern Ireland from a customs perspective.³⁸

³⁷ Northern Ireland Broad Economy Sales and Exports Statistics (BESES), 2017. We have defined micro, small and medium sized businesses as those with less than 250 employees.

³⁸ Although this proposed partnership model is a different arrangement to the customs relationship that Turkey has with the EU, this example does show the importance from a Northern Ireland/Ireland perspective of ensuring that all goods are covered in our future arrangements. Turkey's Customs Union with the EU only covers certain goods, with agricultural goods, for example, excluded. All goods moving between the EU and Turkey require declarations and need to pass through Border Inspection Posts at the Turkey-EU border.

51. We acknowledge this is an innovative and untested approach that would take time to develop and implement. The Government is keen to explore this approach with businesses and other stakeholders to understand the practical complexities involved in making it work and assess which other approaches could have a similar effect, how they would work in practice and whether they could achieve the Government's objectives.
52. Some commentators have proposed that the UK should impose a customs border between Northern Ireland and Great Britain following our exit from the EU. The UK has been clear that avoiding a return to a hard border between Northern Ireland and Ireland is one of our top priorities. But the answer as to how to achieve this cannot be to impose a customs border between Northern Ireland and Great Britain, and we believe our position on this is widely shared.
53. Throughout this paper, the UK has stressed the importance of respecting the Belfast ('Good Friday') Agreement in all its parts. This includes: the commitments to promote sustained economic growth in Northern Ireland; the consent principle that Northern Ireland's constitutional future is for the people of Northern Ireland alone to determine; and a guarantee of respect for the identity, ethos and aspirations of both the nationalist and unionist side of the community in Northern Ireland. Imposing new customs barriers within the UK would clearly have wider constitutional implications and could not be accepted by the UK Government. Such an approach would also have significant implications for the Northern Ireland economy. It is important to note that a significant proportion of Northern Ireland's sales go to Great Britain. In 2015, external sales of goods from Northern Ireland to Great Britain stood at £10.7 billion (22 per cent of all NI's sales in goods by value).³⁹
54. The customs paper sets out the importance of an interim period, linked to the implementation of the arrangements, to allow a smooth and orderly transition. This will enable the UK and the EU to avoid any cliff-edge as we move from our current relationship to our future partnership. The Government believes a model of close association with the EU Customs Union for a time-limited interim period could achieve this. It is important to note that this proposal is highly relevant to the border between Northern Ireland and Ireland. In order to deliver our shared objective of avoiding a return to a hard border, it will be important to agree at an early stage an interim period which could be delivered through a continued close association with the EU Customs Union for a time-limited period after the UK has left the EU. The principles outlined above reflect the importance of agreeing this interim period as part of our dialogue on Northern Ireland and Ireland.

³⁹ Northern Ireland Broad Economy Sales and Exports Statistics (BESES), 2017.

Potential approaches on Sanitary and Phytosanitary measures

55. As noted above, the UK also believes that the UK and the EU should prioritise in particular addressing how to avoid a hard border in relation to checks on particular types of goods, such as Sanitary and Phytosanitary (SPS) measures for agri-food. EU law stipulates a range of controls and checks for third country agri-food products in situations where the EU does not have a sufficiently deep trade relationship with the relevant country.⁴⁰ While the UK would have greater flexibility in relation to designing our own approach to SPS checks, the Irish side of the land border would continue to be subject to relevant EU regulations. An agreed, reciprocal solution is therefore required. The extent and complexity of third country SPS and related checks would clearly not be appropriate or consistent with the UK and the EU's shared objectives to avoid a hard border for the movement of goods, and to respect the Belfast ('Good Friday') Agreement in all its parts, including in regard to facilitating ongoing North-South cooperation on agriculture. It is important to note that North-South cooperation on agriculture has enabled the island of Ireland to be treated in policy and operational terms as a single epidemiological unit for the purposes of animal health and welfare. This highlights the importance of reaching a negotiated outcome consistent with the UK's Article 50 letter and the European Council's negotiating guidelines on the Northern Ireland-Ireland border.
56. The UK will approach reaching agreement on this issue with the same flexible and imaginative approach it will adopt across all aspects of the Northern Ireland-Ireland border negotiations. While the UK agrees that the solution here cannot, as Michel Barnier has said, be "based on a precedent", it is important to note that the EU has reached deep agreements with near neighbours allowing for the free flow of agri-food products across borders.⁴¹ It is also important to highlight that the UK is in a unique position; the Repeal Bill means that the UK is starting from a point of full regulatory alignment on day one after the leaving the EU.
57. One option for achieving our objectives could be regulatory equivalence on agri-food measures, where the UK and the EU agree to achieve the same outcome and high standards, with scope for flexibility in relation to the method for achieving this. An agreement on regulatory equivalence for agri-food, including regulatory cooperation and dispute resolution mechanisms, would allow the UK and the EU to manage the process of ensuring ongoing equivalence in regulatory outcomes following the UK's withdrawal from the EU. Providing the UK and the EU could reach a sufficiently deep agreement, this approach could ensure that there would be no requirement for any SPS or related checks for agri-food products at the border between Northern Ireland and Ireland.

⁴⁰ Border checks for third country imports to the EU currently include physical/veterinary, documentary, and identification checks in order to prevent the spread of disease, protect biosecurity, ensure food safety and hygiene standards, and animal welfare standards. For example, according to Directive 91/496/EEC (veterinary checks on animals) 100 per cent of live animals have physical, documentary, and identification checks. Directive 97/78/EC (veterinary checks) are carried out by official veterinary surgeons at Border Inspection Posts on products of animal origin and animal by-products not for human consumption. For these, 100 per cent of third country imports have documentary and identity checks, and 1 per cent – 50 per cent have physical checks.

⁴¹ For example, Switzerland has a common veterinary area with no border controls at the EU-Swiss border, as well as a regulatory equivalence agreement for some non-trade aspects of animal health regulation.

Section 4: Aiming to preserve North-South and East-West cooperation, including for Energy

North-South and East-West Cooperation

58. As already outlined in this paper, the Belfast ('Good Friday') Agreement provides the unique constitutional framework for the North-South and East-West cooperation that is so significant from an economic, political and social perspective to Northern Ireland. It is therefore important that the negotiations achieve our shared objective of upholding the Agreement itself, and also that, crucially, the UK and the EU do not do anything to obstruct the wide range of cooperation between Northern Ireland, Ireland and Great Britain in the future partnership. This section considers North-South and East-West cooperation consistent with the Belfast ('Good Friday') Agreement following the UK's withdrawal from the EU.
59. Strand 2 of the Belfast ('Good Friday') Agreement deals with the importance of North-South cooperation between Northern Ireland and Ireland. It put in place formal structures that provide the framework for Northern Ireland and Ireland cooperation on matters of mutual interest, including through bodies established in international treaties between the UK Government and Irish Government. Pursuant to the requirements of the Belfast ('Good Friday') Agreement and its establishing treaty, the North South Ministerial Council (NSMC) agreed six areas of cooperation in each separate jurisdiction: agriculture, education, environment, health, tourism and transport. The NSMC is also responsible for the six implementation bodies that deal with the management of inland waterways; the management of sea loughs and lighthouses; language; trade; food safety; and the distribution of funds from the various EU programmes (including PEACE, detailed in Section 1).
60. Since the Belfast ('Good Friday') Agreement was reached, other fora of collaboration have developed in line with the principles of North-South cooperation laid down in the Agreement but in parallel to, rather than under the auspices of, the NSMC. These include: the regular dialogue between justice ministers; joint hosting of sporting events; the creation of the Single Electricity Market; and policing exchanges, as recommended by the Agreement and the subsequent report of the Independent Commission on Policing in Northern Ireland.⁴²
61. Strand 3 of the Agreement deals with East-West cooperation, recognising the importance of the strong relationship between the UK Government and Irish Government, and between their various jurisdictions. This is in addition to the internal UK links between Northern Ireland and Great Britain that are part of Northern Ireland's status as an integral part of the United Kingdom.

⁴² Underpinned by a treaty between the UK and Ireland: Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland on Police Cooperation, done at Belfast on 29th April 2002.

62. The Agreement committed to setting up two formal structures for cooperation on the East-West axis: the British-Irish Council and the British-Irish Intergovernmental Conference, which were established by treaty between the UK and Ireland.⁴³ The British-Irish Council brings together the UK Government and Irish Government, the Northern Ireland Executive, the devolved administrations in Scotland and Wales, and the governments of the Isle of Man, Jersey and Guernsey to exchange ideas and collaborate on matters of mutual interest. The British-Irish Intergovernmental Conference provides a forum for the UK Government, Irish Government and members of the Northern Ireland Executive to discuss non-devolved matters relating to Northern Ireland.
63. In addition to these structures, the UK Government and Irish Government have continued to strengthen their bilateral relationship, consistent with the Strand 3 emphasis on East-West cooperation. The relationship between the two countries has never been better or more settled than today, thanks to the strong political commitment from both Governments to deepen and broaden our modern partnership. Two recent state visits, by Her Majesty The Queen in May 2011 and by President Higgins in April 2014, have helped cement this partnership.

