

Ice Mr Beeton

- = 1. comments 4 Oct  
- = 14 Oct

JOINT FRAMEWORK DOCUMENT (24.9.93)

Status of Paper

use their best endeavours for

1. British and Irish officials were instructed at the meeting of the Anglo-Irish Intergovernmental Conference on 10 September to draft a joint illustrative working paper, without commitment on either side and ad referendum to Ministers, whose object was to seek to identify, as a basis for discussion, aspects of a possible outcome, consistent with the agreed statement of 26 March 1991, likely to prove acceptable to all parties to talks. They were also instructed to submit their conclusions for discussion at the next meeting of the Intergovernmental Conference on 27 October.

?  
"a joint assessment of what was needed for an outcome"

2. [It was the further understanding of both sides that discussions arising from the working paper would complement, within the same time frame, bilateral discussions between the British Government and NI political parties currently being undertaken for the same purpose by Michael Ancram.]

Fuller description

3. The following joint paper represents the outcome of discussions within the Liaison Group.

For consideration by Ministers in the Conference

It is accepted on both sides that work done for the inter-governmental framework will not be

General Principles

4. Both Governments agreed in 1980 that the best prospect of achieving peace, reconciliation and stability and of improving relations between the peoples of their two countries was to address the totality of relationships within these islands.

5. Both Governments have reviewed their relationship with each other. They look forward to further developing the partnership that already closely links both countries in ways that fully take account of the views of the main constitutional parties in Northern Ireland

... will not be

odd

Decouple relationship from views of const. parties

Subject of discussion, still less negotiation, with the NI parties, unless both Govts agree beforehand whether or how this should be done.

DUSL/MR/41946-24.9.93)

3 of 9/10 "fully taking account of views of - 1 - NI const. parties..."

?? Work in para 7

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not be continuing in this the same timeframe

include paras 6 & 9 of "Principles" page of the NI pol. parties. 9/10/92

6 = 53 stuff meetings with his committee to Ag

9 = committed to Ag

Para 2-5] 9 Oct

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Get in Sec.

Co-9

Copy of 9/10/92

and the wishes of its people.

\* 6. Both Governments have recognised the major interest of both their countries and, above all, of the people of Northern Ireland in diminishing the divisions there and achieving lasting peace and stability.

7. Both Governments have recognised the need for continuing efforts to reconcile and to acknowledge the rights of the two major traditions that exist in Ireland, represented on the one hand by those who wish for no change in the present status of Northern Ireland and on the other hand by those who aspire to a Sovereign united Ireland achieved by peaceful means and through agreement.

8. Both Governments have expressed their total rejection of any attempt to promote political objectives by violence or the threat of violence and their determination to work together to ensure that those who adopt or support such methods do not succeed.

9. Both Governments have also recognised that a condition of genuine reconciliation and dialogue between unionists and nationalists is mutual recognition and acceptance of each other's rights.

10. Both Governments have recognised and acknowledged the identities of the two communities in Northern Ireland and the right of each to pursue its aspirations by peaceful and constitutional means.

11. Both Governments have made clear their commitment to a society in Northern Ireland in which all may live in peace, free from discrimination and intolerance, and with the opportunity for both communities to participate fully in the structures and processes of government.

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\* Note: Paragraphs 6-11 draw virtually verbatim on the 1985 Agreement.

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deep division  
as consequence of diff,  
recognize need to work

Both Govts  
Distinguish between individuals  
& groups

return to  
responsibility.

12, Both Governments also accept that the Nationalist and Unionist identities are equally valid, and that the principles of equality of opportunity, equity of treatment and parity of esteem for all their citizens must be upheld and applied. They will continue to work to ensure that, within their respective jurisdictions, these principles will be fully upheld.

From Govts co-op. to maximum.

may want to return

13. Against this background, both Governments wish to continue to work with the parties to reach agreement by peaceful negotiation and dialogue in ways in which differences are respected; divisions healed; the legitimate interests and aspirations of all the people of the island of Ireland peacefully accommodated; and the key relationships relevant to Northern Ireland resolved. They are both ready to take steps which will help the process of finding agreement.

