

SECRET AND PERSONAL

JD.15J.D. 15 7 December

1. The Taoiseach and the Prime Minister acknowledge that the most urgent and important issue facing the people of Ireland, North and South, and the British and Irish Governments together, is to remove the causes of conflict, to overcome the legacy of history and to heal the divisions which have resulted, recognising that the absence of a lasting and satisfactory settlement of relationships between the peoples of both islands has contributed to continuing tragedy and suffering. They believe that the development of an agreed framework for peace, which has been discussed between them since early last year, and which is based on a number of key principles articulated by the two Governments over the past 20 years, together with the adaptation of other widely accepted principles, provides the starting point of a peace process designed to culminate in a political settlement.

2. The Taoiseach and the Prime Minister are convinced of the inestimable value to both their peoples, and particularly for the next generation, of healing divisions in Ireland and of ending a conflict which has been so manifestly to the detriment of all.

Both recognise that the ending of divisions can come about only through the agreement and co-operation of the people, North and South, representing both traditions in Ireland. They therefore make a solemn commitment to promote co-operation at all levels on the basis of the fundamental principles, undertakings, obligations under international agreements, to which they have jointly committed themselves, and the guarantees which each Government has given, [including Northern Ireland's statutory]

¹ This amendment and the amendment to this sentence of paragraph 4 are alternatives.

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¹ The Irish side argue that the constitutional guarantee is better in this paragraph, and less likely to be seen as unhelpful to unionists (and republicans) than it would be in paragraph 4.

harmless version
of a prior
amendment proposed
in Dublin

constitutional guarantee, which the British Government hereby reaffirm.] It is their aim to foster agreement and reconciliation, leading to a new political framework founded on consent and encompassing arrangements within Northern Ireland, for the whole island, and between these islands.

New British wording

British proposal to ensure that the United Kingdom is mentioned.

3. They also consider that the development of Europe will, of itself, require new approaches to serve interests common to both parts of Ireland, and to Ireland and the United Kingdom as partners in the European Union.

Original Peter Brook form: longer version sacrificial

4. The Prime Minister[, on behalf of the British Government, reaffirms Northern Ireland's statutory constitutional guarantee.

Shorter version of a Molyneux suggestion

At the same time, he² reiterates on behalf of the British Government that they have no selfish strategic or economic interest in Northern Ireland. ~~Consequently with its government~~ Their concern is to uphold the democratic wishes of its people.

Variant of a Molyneux suggestion

Consistent with this, their primary interest is to see peace, stability and reconciliation established by agreement among all the people who inhabit the island, and they will work together with the Irish Government to achieve such an agreement, which will embrace the totality of relationships. The role of the British Government will be to encourage, assist and enable the achievement of such agreement over a period through a process of dialogue and co-operation based on full respect for the rights and identities of both traditions in Ireland. They accept that such agreement may, as of right, take the form of agreed structures for the island as a whole, including a sovereign united Ireland. The British Government agree that it is for the people of the island of Ireland alone, by agreement between the two parts respectively, to exercise their right of self-determination on the basis of consent, freely and concurrently given, North and South, to bring

Instead of "independent" structures, which implied an autonomous all-Ireland institution

² See footnote to paragraph 2

New words proposed by the Irish side which (with "respectively" added by the British) make the original Irish sentence more acceptable

about a united Ireland, if that is their wish. They reaffirm as a binding obligation that they will, for their part, introduce the necessary legislation to give effect to this, or (to any measure of agreement on future relationships in Ireland which the people living in Ireland may themselves freely determine without external impediment and on a basis of concurrent North-South consent. They believe that the people of Britain would wish, in friendship to all sides, to enable the people of Ireland to reach agreement on how they may live together in harmony and in partnership, with respect for their diverse traditions and with full recognition of the special links and the unique relationship which exist between the peoples of Britain and Ireland.

[freely]

"collectively" is deleted

Molyneux suggested insertion of "new" was not accepted; but the addition of the following sentence makes it a bit less problematic.

5. The Taoiseach, on behalf of the Irish Government, considers that the lessons of Irish history, and especially of Northern Ireland, show that stability and well-being will not be found under any political system which is refused allegiance or rejected on grounds of identity by a significant minority of those governed by it. For this reason, it would be wrong to attempt to impose a united Ireland, in the absence of the freely given consent of a majority of the people of Northern Ireland.

New work on consent in response to British pressure

He accepts, on behalf of the Irish Government, that the democratic right of self-determination by the people of Ireland as a whole must be achieved and exercised with and subject to the agreement and consent of a majority of the people of Northern Ireland and must, consistent with justice and equity, respect the democratic dignity and the civil rights and religious liberties of both communities. These would be reflected in any future political and constitutional arrangements emerging from a new and more broadly based agreement.

Molyneux suggestion

6. The Taoiseach however recognises the genuine difficulties and barriers to building relationships of trust either within or beyond Northern Ireland, from which both traditions suffer. He

will work to create a new era of trust, in which suspicions of the motives or actions of others is removed on the part of either community. He considers that the future of the island depends on the nature of the relationship between the two main traditions that inhabit it. Every effort must be made to build a new sense of trust between those communities. In recognition of the fears of the Unionist community and as a token of his willingness to make a personal contribution to the building up of that necessary trust, the Taoiseach will examine with his colleagues any elements in the democratic life and organisation of the Irish State that can be represented to the Irish Government in the course of political dialogue as a real and substantial threat to their way of life and ethos, or that can be represented as not being fully consistent with a modern democratic and pluralist society, and undertakes to examine any possible ways of removing such obstacles. Such an examination would of course have due regard to the desire to preserve those inherited values that are largely shared throughout the island or that belong to the cultural and historical roots of the people of this island in all their diversity. The Taoiseach hopes that over time a meeting of hearts and minds will develop, which will bring all the people of Ireland together, and will work towards that objective, but he pledges in the meantime that as a result of the efforts that will be made to build mutual confidence no Northern Unionist should ever have to fear in future that this ideal will be pursued either by threat or coercion.