Proposal for the dialogue

64. **The UK proposes that the UK and the EU should focus in the initial phases of the dialogue on reaching a common understanding of the principles of North-South and East-West cooperation.** The cooperation outlined here will need to be recognised and considered in the negotiations covering the future relationship between the UK and the EU. Key aspects of North-South and East-West cooperation should be covered in the discussions on the Common Travel Area and associated rights, and the goods border. The UK proposals on these areas are set out earlier in the paper.
65. The UK recognises, however, that the full range of cross-border cooperation goes wider than this, and it will be important to consider the full breadth of issues. Ensuring that the full spectrum of North-South and East-West co-operation can continue will require the type of bold and ambitious Free Trade Agreement that the UK has committed to, and will need a sustained focus on the interests of Northern Ireland and Ireland throughout the negotiations. An issue which the UK believes requires specific, early, consideration in our dialogue – alongside the movement of people and goods – concerns the energy market in Northern Ireland and Ireland.

⁴³ Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a British Irish Council, done at Dublin on 8th March 1999; and Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a British Irish Intergovernmental Conference, done at Dublin on 8th March 1999.

Energy

66. The development of the Single Electricity Market (SEM) is a practical example of North-South cooperation that has benefited the people of Northern Ireland and its economy. Given its strategic importance to domestic and business consumers in Northern Ireland and Ireland, and the need to provide early reassurance and certainty to investors, the UK proposes that the UK and the EU should prioritise discussion of energy issues alongside the movement of people and goods.
67. Under the SEM, all electricity generators compete in a unified wholesale market across the island of Ireland. Before the SEM was established in 2007, Northern Ireland and Ireland had separate electricity markets. Bringing these markets together as a Single Electricity Market has helped to reduce consumer electricity prices, facilitated the integration of renewables, and bolstered security of supply. The SEM is in the process of being reformed to ensure full alignment with EU trading arrangements. The reformed SEM will be launched in May 2018 and will facilitate more efficient trading, further improve security of supply, support greater renewable generation, increase competition and provide a positive climate for further investment. The SEM is connected to the electricity market in Great Britain through two interconnectors.⁴⁴ It currently has no interconnectors to other markets. The Irish Government and the previous Northern Ireland Executive have remained committed to the construction of a North-South interconnector to improve transmission across the SEM.
68. The continued ability to trade gas between Great Britain and the island of Ireland is also critical for security of supply and efficient market operation. Electricity generation in Northern Ireland and Ireland is heavily reliant on supplies of natural gas, and imports from Great Britain account for nearly 100 per cent of Northern Ireland's gas supplies and 40 per cent of supplies for Ireland.⁴⁵ If Ireland does not find more economically recoverable gas elsewhere, or build infrastructure for different trading arrangements, the level of dependence on gas from Great Britain is expected to rise. Again, there is no gas interconnection with other markets beyond Great Britain.
69. There is cross-party support in Northern Ireland and Ireland to maintain the SEM and work is already under way to develop it further to ensure it is fully integrated in the EU cross-border trading arrangements. As the former First Minister and deputy First Minister set out in their August 2016 letter to the Prime Minister, "energy is a key priority, given that there are inherent cost and supply issues in a small, isolated market so we will need to ensure that nothing in the negotiation process undermines this vital aspect of the economy".⁴⁶ The Irish Government has stated that the SEM "enables Ireland and Northern Ireland to maximise market efficiencies and ensure security of electricity at an affordable cost for consumers".⁴⁷

⁴⁴ The Moyle interconnector between south-west Scotland and Northern Ireland (500MW, completed 2002) and the East-West interconnector between north-east Wales and Ireland (500MW, completed 2012).

⁴⁵ Natural gas supplies 1875 MW out of Northern Ireland's 3301 MW total generation capacity.

⁴⁶ Letter to the Prime Minister from the First Minister and deputy First Minister, 10 August 2016.

⁴⁷ 'Ireland and the negotiations on the UK's withdrawal from the European Union: The Government's Approach', May 2017.

Proposal for the dialogue

70. The UK believes that there should be a strong shared desire between the UK Government, Irish Government and the rest of the EU to support the stability of energy supply on the island of Ireland. The efficient transit of gas across the border to and from Ireland, and maintaining affordable, sustainable and secure electricity supplies across the island of Ireland are central to achieving this. The nature of the wholesale SEM operating in Ireland and Northern Ireland, which represents the first market of its kind in the world, underlines the unique circumstances on the island of Ireland.
71. **The UK proposes that the new framework relevant to the energy market in Northern Ireland and Ireland should:**
- recognise the importance placed on cross-border cooperation in the Belfast ('Good Friday') Agreement, which provides for cooperation between Northern Ireland and Ireland (Strand 2), and the UK and Ireland (Strand 3);
 - take account of the strategic importance to Northern Ireland and Ireland of maintaining affordable, secure, and sustainable supplies of electricity and gas for businesses and domestic consumers;
 - facilitate the continuation of a single electricity market covering Northern Ireland and Ireland;
 - facilitate the continuation of efficient electricity and gas interconnection between the island of Ireland and Great Britain;
 - seek to provide certainty as soon as possible for citizens, investors, and businesses in Northern Ireland and Ireland on energy arrangements; and
 - include an appropriate interim period to ensure that any changes to current arrangements can be implemented in a timely way.
72. In line with the importance that the UK places on continuing North-South cooperation, the principles proposed above specifically highlight the need to continue the operation of a single electricity market. This is by far the best option for the electricity market in Northern Ireland (in the medium term at least) given the size and isolation of the market. The development of any new electricity trading arrangements and the construction of new power generating capacity that would be required would be inefficient and expensive, and only deliverable in the medium to long-term.

73. The structures of the SEM include arrangements for generators to contract with a Single Electricity Market Operator (SEMO), which is overseen by the Single Electricity Market Committee, and the UK believes this should continue following UK exit from the EU. Negotiations with the EU will need to cover how best to avoid market distortions within a single electricity market following UK exit, and ensure that future legal and operational frameworks do not undermine the effective operation of an integrated market. Agreeing the principles set out above will be without prejudice to the wider UK-EU energy relationship, though the UK and EU will clearly need to consider the linkages with supporting efficient trading over the inter-connectors between the Single Electricity Market and Great Britain. The nature of this issue and its link to the wider UK-EU relationship provide another example of the importance of moving swiftly to negotiations on our future relationship.

Next steps on the Northern Ireland and Ireland dialogue

74. The UK proposes that it should work intensively with the EU over the coming months to address the issues set out in this paper. Our view is that the UK and the EU start this process with complete alignment on our high level objectives and our strong support for the peace process in Northern Ireland.
75. The themes set out in this paper will require focused engagement throughout the course of the UK's exit negotiations and not simply in the initial phases of discussions. Given the strong links to the future relationship it would not make sense to seek to use October as a cut-off point for work on the unique issues relating to Northern Ireland and Ireland. Nonetheless, the UK supports making as much progress as we can on these issues in the coming months and believes that the UK and EU could aim by October to have:
- agreed that the Common Travel Area and associated rights should be preserved and acknowledged in the Withdrawal Agreement;
 - reached agreement on the scope of the issues arising from the Belfast ('Good Friday') Agreement, and specifically agreed to affirm our continued support for the Agreement, upholding the identity and citizenship rights of the people of Northern Ireland, and considered the key principles for the continuation of the PEACE IV programme and a potential future PEACE programme;
 - considered, and if possible, agreed to the principle of a time-limited interim period linked to the speed at which the implementation of new arrangements could take place, including considerations relating to the unique circumstances of Northern Ireland and Ireland, as set out in *Future Customs Arrangements: a future partnership paper*.
 - considered the key principles and criteria for avoiding a hard border for the movement of goods; and
 - discussed the preservation of the North-South and East-West cooperation envisaged in the Belfast ('Good Friday') Agreement, and if possible agreed specifically on key principles for the energy market in Northern Ireland and Ireland.

- In parallel with our discussions with the EU, the UK Government will continue to work closely with the Irish Government and the political parties in Northern Ireland to reach agreement to form an Executive and re-establish a power-sharing government in Northern Ireland. Devolved government is what the people of Northern Ireland have voted for and would strengthen Northern Ireland's voice in the negotiations. Once there is a new Northern Ireland Executive in place, the UK Government will be providing regular briefings to the Executive. These will report progress on the specific issues covered in the Northern Ireland/Ireland dialogue. This could take place monthly in the context of the formal negotiating round structure agreed by the UK and the EU, and would be in addition to the routine engagement on broader EU exit and other issues.

Embargoed

Annex 1: Extracts from the UK Prime Minister’s Article 50 letter; European Council (Art. 50) Negotiating guidelines; European Commission’s Negotiating Directives and the Irish priorities paper.

Prime Minister’s Article 50 Letter

“In particular, we must pay attention to the UK’s unique relationship with the Republic of Ireland and the importance of the peace process in Northern Ireland. The Republic of Ireland is the only EU Member State with a land border with the United Kingdom. We want to avoid a return to a hard border between our two countries, to be able to maintain the Common Travel Area between us, and to make sure that the UK’s withdrawal from the EU does not harm the Republic of Ireland. We also have an important responsibility to make sure that nothing is done to jeopardise the peace process in Northern Ireland, and to continue to uphold the Belfast Agreement”.

European Council Negotiating Guidelines

“The Union has consistently supported the goal of peace and reconciliation enshrined in the Good Friday Agreement in all its parts, and continuing to support and protect the achievements, benefits and commitments of the Peace Process will remain of paramount importance. In view of the unique circumstances on the island of Ireland, flexible and imaginative solutions will be required, including with the aim of avoiding a hard border, while respecting the integrity of the Union legal order. In this context, the Union should also recognise existing bilateral agreements and arrangements between the United Kingdom and Ireland which are compatible with EU law”.