Devolution

Too prominent

Use language of para 4 of AIA

allegiance.  
all relationships involved.  
human rights of citizens  
partly of stream for others.

controversial

new structure  
chemistry

14. Both Governments continue to support the policy of transferring, within Northern Ireland, executive and legislative responsibilities over a wide range of subjects, with scope for further transfers, to locally accountable political institutions - provided such institutions command assent across the whole community and provide opportunities for [representatives of both main communities] and other groupings which attain sufficient electoral support to participate fully in the structures and processes of Government in a society in which all may live in peace. equitable & effective part of reps of both comm.

concept of power sharing

15. Both Governments reaffirm that this policy should be carried forward through dialogue and negotiation involving the main Northern Ireland constitutional parties, as part of a process encompassing wider relationships including the relationship between new agreed political institutions within Northern Ireland and the Westminster

Embodiment.  
but it is in Treaty.

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DUSL/MR/41946-24.9.93)

[W.I. not Scotland]

Parliament, among the people of the island of Ireland, and between the Governments.

16. Both Governments envisage that any new devolved institutions in Northern Ireland are likely to incorporate significant measures to promote consensual approaches and protect minority interests, and that there will be greater formal protection for human and civil rights.

mutual respect

— Arguable whether sig. for const. balance

North/South Institutions

will serve to... criteria...

17. Both Governments envisage that new institutions might be created, in the context of a comprehensive new agreement, which would enable representatives of the various communities, North and South, to enter into new, amicable and constructive relationships. The two Governments would hope that those new relationships would be based on mutual respect and trust, would progressively reduce the feelings of distrust which have characterised relationships in the past, and would lead to greater and closer friendship among the people living on the island of Ireland.

most date  
picks of  
29/9 para  
8.

18. Both Governments are accordingly prepared, in the context of such an agreement, to promote the necessary legislation in their respective Parliaments to establish a new institutional framework to bring together representatives of the Irish Government and representatives of new agreed political institutions in Northern Ireland.

Start with  
by decision  
that certain  
matters  
handled on  
all I  
basis.  
Provision for  
those to  
be amp.

19. Both Governments reaffirm their view that such an agreement should be sought through dialogue and negotiation involving the main Northern Ireland constitutional parties as part of a wider process.

If N.I. are  
not satisfied  
won't affect  
decision  
in para.

20. Both Governments believe that the legislation should provide,

— Do the 2 govts. vest powers — 4 —

— "certain powers be administered uniformly throughout the island of Ireland"  
— Foyle Fisheries Agreement not the answer  
— Lack of symmetry between 2 Govts

*2 Govts to decide on new /  
? Sentencing by 2 Govts*

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*- Devolved powers called back if not properly used*

within the framework, for:

- (i) clear institutional identity and purpose, and
- (ii) the ability, within defined parameters, to discharge or oversee mandated executive functions.

21. Both Governments envisage that the framework would include a joint administrative support unit, staffed by members of the Northern Ireland Civil Service and the Irish Civil Service. *? outwards*

*the  
womance*

22. Both Governments envisage regular and frequent meetings within the new framework to consider issues of concern; co-ordinate approaches to the EC (where appropriate, in consultation with the British Government) and cross-border projects; consider and recommend co-operative action, and the establishment of cross-border or all Ireland executive agencies by the respective legislatures.

23. They also expect that the framework would have or be able, subject to democratic approval, to discharge or oversee suitable cross-border executive functions. There would also be a programme of reviews within the framework into the scope for enhancing communication, co-operation and service delivery within the island of Ireland.

24. Both Governments also envisage that all decisions within the framework would be by agreement between the two sides, appropriately mandated, and that there would also be input from representatives of the UK Government and Parliament as appropriate.