7. Both Governments accept that Irish unity would be achieved only by those who favour this outcome persuading those who do not, peacefully and without coercion or violence, and that, if in the future a majority of the people of Northern Ireland are so persuaded both Governments will support and give legislative effect to their wish. But notwithstanding the solemn affirmation by both Governments in the Anglo-Irish Agreement that any change

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The Irish proposal which has been amended to avoid any suggestion that the British government is one of the "persuaders", or - the concept of persuasion in the Anglo-Irish Agreement

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in the status of Northern Ireland would only come about with the consent of a majority of the people of Northern Ireland, the Taoiseach also recognises the continuing uncertainties and misgivings which dominate so much of Northern Unionist attitudes towards the rest of Ireland. He believes that we stand at a stage of our history when the genuine feelings of all traditions in the North must be recognised and acknowledged. He appeals to both traditions at this time to grasp the opportunity for a fresh start and a new beginning, which could hold such promise for all our lives and the generations to come. He asks the people of Northern Ireland to look on the people of the Republic as friends, who share their grief and shame over all the suffering of the last quarter of a century, and who want to develop the best possible relationship with them, a relationship in which trust and new understanding can flourish and grow. The Taoiseach also acknowledges the presence in the Constitution of the Republic of elements which are deeply resented by Northern Unionists, but which at the same time reflect hopes and ideals which lie deep in the hearts of many Irish men and women North and South. But as we move towards a new era of understanding in which new relationships of trust may grow and bring peace to the island of Ireland, the Taoiseach believes that the time has come to consider together how best the hopes and identities of all can be expressed in more balanced ways, which no longer engender division and the lack of trust to which he has referred. He confirms that, in the event of an overall settlement, the Irish Government will, as part of a balanced constitutional accommodation, put forward and support proposals for change in the Irish Constitution which would fully reflect the principle of consent in Northern Ireland.

caution with
the principle
in arbitration

8. The Taoiseach recognises the need to engage in dialogue which would address with honesty and integrity the fears of all traditions. But that dialogue, both within the North and between

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The best the Taoiseach is said to be ready to accept a constitutional reform. A firm contingent commitment, but not very specific. Strong resistance to changing the "claim of right" to an aspiration.

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the people and their representatives of both parts of Ireland, must be entered into with an acknowledgement that the future security and welfare of the people of the island will depend on an open, frank and balanced approach to all the problems which for too long have caused division.

British
proposal

9. The British and Irish Governments will seek, along with the Northern Ireland constitutional parties through a process of political dialogue, to create institutions and structures which, while respecting the diversity of the people of Ireland, would enable them to work together in all areas of common interest. This will help over a period to build the trust necessary to end past divisions, leading to an agreed and peaceful future. Such structures would, of course, include institutional recognition of the special links that exist between the peoples of Britain and Ireland as part of the totality of relationships, while taking account of newly forged links with the rest of Europe.

British side
make clear that
the inclusion of
para 10 & 11
will make the
text
unacceptable.

[10. In the light of their joint commitment to promote the foregoing objectives, the Taoiseach has indicated to the Prime Minister his intention of establishing an Irish Convention to consult and advise, as long as is necessary, on the steps required to remove the barriers of distrust which at present divide the people of Ireland and which also stand in the way of the exercise in common by them of self-determination on a basis of equality. It will be open to the Convention to make recommendations on ways in which agreement, in the spirit of the Report of the New Ireland Forum, and respect for the rights and identities of both traditions in Ireland, can be promoted and established. The Convention will operate with full respect for the authority of the institutions established by law in the State. It will be a fundamental guiding principle of the Convention that all differences between the Irish people relating to the exercise in common of the right to self-determination will

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Note The Irish side will consider dropping paragraphs 10 & 11, and have in mind the possibility of announcing unilaterally the establishment of a permanent Irish Convention, perhaps a week after a cessation of violence, were that to occur.

be resolved exclusively by peaceful, political means.

11. The Convention will be open to democratically mandated political parties in Ireland which abide exclusively by the democratic process and wish to share in dialogue about Ireland's political future and the welfare of all its people. The Irish Government will approach the Convention in a true spirit of openness and magnanimity.]

12. The British and Irish Governments reiterate that all those claiming a commitment to the cause of peace have an absolute responsibility to renounce permanently the use of, and support for, paramilitary violence. Once such a renunciation of violence had been made and sufficiently demonstrated, new doors would open and both Governments would respond imaginatively to the new situation which would arise. The Prime Minister and the Taoiseach confirm that, on this basis, if the IRA were to end violence for good Sinn Fein could participate fully in democratic politics and in due course join in dialogue between the Governments and the other political parties on the way ahead. The British Government confirm that they would be prepared to enter preliminary exploratory dialogue with Sinn Fein within three months after a permanent cessation of IRA violence had been announced and established. The Irish Government would also make arrangements which would permit Sinn Fein to enter into political dialogue.

This sentence is intended as a trailer for a later unilateral announcement of the permanent Irish Convention.