European Commission Negotiating Directives

“In line with the European Council guidelines, the Union is committed to continuing to support peace, stability and reconciliation on the island of Ireland. Nothing in the Agreement should undermine the objectives and commitments set out in the Good Friday Agreement and its related implementing agreements; the unique circumstances and challenges on the island of Ireland will require flexible and imaginative solutions. Negotiations should in particular aim to avoid the creation of a hard border on the island of Ireland, while respecting the integrity of the Union legal order. Full account should be taken of the fact that Irish citizens residing in Northern Ireland will continue to enjoy rights as EU citizens. Existing bilateral agreements and arrangements between Ireland and the United Kingdom, such as the Common Travel Area, which are in conformity with EU law, should be recognised. The Agreement should also address issues arising from Ireland’s unique geographic situation, including transit of goods (to and from Ireland via the United Kingdom). These issues will be addressed in line with the approach established by the European Council guidelines”.

Irish Government's priorities paper

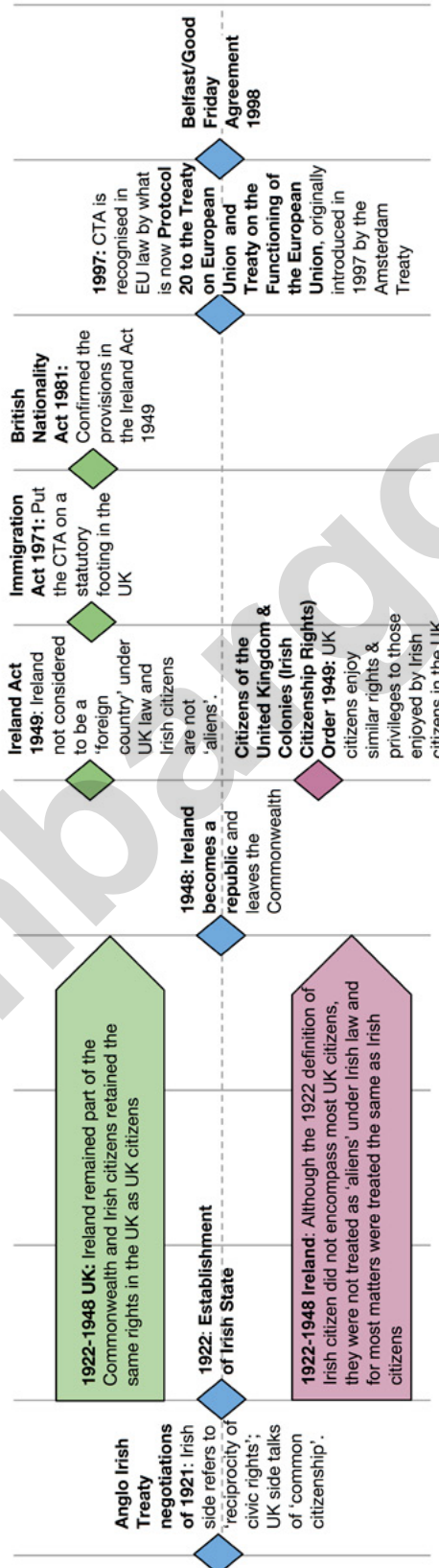
Article 50: Issues Unique to Ireland

“The UK’s decision to leave the EU has raised a number of specific and very significant issues which are unique to Ireland, in particular in relation to Northern Ireland, the border and the Common Travel Area (CTA). These issues have been identified as matters to be addressed as part of the Article 50 process and in the withdrawal agreement between the EU and the UK. The outcome of the UK referendum poses particular challenges in Northern Ireland. The Government will ensure that the Good Friday Agreement is fully respected and protected in the withdrawal process and that the gains of the peace process are preserved. The statement approved by the European Council on 29 April includes an explicit acknowledgement of the possibility of a change in the constitutional status of Northern Ireland, as provided for in the Good Friday Agreement and in accordance with the principle of consent, and that the EU Treaties will apply to the unified Ireland.

The Government has made clear its priority that there be no visible, ‘hard’ border on the island of Ireland. This will require a political and not just a technical solution, as well as recognition that the land border on the island represents a unique and unprecedented set of circumstances. The Government will also ensure the protection of the rights of those in Northern Ireland who choose to exercise their right to hold Irish, and thus EU, citizenship, and will advocate for continued EU engagement in Northern Ireland.

Both the Irish and British Governments have indicated their intention to maintain the Common Travel Area (CTA) after the UK withdraws from the EU. The CTA predates Ireland and the UK joining the EU and is not dependent on EU membership. The CTA is particularly important in the context of the Northern Ireland Peace Process and relations on the island of Ireland. It facilitates the vast numbers of people who commute across the border and to and from Great Britain for work, business, trade, education, health, family or other reasons. For this reason, the recognition of ‘existing bilateral arrangements’ in the EU Negotiation Guidelines is important, given that it speaks to the fundamental importance of the Common Travel Area in underpinning relationships across these islands”.

Annex 2: Timeline of the Common Travel Area and associated rights



Embargoed



MINISTERIAL DIRECTIVE

Firearms Dealers - Keeping of Firearms

This Directive is made under Article 27(4) of the Firearms (Northern Ireland) Order 2004 and shall come into operation on 1 August 2005. The Directive dated 11 September 2002 shall cease to have effect on 31 July 2005.

The Directive's purpose is to control for security reasons the numbers and types of firearms which firearms dealers may keep.

There shall be three categories of firearms dealers to be known as Category 1, Category 2 and wholesale dealers, depending on the security measures which are installed in the premises, and the category into which a firearms dealer falls shall determine the maximum holdings of firearms. The Chief Constable shall determine the appropriate security measures for each category of dealer and a dealer must comply with security requirements prescribed by the Chief Constable.

1. Handguns.

The maximum number of handguns that may be held for sale or repair by a firearms dealer is:-

Category 1 Dealer – 10 handguns.

Category 2 Dealer – 15 handguns.

Wholesale Dealer – 20 handguns.

In addition, a Category 1, a Category 2 Dealer and a Wholesaler may hold 10 handguns for safekeeping.



2. Rifles.

The maximum number of rifles that may be held for sale or repair by a firearms dealer is:-

Category 1 Dealer – 20 rifles.

Category 2 Dealer – 40 rifles.

Wholesale Dealer – 80 rifles.

In addition, a Category 1, a Category 2 Dealer and a Wholesaler may hold 10 rifles for safekeeping.

Firearms held in accordance with paragraphs 1 and 2 must be stored in a strongroom and working parts must be stored separately.

3. Repairs.

There is no restriction on the number of firearms that may be held for repair – provided that the total number of bullet-firing firearms held does not exceed the overall limits imposed at paragraphs 1 and 2.

4. Shotguns.

The maximum holding of shotguns held at any time will be: -

Category 1 Dealer - 75 shotguns.

Category 2 Dealer - without limit.

Wholesale Dealer - without limit.

The forepieces of all shotguns fitted with them must be removed, where possible, and stored separately in a secure place.



5. Airguns.

There is no limit on the number of airguns which firearms dealers may hold.

Signed

A handwritten signature in black ink, appearing to be "R. U.", written in a cursive style.

One of Her Majesty's Principal Secretaries of State

Date

28 July 2005



Northern Ireland Office

MINISTERIAL DIRECTIVE TO THE CHIEF CONSTABLE

Firearms Dealers – Keeping of Firearms

This Directive is made under Article 27(4) of the Firearms (Northern Ireland) Order 2004 and shall come into operation on 1 August 2009. The Directive dated 28 July 2005 shall cease to have effect on 31 July 2009.

The Directive's purpose is to control for security reasons the numbers and types of firearms which firearms dealers may keep.

There shall be two categories of firearms dealers to be known as Category 1 and Category 2, depending on the numbers of firearms kept. The Chief Constable shall determine the appropriate security measures for each category of dealer and a dealer must comply with them.

Handguns

The maximum number of handguns that may be kept for any reason by a firearms dealer is:-

Category 1 Dealer – 30 handguns.

Category 2 Dealer – 45 handguns.

Rifles

The maximum number of rifles that may be kept for any reason by a firearms dealer is:

Category 1 Dealer – 80 rifles.

Category 2 Dealer – 140 rifles.



Northern Ireland Office

Rifle bolts should be removed and stored separately.

Shotguns and air guns.

There is no limit on the number of shotguns and air guns which firearms dealers may keep.

Signed

One of Her Majesty's Principal Secretaries of State

Date

STRULE

Thursday 18 June 2018, 1:30-2:30

SoS Tour of Strule Shared Education Campus, Omagh

Purpose

- You have agreed to visit the site of the Strule Shared Education Campus (SSEC) in Omagh to announce the allocation of £140m to support the development of the project.

Objectives

- The visit and announcement, which will provide significant impetus for the ongoing development of the Strule Shared Education Campus will be a visible demonstration of the UK Government upholding its responsibilities to Northern Ireland.
- Further, it will serve as a demonstration of the UK Government's commitment to its wider agenda of promoting shared and integrated education.
- It will also provide an opportunity to highlight the need for an Executive to be in place to drive important infrastructure and education projects such as this forward

Logistical points

- The visit will include two separate locations: an initial visit to the Strule Campus, which is currently still a vast building site, and a visit to Arvalee School and Resource Centre, a special needs school on the edge of the site which was the first one to move to the new shared location.
- Strule is a vast site and moving between both locations will require travel by car.
- _____ will provide policy support at the event
- _____, will coordinate on Engagement).

Strule Shared Education Campus Main Site

- On arrival you will be met by _____, Deputy Secretary at the Department of Education and SRO for the Strule Shared Education Campus Programme, and _____, Strule Construction Director.