25. Both Governments envisage that this framework should serve to help heal the divisions among the communities on the island of Ireland; provide a forum for acknowledging the respective

*Board of Union*

*- Use IGC as guarantor + monitor*

*Democratic accountability  
Sentencing review by  
elected reps.*

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*- Must not be inadvertent use of powers in NI to block what had been agreed.*

*- Joint guarantee + lawback device.*

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identities and requirements of the two traditions; express and enlarge the mutual acceptance of the validity of those traditions; and promote understanding and agreement among the people and institutions in both parts of the island.

26. Both Governments also expect that there would be a <sup>inter-</sup> Parliamentary Forum, with representatives from agreed political institutions in Northern Ireland and members of the Oireachtas, to consider a wide range of matters of mutual interest.

Intergovernmental relations

27. Both Governments seek a new Agreement, enhancing the structures of co-operation between them and reflecting the totality of relationships between the United Kingdom and the Irish Republic. Both Governments believe that there should be general provision in such an agreement for liaison between the two Governments on bilateral matters not covered by other specific arrangements, perhaps through an Intergovernmental Council. Such an agreement should be widely acceptable across the community in Northern Ireland, as well as in the rest of Ireland and of the United Kingdom.

28. They also envisage that they would agree to maintain arrangements whereby there is a standing Intergovernmental Conference involving, but not always only attended by the Secretary of State for Northern Ireland and an appropriate representative of the Irish Government. It would be supported by a permanent secretariat staffed by UK and Irish Civil Servants (see para 33 below).

29. Both Governments envisage that representatives of agreed political institutions in Northern Ireland should have formal rights to know in advance what is to be discussed in the Conference, to express views to either Government and to receive progress reports from Governments. These representatives should attend parts of the meetings of the Conference at the invitation of both Governments.

SOH  
Accept. no role for para devolved powers

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- No strict demand to keep away local reps,
- Security purely inter-governmental
- Not diff to associate local reps (not clear instructions)
- Panel cd be inter-fac.
- Not rail down as panel members.

Does Conf have default role.

- SOH strengthen fire-brigade capacity to intervene if things go radically wrong.
- light of demoback
- Struc tests for trigger
- if rules breaking down.

PT

- I miss a pop up warning 2 wats.
- keep to matter of strategic interest.
- try get by panel.

SOH

- Panel must endorse by consensus.
- Or fire brigade must / specific interest.
- Pick out decision things

PT

- These appropriate for panel intervention by unanimity

SOH

- Debate consensus rule. "must be agreed on both sides of community".

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30. The two Governments envisage that matters for which responsibility is transferred to new political institutions in Northern Ireland should be excluded from consideration by the Conference, except to the extent that the continuing responsibilities of the Secretary of State for Northern Ireland are relevant or matters are brought to the attention of both Governments by the proposed new framework. It would, therefore, remain open to the Irish Government to put forward views and proposals on matters relating to Northern Ireland which remain the direct responsibility of the British Government.

31. Both Governments also envisage that the Conference should be concerned with other matters affecting Northern Ireland, including relations and co-operation between the two Governments and the policies of both Governments so far as these have implications for the cross-border or all Ireland aspects of matters which have not been devolved to agreed political institutions in Northern Ireland. In particular, the Conference should provide a forum for furthering the commitment of both Governments to ending terrorism, maintaining and advancing effective security co-operation, promoting justice, and enhancing confidence in and support for the security forces on the part of both traditions and achieving lasting peace and stability.

32. Both Governments accept an obligation to make determined efforts to resolve any differences between them. There would, however, be no derogation from the sovereignty of either Government: each will retain responsibility for the decisions and administration of government within its own jurisdiction.

33. Both Governments also envisage a standing Secretariat, jointly staffed by Civil Servants from the United Kingdom and the Irish Republic, to support the Conference and provide a channel of



Dor - Wants lawback but not trigger

PT - If not working, 2 Govts will have to work  
- Could be tripartite.

HMA - Performance targets.

SOH - Interest in health of NI soc.  
- Definition of trigger crucial.  
= Define negatively. Function without explicit consensus breakdown.

PT - We don't want performance targets  
- We want a deadlock lawback, not gridlock lawback  
- Diff to design in advance.

SOH  
- Do you pass budget.  
- Is it working?  
- Breakdown defines itself.