- [redacted] and [redacted] will take you on a 15 mins tour of the site. This is currently a vast building site and will provide a good overview of the scale of the project.
- Given the conditions on site, this part of the visit will require hard hat, high-viz and comfortable footwear.
- You will then depart this area and drive to Arvalee School and Resource Centre, a special needs school on the edge of the campus.

Arvalee School and Resource Centre

- On arrival at the school, you will be met by the Principal [redacted] and [redacted], Chair of the School's Board of Governors.
- You will also have the opportunity to meet the Principals of the other five schools involved in the project (see list of attendees at Annex C) as well as a small number of pupils from all six schools.
- After the initial greeting, the Principal [redacted] and [redacted] Chair of the School's Board of Governors, will take you on a short visit of the school and grounds.
- At the end of the tour, you will have the opportunity to say a few words to those present and make the announcement on the funding allocation. This will take place outside, unless it is raining, in which case it will take place in the main atrium.

Media Handling

The proposed media handling is set out below:

- A NIO deployed stills photographer and a broadcast pool camera (possibly two) will film the arrival of the Secretary of State and accompany her on the tour to capture the visit, including positive images of meeting pupils, staff etc.
- At the end of the visit, the Secretary of State will make a short statement in relation to the announcement at Strule to a media huddle at the end of her visit (speaking notes below).

- A limited number of questions will be taken from journalists (likely to be on talks, MLA pay, legacy, abortion, Brexit). Lines to Take are included. Comms team on the ground will identify journalists in advance and brief Secretary of State beforehand.
- A press statement and photographs will be issued to the media immediately after the event. We will also publish the opening statement on NIO website and Twitter and post a video of the Secretary of State commenting on the visit and her announcement.

Briefing is attached as follows:

- Annex A: Background, Key Facts and Issues
- Annex B: Programme
- Annex C: List of Attendees
- Annex D: Speaking Notes
- Annex E: Directions
- Annex F: Press Release
- Annex G: Briefing lines (current media stories and departmental core narrative)

Background

1. Shared Education Campuses (SECs) are those facilities which bring children from differing backgrounds and schools to use the same facilities and be educated together whilst maintaining their original school identities and religious ethos. The key difference with integrated facilities is that children come together under one school identity and an integrated school itself will not have a prescribed religious ethos attached.
2. The most prominent SEC proposal is at Strule, which when complete will deliver a significant shared education campus in the centre of Omagh. It will house six existing schools including a mix of controlled state and Catholic maintained schools, voluntary grammar schools and also a Special Needs school, serving over 4,000 post-primary pupils annually.

Key Facts:

- The Programme involves the construction of five post-primary schools and one special school, Arvalee, which is already on site.
- There will be shared educational facilities, including a shared education centre, sports centre and multi-use pitches.
- Over 4000 children and young people, from all backgrounds, will come together on a vibrant and dynamic campus where learning through consistent, varied and accessible shared experiences will deliver a high quality of education for all.
- Strule has been designed to break down barriers through cohesion, collaboration and partnership with individual schools. Strong relationships have been developed and trust is continuing to build as key milestones are achieved.
- The sharing of facilities, skills and resources will enable a more flexible approach to learning with enhanced curriculum choices, encouraging and supporting young people to flourish and to become the best that they can be.
- The Shared Education Centre is the nucleus of the campus and also forms the gateway to the rest of the facilities. It will offer collaborative education opportunities and experiences to students across the STEAM (Science, Technology, Engineering, Arts and Mathematics) area of the curriculum.

- Pupils attending schools not situated on the campus will also be able to avail of campus facilities, through the Omagh Learning Community partnership arrangements.
- The local and wider community will also be able to avail of the campus facilities outside school hours, stimulating community development and supporting social inclusion.
- Strule is the only campus in Northern Ireland where students with moderate and severe learning difficulties will be educated alongside mainstream schools, presenting a unique opportunity to share learning and cultivate meaningful partnerships which benefit the pupils and staff of all six schools.

Procurement Context

3. The UKG's commitment to consider Strule under the FSA funding stream, which was provided in December ahead of a more in-depth assessment, provided the NICS with the necessary comfort to begin procurement in February 2018. However, due to a bidder withdrawing from the tender process the NICS has suspended the procurement process to assess next steps. Nevertheless, the NICS have also publically reaffirmed that it is fully committed to delivering the project and see the securing of FSA funding as a key demonstration of confidence in the project progressing.
4. It is important to note that whilst the commitment to funding by the UKG is a positive step forward for the project and could provide an element of reassurance to potential bidders there is a risk that the NICS could be faced with a decision to award, or not to award, a "direct award" contract to the only current bidder. These direct award contracts usually require Ministerial direction and in light of the Buick judgment, UKG may be asked to intervene.

PROGRAMME

| STRULE SHARED EDUCATION CAMPUS SITE AND ARVALEE SCHOOL AND RESOURCE CENTRE | | |
|---|---|--|
| 13.30 | Arrival and welcome | Arrival on the site, via site entrance, with a welcome provided by Deputy Secretary and Senior Responsible Owner (SRO) for the SSEC Programme and Strule Construction Director. Contact details: |
| 13:50 | Arrival at Arvalee School Meet and greet with the Principals of all six schools. Short tour of Arvalee school. | Arvalee Principal, and Chair of the school's Board of Governors. Opportunity to meet the Principals and a small number of pupils from all six schools involved in the Strule SEC. Accompanied by Contact details: |
| 14.15 | Media briefing | Briefing by Communications Group, ahead of engagement with media |
| 14.20 | Media Huddle | Short statement (annex D) followed by questions from outlets |
| 14:30 | Visit Ends | |

LIST OF ATTENDEES

| | |
|--|--|
| | DE Deputy Secretary and SSEC Programme SRO. |
| | SSEC Construction Director. |
| | Appointed Principal in September 2004 and has been teaching pupils with severe learning difficulties since 1994. |
| | Chairperson of the Arvalee Board of Governors for 12 years after previously serving on the Board of Governors of Omagh High School from 1993. |
| | Principal, Loreto Grammar School – All Girls school. |
| | Principal, Sacred Heart College – co-educational school. |
| | Principal, Omagh High School – co-educational school. |
| | Principal, Christian Brothers Grammar School – All Boys’ school. |
| | Principal, Omagh Academy – co-educational Grammar school. |

SPEAKING NOTES

ANNEX D

- I am delighted to be here this afternoon. Thank you to xxxx for the tour. It is very exciting to see the ambitious plans that have been developed for the delivery of Shared Education here at Strule.
- The government wants everyone in the UK to have the opportunity to go so far as their talent and hard work will allow, on the basis of merit and not privilege. And in pursuit of this goal it is our ambition that everyone, irrespective of their background, can benefit from a world-class education.
- Nevertheless, education alone will not provide our children with the solutions that are needed to address the legacy of division and separation in Northern Ireland. All of us here this afternoon hold a common belief that educating our children together and not apart is an essential part of the reconciliation process and of building a society that celebrates respect, understanding and friendships across traditional divides.
- The Government has a long standing commitment to shared and integrated education. From commitments in the Economic Pact right through to the more recent commitments in the Stormont House and Fresh Start Agreements and on to providing up to £500 million of new funding to support shared and integrated education projects.
- I am delighted to announce today the allocation of £140m of this funding to support the development of the Strule Project which, when complete, will bring together 6 schools and 4,200 children from all backgrounds to interact and learn together on a vibrant and dynamic campus.
- The funding the UK Government is releasing will provide much optimism for the future development of integrated and shared education in Northern Ireland which will contribute positively to the overall education approach.
- Education attainment in Northern Ireland is amongst the highest in the UK. But there are also more children in Northern Ireland leaving school with no qualifications than elsewhere and this needs to be tackled by elected representatives here.
- Northern Ireland needs a restored Executive up and running again with local Ministers in post to drive forward key projects such as this. People here want their politicians working to deliver and drive the transformation across the education sector and wider public services.
- These children that I have met today and throughout my time as Secretary of State have made a huge impression on me. They are the future of Northern Ireland and they deserve the best they can possibly have. The public in

Northern Ireland want and deserve better and that is why the restoration of the Executive will remain my top priority.

- Notwithstanding these challenges, I have been struck in my engagements to date within the education sector, of the passion, vision and commitment of the teachers, principals, governors, and all those intent on delivering the changes that are needed to transform education in Northern Ireland.
- It is my sincere hope that the Strule Shared Education Campus can contribute to this transformation and become a beacon for what is possible when we equip our children with the skills, values and understanding needed to achieve fundamental reconciliation across all communities in Northern Ireland.

Directions to Strule Campus

Venue:

Strule Shared Education Campus Main Site and
Arvalee School and Resource Centre,
Strule Shared Education Campus
Gortin Road
BT79 7DH
Omagh

Follow the A5 to Omagh.

At the first roundabout take the first exit – onto the Great Northern Road.
Immediately take the slip road on the left.

At the top of the slip road at the traffic lights turn right onto Dublin Road.

At the roundabout, go straight on - you will pass Omagh Academy on your left.

At the next traffic lights – continue straight on onto Drumragh Avenue.

At the next set of traffic lights turn right onto Mountjoy Road.

Continue straight ahead through the traffic lights on to Gortin Road.

The entrance to Strule Campus is on the left, immediately after Grange Park and opposite the Spar.

On arrival on site, drive through the main gate until you see the site offices and parking to the left.

For Arvalee School, drive back through the main gate on to the road and follow directions for the school.

Or click on the link to Google Maps below

<https://goo.gl/maps/XEzBNcqPsHo>

For SatNav, use Postcode BT79 7DH

PRESS RELEASE



EMBARGOED UNTIL XX.XX ON MONDAY 18 JUNE 2018

18 June 2018

SECRETARY OF STATE ANNOUNCES ALLOCATION OF 140M TO SUPPORT STRULE SHARED EDUCATION CAMPUS PROJECT

The Secretary of State for Northern Ireland, the Rt Hon Karen Bradley MP, has announced the allocation of £140m to support the development of the Strule Shared Education Campus Project.

Secretary of State made the announcement during a visit to the Strule Shared Education Campus (SSEC) site in Omagh today.

When completed, this will be the largest integrated educational campus in Northern Ireland, bringing together over 4000 pupils, from all backgrounds, in a vibrant and dynamic campus environment where learning through consistent, varied and accessible shared experiences will deliver a high quality of education for all.

The project involves the construction of five post-primary schools and one special school, Arvalee, which is already on site. It will encompass a range of shared educational facilities, including a shared education centre, sports centre and multi-use pitches.

Donning a hard hat and high-viz jacket, the Secretary of State was welcomed to the Strule Campus, a vast building site, by [redacted] Deputy Secretary at the Department of Education and SRO for the Strule Shared Education Campus Programme, and [redacted], Strule Construction Director, for a tour of the construction site, during which she heard about the scale of the project.

At Arvalee School and Resource Centre, a special needs school on the edge of the site and the first school to move to the new shared location, the Secretary of State was greeted by

the Principal _____, and _____ Chair of the School's Board of Governors, for a tour of the school and grounds. She also took the opportunity to meet the principals of the other five schools involved in the project, as well as a number of pupils from all six schools.

The UK Government has a long standing commitment to shared and integrated education in Northern Ireland, including commitments in the Economic Pact through to the more recent commitments in the Stormont House and Fresh Start Agreements and providing up to £500 million of new funding to support shared and integrated education projects.

Secretary of State for Northern Ireland, the Rt. Hon. Karen Bradley MP, said:

“The allocation of £140m to support the development of the Strule Project which will bring together six schools and 4,200 pupils from all backgrounds will enable children to interact and learn together on a vibrant and dynamic campus.

“The government wants everyone in the UK to have the opportunity to go so far as their talent and hard work will allow, on the basis of merit and not privilege. And in pursuit of this goal it is our ambition that every child, irrespective of their background, can benefit from a world-class education.

“The funding the UK Government is releasing will provide much optimism for the future development of integrated and shared education in Northern Ireland which will contribute positively to the overall education approach.

“Nevertheless, education alone will not provide our children with the solutions that are needed to address the legacy of division and separation in Northern Ireland. And while education attainment in Northern Ireland is amongst the highest in the UK, there are also more children in Northern Ireland leaving school with no qualifications than elsewhere and this needs to be tackled.

“Northern Ireland needs a restored Executive up and running again with local Ministers in post to lead NI into a better future. People want their politicians working to deliver and drive the transformation across the education sector and wider public services.

“The children that I have met today and throughout my time as Secretary of State have made a huge impression on me. They are the future of Northern Ireland and they deserve the best they can possibly have. The public in Northern Ireland want and deserve better and that is why the restoration of the Executive will remain my top priority.”

ENDS.

Notes to editors:

For media enquiries relating to the Strule Shared Education Campus (SSEC) project, please contact the Department of Education press office: **XXX XXXX XXXX**

- The Programme involves the construction of five post-primary schools and one special school, Arvalee, which is already on site.
- There will be shared educational facilities, including a shared education centre, sports centre and multi-use pitches.
- Over 4000 children and young people, from all backgrounds, will come together on a vibrant and dynamic campus where learning through consistent, varied and accessible shared experiences will deliver a high quality of education for all.
- Strule has been designed to break down barriers through cohesion, collaboration and partnership with individual schools. Strong relationships have been developed and trust is continuing to build as key milestones are achieved.
- The sharing of facilities, skills and resources will enable a more flexible approach to learning with enhanced curriculum choices, encouraging and supporting young people to flourish and to become the best that they can be.
- The Shared Education Centre is the nucleus of the campus and also forms the gateway to the rest of the facilities. It will offer collaborative education opportunities and experiences to students across the STEAM (Science, Technology, Engineering, Arts and Mathematics) area of the curriculum.
- Pupils attending schools not situated on the campus will also be able to avail of campus facilities, through the Omagh Learning Community partnership arrangements.
- The local and wider community will also be able to avail of the campus facilities outside school hours, stimulating community development and supporting social inclusion.
- Strule is the only campus in Northern Ireland where students with moderate and severe learning difficulties will be educated alongside mainstream schools, presenting a unique opportunity to share learning and cultivate meaningful partnerships which benefit the pupils and staff of all six schools.

**BRIEFING LINES:
CURRENT MEDIA STORIES AND DEPARTMENTAL CORE NARRATIVE**



BRIEFING LINES

CURRENT NI MEDIA STORIES

'Fears growing' over post-Brexit border and Brexit votes: Border issues 'not given enough time'

Context: *Concern over the Irish border in the event of a hard Brexit is growing, according to a university study. The report on the views of those living on both sides of the border was completed by researchers at Queen's University Belfast. It indicated that half of residents are against a technological solution to custom checks.*

The government has been criticised for not allowing time to debate the Irish border during a series of key Brexit votes at Westminster. Only 15 minutes was set aside for debating changes to devolved powers proposed by the Lords in the EU Withdrawal bill.

SNP MPs walked out of the House of Commons chamber during PMQs on 13 June 2018, after their Westminster leader Ian Blackford was removed by the Speaker.

Not giving Blackford the opportunity to speak?

Not true. The SNP was about to be granted a debate on how the devolution aspects of the EU Withdrawal Bill.

Disappointing that they chose not to take this opportunity to take this forward.

Will their debate be granted?

Understand a debate under SO24 has been granted. Entirely a matter for the Speaker of the House.

Almost no debate yesterday on the important issue of the role devolved administrations will play in the Brexit process?

The House agreed to the Programme Motion which allocated enough time to discuss devolved matters in the Bill. However, due to the number of divisions pushed to a vote this time was restricted. This was not a decision or choice by the Government.

On further engagement with DAs:

Our amendment respects the devolution settlement – as agreed with the Welsh Government.

We spent the last year negotiating with the Welsh and Scottish Governments and the amendment we have put forward sees the vast majority of EU powers with devolved responsibilities automatically flow to Belfast, Cardiff and Edinburgh.

We look forward to continuing to work closely with the Scottish Government to create the UK-wide legal frameworks we need to protect the UK internal market – a market which is vital for business and jobs in Scotland.

Digital Registration and the electoral consultation response

Context: *Electoral digital registration which has been available in GB since 2014 is being rolled out to NI on Monday 18th by the Chief Electoral Officer. Digital registration is not replacing the paper application system which remains in place for those that wish to use it but we expect that as in the rest of the UK the majority of people will chose to use the new online system to register. All the parties have welcomed the introduction of the system.*

The consultation response, although containing no decisions, will be more controversial. It will be interpreted as opening the door to the closure of regional electoral offices. It is important to be clear that decisions on the future structure of the Electoral Office are and operational matter for the CEO not matters for ministers.

- I would like to take this opportunity welcome today's launch of digital registration. This is an exciting step forward for NI. People will be able to register to vote quickly and easily on their phone, tablet or computer anywhere that is convenient for them. It provides for NI the same element of choice that is already available to the rest of the UK.

[On consultation response - if raised]

- I am aware that the response to the consultation on the future of electoral delivery in NI has been published today. It will now be for the Chief Electoral

Officer to consider how she wishes to move forward.

- The Electoral Office is independent. Decisions on the structure and makeup of the Electoral Office are operational matters for the CEO.
- Digital registration will be an additional option to paper registration – it won't replace it, so those who wish to continue to register by post/ in person can do so.

Further delay in MLA pay:

Context: *The News Letter's Sam McBride wrote on 15 June 2018 that the Secretary of State has "declined to explain what has cause months of delay in cutting the pay of MLAs while Stormont lies empty".*

- The Secretary of State has made clear that she is minded to reduce MLA pay in line with the recommendations of Trevor Reaney. This remains her position.

Billy Caldwell Case

Context: *A 12-year-old boy from County Tyrone has suffered an epileptic seizure hours after cannabis oil brought from Canada was confiscated at Heathrow Airport, his mother has said. Charlotte Caldwell said her son Billy had suffered a "small 30 second seizure", the first in almost a year, on Tuesday morning. The cannabis oil was removed from Ms Caldwell at the airport on Monday. She has called on Home Office minister Nick Hurd to return the medication. Ms Caldwell posted a video of her son having the seizure on social media. Nick Hurd met Ms Caldwell on Monday and advised her that despite these extremely difficult circumstances, it is unlawful to possess Schedule 1 drugs such as those seized at the border on Monday morning, without a licence. The Minister urged the family to explore licensing options with the Department of Health Northern Ireland.*

This is a Home Office lead, but we can provide the following lines should we be asked for comment:

- Any parent will want to do whatever they can to alleviate the symptoms of their child when suffering from a debilitating illness.

- Nevertheless, it is important that medicines are thoroughly tested to ensure they meet rigorous standards so that doctors and patients are assured of their efficacy, quality and safety.