PT - worried about acceptability to thus.

Dor - Destabiliser

PT - Sit. will define itself.

HMA - Rules for fairness & unfairness

SOH - Address rather than lawback.  
- Recognized breaches of mandate.

PT - Don't want money dragged into usury.

SOH - Have DUP really gone into thus: Restraint fail safe

SOH - Don't want into  
PT - self-defeating situations

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communication between the two Governments on matters within the remit of the Conference. The Secretariat could liaise with the joint administrative support unit established to support the new institutional framework (and other new North/South institutions) described above. Both Governments also believe that the working of the Conference (and Secretariat) should be the subject of periodic review.

34. Both Governments also believe that there should be such continued Interparliamentary liaison as the Westminster Parliament and Oireachtas decided upon.

Constitutional Issues

35. Both Governments have a shared understanding of the constitutional issues which they believe reflects a balanced accommodation of the differing positions of the two main traditions. This includes the elements described in the following paragraphs.

36. Both Governments accept that Northern Ireland is part of the United Kingdom, in accordance with the present wishes of a majority of its people and that it would be wrong to change that status without the consent of such a majority.

37. The British Government affirms that it has no selfish strategic or economic interest in retaining Northern Ireland within the United Kingdom against the wishes of its people.

38. The British Government acknowledges that a significant minority of the people of Northern Ireland wish for, either immediately or at some time in the future, a united Ireland and that they have the right to pursue that aspiration from a basis of parity of esteem, by peaceful and democratic means and without impediment.

SoH

- Not confined to subjects purely with no Br. Govt interest.

QT

- When do we meet again

SoH

QT - report by end next week.

- Next Tuesday. 10-00 Dublin

Const. issues

- All in optimistic mood. 2 Govts have send v. difficult
- Model not saleable.
- I.E. 283 changed, Leavis held in contest.
- Change in 283 word does path to I unity.
- Loss of input of report in AIA.
- Idea of all Ireland polity becomes more remote.
- Problems related to citizenship. Their 1956 Act. Presentational d.t.p.s to overcome.
- Look for understanding & help on these.
- constitutional imperative is problematic.
- avoid oversimplification.
- key is to build more complex models.
- Partnership. Not rival in sovereignty.
- Const. rel. to NI needs to avoid oversimplification.

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39. Both Governments are agreed that if, in the future, a majority of the people of Northern Ireland clearly wish for and formally consent to the establishment of a united Ireland, both Governments will introduce and support in their respective Parliaments legislation to give effect to that wish.

40. The British Government will work to ensure efficient, effective and even handed government in Northern Ireland unless and until it may cease to be part of the United Kingdom in the circumstances envisaged in the preceding paragraph.

41. Against this background, the Irish Government declares that, if there is an agreed outcome from the process of dialogue established by the statement of 26 March 1991 consistent with these principles, it will put forward proposals for the amendment of Articles 2 and 3 of the Irish Constitution to reflect the understandings in this document and seek the necessary support for their implementation. It envisages that the amendments would provide...

42. The British Government similarly declares it will take the necessary steps to initiate and support changes in UK constitutional legislation to reflect the same understanding.

Endorsement

43. Both Governments are agreed that any new agreement reflecting these principles would need to be acceptable to the people.

I Uts Euts  
- find expression of goals of ~~the~~ which ~~at~~ accept

- find def. of present status which ~~at~~ can accept.

①. Get in divided soc.

Define with greater respect for

Fr pos that I can endorse

I pos that Fr can endorse.

Mark 6 of para 35.

Q.T.

- Get through back.

- Carry others with us.

- Present status of NI

- divided soc.

- I people wish it were single polity

- Legitimacy of that aspiration

- What do with where NI is now

- meaningless unless you know what present status is.

Q.T.

... more stress on 2 & 3 if don't deal with present status

- maybe could joint.

- Define the somewhere other than <sup>UI</sup> that NI now is.

- We recognize each other's position.

Self

- Belongs to UK in an attenuated sense.

- Cited in complex network of relationships.