Further lines

- In Northern Ireland licensing decisions are devolved and any applications would be considered by the Department of Health Northern Ireland. In the case of import or export licensing, the Home Office discharges this function for Northern Ireland and is the appropriate issuing authority for the UK.
- Whilst we recognise that people with debilitating illnesses are looking to alleviate their symptoms, it is important that medicines are thoroughly tested to ensure they meet rigorous standards so that doctors and patients are assured of their efficacy, quality and safety.
- Cannabis is listed as a Schedule 1 drug as in its raw form it is not recognised in the UK as having any medicinal benefit and is therefore subject to strict control restrictions.
- It is unlawful to import, possess, supply or produce products containing, or consisting of, cannabis except under licence.

Grenfell/Belfast Towerblock fire safety issues

Context: *One year on from the Grenfell Towerblock tragedy, sixty people, many of them elderly and vulnerable, have been told they must leave their homes in Block B, Russell Court, on Belfast's Lisburn Road. The tower block is owned by Radius Housing who took the decision to close it after a group of experts reported a significant shortfall in fire safety measures at the building. All of the residents will be moved out within four weeks. In the meantime, marshals are on duty 24 hours per day to ensure that everyone remains safe. The fire alarm system in the building has been enhanced and water services and emergency procedures have been checked.*

- Nothing is more important than ensuring people are safe in their homes.
- The safety of residents is absolutely paramount but this will undoubtedly cause huge disruption and concern for residents in Russell Court.
- Fire safety marshals will be on alert around the clock while residents move out over the next four weeks
- The NI Department for Communities is working closely with Radius Housing and the Northern Ireland Housing Executive to ensure that affected individuals are rehoused.

- My Department will continue to keep close contact with officials from the Northern Ireland Civil Service on how residents are being rehoused and supported through this process.

DUP 'fines politicians for media interviews'

Context: *The DUP has declined to comment on claims it fines its politicians if they talk to the media without permission. A DUP insider told the BBC's Nolan Show politicians are forced to pay as much as £1,000 if they break internal protocol on dealing with the press. The DUP said it operated under a constitution and a code of conduct, passed by its executive. The BBC has seen a letter signed by the DUP's chief executive imposing a fine on an elected representative. While the politician was asked to pay a £100 fine, the BBC understands repeat offenders might face higher charges of £500 or £1,000. The other main Stormont parties all told the BBC they do not impose similar penalties.*

This is unlikely to be something that you will wish to comment on beyond noting that it is a matter for the DUP.

DEPARTMENTAL CORE NARRATIVE

RESTORATION OF AN EXECUTIVE

- The Government's top priority remains the restoration of devolved government in Northern Ireland.
- My focus remains on redoubling efforts to restore a locally elected, democratically accountable devolved government in Northern Ireland. Engaging closely with the political parties, and the Irish Government as appropriate, to encourage and support work towards an accommodation to restore the Executive.
- The UK Government also has a responsibility to ensure good governance and the continued delivery of public services. That's why, with great reluctance, we intervened to set budget allocations for NI departments for 2018-19.
- I continue to keep available a range of options for supporting the process and encouraging the parties to achieve the positive outcome we all deeply want.

- I continue to keep under review my statutory obligation to call an Assembly Election.

[Our principles]

- We will take those decisions which are necessary to provide good governance and political stability for Northern Ireland - consistent always with restoring the Executive and local decision-making at the earliest possible opportunity.
- We will continue to implement our obligations under the Agreement and its successors where possible - always working for the good of the community as a whole.
- We will continue to work with all the Northern Ireland parties - and with the Irish Government as appropriate - to remove the barriers to restoring the Executive and a fully functioning Assembly.

Border Poll

- As we have made repeatedly clear, we continue to believe that a majority in Northern Ireland are committed to the Union, and therefore the tests for a border poll have not been met. On this basis, UKG has no plans to hold a border poll.
- As the Taoiseach himself acknowledged, continued discussion about a border poll at this time is unhelpful and unnecessary.

BUICK

- Considering the importance of this judgment and the questions of law involved, I understand and welcome the NICS decision to appeal. It will be valuable to have these issues fully tested by the Courts so that there is clarity about the implications of the judgment. As these legal proceedings are ongoing it would not be appropriate to comment further at this time.
- I recognise, however, that in the ongoing absence of locally appointed Ministers from the elected NI political parties, the civil servants in Northern Ireland have been left with the responsibility of ensuring governance in Northern Ireland. Since January last year, the NI Civil Service has continued

to manage and maintain the delivery of vital public services in Northern Ireland in very difficult circumstances. The NICS and are to be commended for the work they have and continue to do in the public interest.

- But, I remain firm in my view that it is absolutely crucial that we secure the return of a functioning, effective, devolved government in Northern Ireland, to get back to the business of governing and to take the strategic decisions that affect the long-term future of Northern Ireland and its people.

EU EXIT NEGOTIATIONS

Top Lines

- We welcome the progress we made at March European Council, including progress on the Withdrawal Agreement and agreeing the Implementation Period. We want to get onto the future relationship as quickly as possible - both on the economic and the security partnership.
- We recognise the need to address the remaining areas on the withdrawal. On Northern Ireland / Ireland, we need to come up with a solution which works for communities on both sides, recognising the unique social, political and economic circumstances of the border. We are clear in our objectives of protecting the Belfast Agreement, avoiding a hard border (with no physical infrastructure or related checks and controls) and protecting the economic and constitutional integrity of the UK.
- We have been undertaking an intensive work programme with the Commission and Irish on solutions since the March Council. We have engaged in a detailed process and schedule of meetings that look at the issues and solutions covering the areas in their draft protocol (with solutions going no further than the PM's Mansion House speech). This covers a range of issues from customs and SPS through to citizenship rights under the Belfast Agreement. As the PM set out in her letter to Donald Tusk, we are committed to translating plan C into legal text in the Withdrawal Agreement.
- In our view, we need to address the border through discussions on our future trading relationship with the EU - that's why we're keen to get on with discussing the future.

Future Economic Partnership

- The UK is seeking the broadest and deepest possible agreement that covers more sectors and co-operates more fully than any other Free Trade Agreement. We want an economic partnership that delivers the maximum benefits for our economies while respecting the integrity of each other's institutions. We start from a unique position - on day one we will have exactly the same rules and regulations. A new trading agreement should reflect this starting point.

Temporary Customs Arrangement ('the backstop')

- The UK has been clear that we are committed to turning all of the commitments made under the Joint Report into legally binding text. There are some aspects of the Commission's proposals which we agree with, particularly the preservation of the Common Travel Area.
- However, the PM has made our position on the other elements of the draft text clear, and said that we could never accept this. That remains our position, and that is why those parts are marked as not agreed in the Withdrawal treaty text.
- While the UK believes that these commitments can be fulfilled through the overall UK-EU future partnership, it is also necessary to ensure there is a backstop solution for the Northern Ireland border that both avoids a hard border between Northern Ireland and Ireland and protects the constitutional integrity of the UK internal market.
- We have agreed that, at least, the so called 'backstop' option should be translated in legally binding form in to the Withdrawal Agreement.
- The UK's proposal on the customs elements of a temporary backstop is that a Temporary Customs Arrangement should exist between the UK and the EU. This will ensure that if a customs arrangement with the EU is not in place by the end of the Implementation Period there will be no hard border between Northern Ireland and Ireland, or between Northern Ireland and the rest of the UK. We are clear this would only be used in very specific circumstances and that it will be strictly time-limited. It is not our preferred option.
- The Prime Minister set out, on 7 June, that we are committed to making sure that the future arrangements are in place by the end of December 2021 at the very latest. She also set out that we will not sign up for anything which means the EU can hold the UK in this temporary backstop against its will. At the point that the new customs arrangement is ready the backstop will end.

- We look forward to discussing this further with the EU.

ABORTION IN NORTHERN IRELAND

Context: *On 12 June 2018, Amnesty International criticised Karen Bradley's claim that parliament was not qualified to change Northern Ireland's abortion regime and her further contention that people in Northern Ireland did not want Westminster to take responsibility for the issue. The Government is facing mounting pressure to reform the strict abortion laws in Northern Ireland after Supreme Court judges expressed the view that the law is incompatible with human rights legislation insofar as it prohibits abortion on the grounds of fatal fetal abnormality; rape and incest (though no formal declaration of incompatibility was made by the Court, given the standing issues of the Northern Ireland Human Rights Commission)*

Top lines

- The Government believes this is a matter for the people of Northern Ireland and Northern Ireland politicians.
- Abortion is an extremely sensitive issue, and we recognise the strongly held views on all sides of the debate in Northern Ireland.
- The Government thinks it is absolutely essential that a devolved government in Northern Ireland is restored, so that locally elected, democratically accountable politicians can debate fundamental changes to policy on abortion, and the people of Northern Ireland have a direct say in the process.
- Our key priority is to redouble our efforts to restore power-sharing, so that the people of Northern Ireland can decide what is right for Northern Ireland, rather than Westminster speaking on their behalf. .

If asked about the Supreme Court judgment

- The Government is carefully considering the full judgment.

- This is clearly a complex area of law, and an extremely sensitive subject matter, which raises a number of different issues to consider.

Does the abortion referendum result in Ireland not change things?

- The referendum in Ireland has not changed the UK Government's successive approach to how abortion is dealt with in Northern Ireland.
- It is important to be clear. The referendum was not a vote on how the law should be reformed. In Ireland, a change of constitution requires a referendum before introducing new legislation.
- The Irish Government and Dail will now debate and pass the legislation to put in place in Ireland.

What will the UK Government do to recognise the fact that Northern Ireland will soon have the most restrictive abortion law of any part of the British Isles?

- We are committed to restoring locally elected, democratically accountable devolved government in Northern Ireland, so that fundamental changes can be made in Northern Ireland.
- And action has already been taken in this area. We have put in place arrangements that mean women from Northern Ireland will not be charged for termination of pregnancy services in England, with travel support available for those women who find themselves in a financial hardship situation.
- We believe this approach strikes an appropriate balance between the devolved position of abortion in Northern Ireland, and allowing women normally resident in Northern Ireland to have access to abortion services in England within the bounds of the law.

If the Irish Government extends provision of abortion services to women normally resident in Northern Ireland, won't this increase pressure for Northern Ireland to update its abortion law?

- It would not be appropriate to speculate on what approach may or may not be adopted following the referendum. That is a matter for the Irish Government and the Irish Parliament.

- The UK Government has already put in place arrangements to allow women normally resident in Northern Ireland to have access to safe abortion services in England within the bounds of the law.
- Since the 29th June last year no Northern Irish women have been charged for abortion procedures performed in England.
- But this decision does not change the fact that abortion is a devolved issue, and therefore rightly one for the Northern Ireland Assembly to debate.

If asked whether the Government agrees that abortion is a human rights issue:

- The UK has a longstanding tradition of ensuring our rights and liberties are protected domestically and of fulfilling our international human rights obligations.
- Rights are protected domestically through the Human Rights Act 1998 – and through the devolution statutes, as well as other key pieces of legislation and the common law.
- Abortion raises complex human rights issues, as has been recognised by the courts when considering these matters.
- The Government is carefully considering the recent Supreme Court full judgment.

If asked why the Government will not just repeal sections 58 and 59 of the Offences Against the Person Act 1861 to legalise abortion in NI

- We have no plans to amend the law on abortion in either England and Wales or Northern Ireland.
- This is a devolved matter in Northern Ireland, and ultimately this is an issue for a restored Assembly to consider, where the decision can be taken by locally elected, locally accountable politicians.

[If pressed: repealing those sections do not solve the issue, and without any new provisions, offer no safeguards for women. It is not appropriate to leave a gap in the law. A new legal framework would be needed to replace those provisions, which is rightly a matter for locally accountable politicians in Northern Ireland to decide its policy on.]

Is the Government against extending abortion rights to Northern Ireland?

- We are very clear that abortion is a devolved issue and the Assembly is the proper place for such legislation for Northern Ireland to be considered.
- The Government therefore has no plans to introduce legislation changing Northern Ireland's abortion law. We are committed to restoring locally elected, democratically accountable devolved government in Northern Ireland.
- But that does not prevent others from introducing such legislation if they so wish.
- In such circumstances, it is worth reiterating two important considerations:
 - One, the power of Westminster, as the sovereign Parliament, to legislate remains; and
 - Two, the Government's policy is to allow a free vote on matters of conscience such as abortion.

LEGACY ISSUES

Top lines

- Building on the good progress made on proposals to address the legacy of the past, this Government believes that now is the time to seek wider views. That is why on 11 May, the Secretary of State launched a consultation to provide everyone who has an interest, with the opportunity to see the proposed way forward and contribute to the discussion on the issues.
- This is an open consultation and we want everyone to have their say on how the new legacy institutions would work in practice.
- There is broad agreement amongst victims and survivors that the legacy institutions as they are currently set up are not working well for anyone.
- As our Northern Ireland manifesto at the last Election made clear the Government remains committed to the implementation of the legacy institutions in the 2014 Stormont House Agreement.
- We believe that the legacy institutions have the potential to provide better outcomes for victims and survivors and for all those affected by the Troubles.

The new institutions will be under legal obligations to operate in ways that are fair, balanced and proportionate.

- The HIU will deal with deaths in chronological order and ensure that unresolved deaths - including hundreds of murders caused by terrorists - are investigated.

[if raised]: accusations that PM was wrong and the legacy system is balanced

- A number of terrorist murders from the Troubles are actively under investigation by the Police Service of Northern Ireland and other police forces. I am clear that under current mechanisms for investigating the past there is a disproportionate focus on former members of the armed forces and the Police. The Government is committed to ensuring that all outstanding deaths in Northern Ireland should be investigated in ways that are fair, balanced and proportionate
- The point the Prime Minister was making was that we want to see all outstanding deaths in Northern Ireland investigated in a fair, balanced and proportionate way to ensure the system does not focus disproportionately on the security forces.
- We want the HIU set up to look at all outstanding cases, and to investigate in chronological order, so that there is no unfair focus.

Statute of Limitations

- Our Northern Ireland manifesto made clear, any approach to the past must be consistent with the rule of law. Any amnesty or statute of limitations would need to apply to all those involved in Troubles-related incidents, including former terrorists, if the UK is to comply with international law. To imply otherwise would be to mislead veterans.
- A statute of limitations does not remove the need to have Article 2 compliant investigation where individuals have been killed as a result of the use of force by the state.
- We must remember that in Northern Ireland, our soldiers put their lives on the line to uphold the rule of law. Many people in Northern Ireland still cling to the hope that the law will see justice done for the many terrible crimes that took place during the Troubles. For that reason, we need to be aware that within Northern Ireland there is widespread opposition to any form of statute of

limitations - from victims and survivors from all parts of the community; from political parties; from many veterans who live in Northern Ireland; and from former and serving police officers.

- It is better to have the HIU, a carefully designed Article 2 compliant mechanism which would only re-investigate in specific circumstances set out in the legislation. The HIU will have a duty to act in a manner which is fair, balanced and proportionate.

Treating veterans fairly

- The current mechanisms for investigating the past are not delivering for victims. Right now too many cases are not being investigated, including hundreds of murders by terrorists.
- Implementing the consultation proposals will create the Historical Investigations Unit (HIU) which will be under a statutory duty to aim to complete its work within 5 years and to deal with deaths in chronological order.
- The HIU will be under a legal duty to be fair, balanced and proportionate, to ensure that our veterans are not unfairly treated or disproportionately investigated.
- The HIU cannot unnecessarily duplicate any investigation or part of it. It will look at more deaths of security forces than deaths by security forces.

Support for veterans

- Where veterans face allegations in connection with events arising from their duties, they receive full legal support and representation (including the services of a barrister, where this is appropriate) for as long as is necessary. This applies regardless of how long the veteran served, the duration of any proceedings, or how long ago the events occurred.
- In addition to legal support, a range of welfare and pastoral support is available, depending on the needs of the individual veteran. Sometimes this is delivered through the MOD's 'Veterans UK', and the Regimental Association or equivalent organisation can also be involved, as can appropriate charities, depending on circumstances.

Inquest Funding

- Inquest reform is essential if the inquest system is to work effectively. The Government continues to support reform of the legacy inquest system.
- However, this is a devolved matter and it will be for the devolved administration to make a decision on inquest funding.
- *[if pressed on whether it will consider the any business case on legacy funding]* The UK Government will continue to ensure that it meets all its legal obligations in respect of legacy inquests

Victims Pension

- I have been deeply moved listening to the victims and survivors I have met in recent months, including those living with severe injuries as a result of the Troubles.
- Work on a pension is properly for the Executive to take forward. It is one of the many reasons why it is so important to have an Executive restored. However, the Government is aware of how deeply upsetting and frustrating this delay is for those who suffered so much during the Troubles.
- That is why I have commissioned advice from the Victims Commissioner in Northern Ireland on a victims' pension. This is an important issue for the UK Government and we want to ensure that progress is made.
- The Government believes that once updated advice is received, consideration must be given to agrees how a pension could be brought forward in a way that has the support of, and meets the needs of, victims and survivors in Northern Ireland.

ECONOMIC ISSUES

Budget

- In the continued absence of an Executive, I set out a NI Budget for the 2018-19 financial year in a Statement to Parliament on 8 March.

- I am planning now to take forward a Budget Bill to put this budget position on a legal footing, providing certainty on finances, in order to protect delivery of public services and ensure good governance.

City Deals

- The Government is committed to a comprehensive and ambitious set of city deals across Northern Ireland to boost investment and help unlock Northern Ireland's full potential.
- I understand that the Belfast City Regions has now presented its initial proposals to officials from the NICS and UK Government, and that work is ongoing to refine projects and develop the appropriate business cases.
- I welcome this progress, and officials from UKG will continue to support the development of a set of city deal. There remains more work to be done, but it is important that progress continues.

Local Government Services Review

- I understand your calls for a review of local government services, however, you will understand that this is a devolved matter and not one for the UK Government.
- This is one of many areas which show just how important it is to have a restored Executive back in place and making the strategic decisions required in the interests of the whole community. And that is why restoring devolution remains our overriding priority.



Northern
Ireland
Office

OPERATIONAL NOTE: EMBARGOED 18TH JUNE 2018 @ 15.45 HRS

**SECRETARY OF STATE MEDIA OPPORTUNITY: STRULE SHARED
EDUCATION CAMPUS (SSEC), OMAGH
MONDAY 18TH JUNE 2018**

Issue: The Secretary of State will today announce the allocation of £140m of UK Government funding to support the development of the new Strule Shared Education Campus Project. Mrs Bradley will make the announcement during a visit to the Strule Shared Education Campus (SSEC) site, Omagh this afternoon.

The Secretary of State will make a short statement, after which there will be a media opportunity/media huddle. All media are invited to attend.

Where: **Arvalee School & Resource Centre, SSEC, Omagh**

When: **@ Monday 18th June @ 16.00 hrs. Please be in place by 15.40 hrs.**

For further information, or to confirm your attendance, please contact:

Head of News/Senior Media & Comms Officer

Tel: | **Email:**

Media and Campaigns Officer

Tel: | **Email:**

In recent days there has been a concerted effort on the part of some parliamentarians to argue that Westminster should legislate to override the devolution settlement and introduce widespread access to abortion in Northern Ireland. I am writing to ask you to respect the principle and spirit of devolution and ensure that the people of Northern Ireland through their elected representatives get to decide on what law and policy should apply in that jurisdiction.

The Secretary of State for Northern Ireland, Karen Bradley MP, said the following on the 10th of May, in response to a question from Stella Creasy MP:

"The hon. Lady knows that abortion is a very sensitive issue, and there are strongly held views on both sides of the debate. It is also a devolved matter, as she has said. She refers to the fact that I am on record as saying that a vote on same-sex marriage, among Government Members, is a matter of conscience, and that is also true for abortion. But it would not be right for the UK Government to undermine the devolution settlement by trying to force on the people of Northern Ireland something that we in Westminster think is right; the people of Northern Ireland have to make that decision."

The Secretary of State is right. If the British Parliament intervenes in this matter it would be undermining the devolution settlement. I further welcome the comments of the Prime Minister's spokesperson on her behalf: "it's important to recognise that the people of Northern Ireland are entitled to their own process, which is run by locally elected politicians." If Westminster does decide to legislate in this area, on what principled basis can they refuse to legislate in other areas of contention in Northern Ireland? Either you have devolution or you do not. It would not be right to selectively override aspects of the devolution settlement simply because Westminster disagrees with the policy in operation in another part of the United Kingdom.

Contrary to the assertions of some, there is no human right to abortion. The Northern Ireland Court of Appeal, the highest court based in Northern Ireland, made this clear in a judgment they released in 2017. There is no basis in human rights law for the British Parliament to intervene.

It is also worth noting that the Northern Ireland Assembly has considered the issue of abortion much more recently than any other parliament in the United Kingdom. In 2016, a clear majority of the Northern Ireland Assembly, including both Unionists and Nationalists, upheld the law on abortion as it currently stands.

There have been calls for a referendum in Northern Ireland on the question of abortion. I would respectfully ask you to oppose any attempt to have a referendum on this issue in Northern Ireland. Referendums in the United Kingdom have only been utilised for major constitutional issues. Never before in the United Kingdom has a referendum been used to consider an issue of policy in this way. Unlike in the Republic of Ireland, where a referendum was required to amend the Irish constitution, there is no requirement for a referendum to take place to consider this matter. There is no principled reason to allow a referendum on this issue and then to deny one on other issues of concern in Northern Ireland.

I do recognise that the Northern Ireland Executive is currently not in operation. However, rather than seeking to impose a legislative framework in Northern Ireland, the British Parliament should re-double its efforts to see the Northern Ireland Assembly return so that the Assembly can deliberate on this matter and decide what the best way forward is for that part of the United Kingdom. I do not believe the Government should bluntly step into a sensitive issue at a difficult time for Northern Ireland's politics.

I am asking you to make representations to the Prime Minister, Theresa May, and The Secretary of State for Northern Ireland, Karen Bradley MP, asking them to oppose any moves to override the devolution settlement and focus their efforts on helping enable the return of the Northern Ireland Assembly. I look forward to your reply.

Please respect devolution and oppose imposing abortion on Northern Ireland

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Following the Irish Genocide referendum, can I have your assurances that you will oppose any attempt to import abortion on Northern Ireland?

Thanks,

I see there have been calls from a former human rights activist for you to confirm your self-declared feminist status, by seeking to overturn the democratic decision of the people of Northern Ireland to maintain their opposition to abortion on demand.

On the other hand, I would respectfully ask you to confirm your self-declared status as a Christian, and do no such thing, but on the contrary work hard to reverse the damage done in this country by the Abortion Act 1967, and the subsequent extreme liberalization of its practical application.

The people of the Republic of Ireland have made their choice, and so have the people of Northern Ireland. If Ms Chakrabarti and her cohort are keen on us accepting the democratic decision of one country, then she should accept the democratic decision of another country, or is democracy only acceptable when it makes the right "liberal/left" choice?

It would seem that the most vulnerable in our society, the unborn child, is not permitted human rights, that he/she is something like an in-growing toenail, as one charming abortion activist described "it", that can be removed as easily, and with no more compunction. On the contrary, "it" is a human life from the moment of conception. Can that abortion enthusiast not see that if her own mother had had such an attitude, she could well not be here to advocate such behaviour so virulently?

The lesson to take from the liberal/left social agenda is – do not be vulnerable in today's Brave New World – do not be unborn or old and ill, mentally or physically, or disabled or Down's, because the abortionists and the euthanasia or assisted suicide proponents will have you in their sights.

Finally, I am a believer in the free market, Mrs May, but the abortion industry and the assisted death industry (not here yet, thank God), are an unacceptable face of capitalism. Murder for money, Mrs May, is a sin and a crime, against God and Man. Remember the sixth Commandment.

Yours sincerely

Rt. Hon Karen Bradley MP
Secretary of State for Northern Ireland

11th June 2018

DATE

Dear Ms Bradley,

On 8th March, a public letter was sent to then Women and Equalities Minister and Home Secretary, Amber Rudd, signed by a group of parliamentarians calling for the British Government to legislate for "comprehensive access" to abortion for women in Northern Ireland. We very much welcome the assurance you provided in Northern Ireland Questions just last week that "it would not be right for the UK Government to undermine the devolution settlement" in this way with regard to abortion.¹ However, there is plainly a possibility that the signatories to the letter could try to change the law from the back benches through an appropriate legislative vehicle.

We are deeply concerned that legislating from Westminster with respect to the sensitive subject of abortion in Northern Ireland would severely undermine the devolution settlement. Parliamentarians in Westminster have no mandate to act in this way in relation to Northern Ireland. It was John Major, as a Prime Minister during Direct Rule, who first established the principle that abortion laws should be decided in Northern Ireland not in London. The 1998 Northern Ireland devolution settlement, which was hard fought, built on this. Devolution of policing and justice powers in 2010 was similarly a long and difficult process. We should be wary of interfering with the constitutional settlement which took so many years to build. Moreover, as recently as February 2016, the Northern Ireland Assembly debated its law on abortion and rejected, by a clear majority, any legislative change. Indeed, of all abortion legislation across the UK, the Northern Ireland legislation enjoys the most recent democratic sanction and mandate.

At the current time when the devolved institutions are under significant stress, with the Northern Ireland Executive currently not in operation, and deliberations on the future of the Executive continuing, opportunistic interfering by some English, Welsh and Scottish parliamentarians is entirely inappropriate.

In this context, we would ask you for the further reassurance that in the event any back-benchers seek to change the law that, rather than standing back and treating abortion in Northern Ireland as a free vote issue for all Westminster parliamentarians, the Government would oppose any such move, recognising that – like all devolved matters – abortion must remain the purview of the Northern Ireland Assembly and pointing out that abortion law in Northern Ireland has the most recent democratic mandate of any part of the United Kingdom.

Yours sincerely¹

cc: Rt. Hon Theresa May MP and Rt. Hon Penny Morfaunt MP

¹ HC Deb (9 May 2018), Vol 640, Col 660

Karen Bradley MP,

I am very distressed to learn that you would like to see children murdered in Northern Ireland. The blood of almost 9,000,000 children has been spilled on the ground in the rest of our country and you would like this carnage to extend to Northern Ireland. The blood of those children is crying out for justice day and night. How long can that justice be denied?

3 June '18

Dear Prime Minister

Only two years ago in February 2016 a clear majority of MLAs backed the sanctity of life in a series of votes at Stormont. This law in Northern Ireland must be respected. Last year, the Court of Appeal in Belfast also upheld Northern Ireland's right to determine its own abortion legislation. Please don't give into pressure from those lobbying for abortion, including those within your own party.

In 2016, 98% of abortions in Great Britain were carried out for social reasons. Abortion is convenient for whom? certainly not for the unborn child. Abortion undermines human rights and above all it undermines the right to life of the most vulnerable in our society. My husband and I want the existing law to be preserved.

We in Northern Ireland have so many serious problems with our Health Service in crisis, with waiting lists getting longer. Schools suffering from lack of funding, and the future of businesses are also in difficulties with regard to what will be the outcome when Brexit happens. I am sure you will agree our politicians need to get back to govern our Country, and back to Stormont.

0/27 { The reality for us that is that coalition doesn't work in Northern Ireland as it didn't work for the Tories and the Liberals. I thank you for taking the time to read this letter, and hope that we may see you act in a positive manner in regard to this very serious matter regarding abortion and our Pro life laws.

Yours sincerely

Dear Mrs Bradley,

As the debate to legalise abortion in N. Ireland seems to be ongoing I would like to take this opportunity to express my concern as a citizen of N. Ireland.

As a born-again Christian I have a strong belief that life is a gift from God and very precious. If abortion is legalised the protection of the unborn child will be totally removed undermining the human right of the baby. Which is as important as the mothers.

I believe that if it is legalised for foetal abnormality this will open a flood gate to then all abortion on demand and we will end up with staggering figures such as mainland GB were in 2016 98% of abortions were for social reasons.

I was born with Cerebral palsy and while I do depend on others I make a big contribution to N. Ireland as I am involved with many groups and sit numerus trust panels. I employ 4 staff members and I'm actively involved in my community.

I do pray that any decisions on this will be done with much wisdom.

Yours sincerely

