Dermot Nally Papers

UCDA P254/99

A NEW FRAMEWORK FOR AGREEMENT



A NEW FRAMEWORK For agreement

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A shared understanding between the British and Irish Governments to assist discussion and negotiation involving the Northern Ireland parties

- The Joint Declaration acknowledges that the most urgent and important issue facing the people of Irchard, North and South, and the British and Irish Government together, is to remove the causes of condition, to overcome the legacy of history and to heal the disvisions which have resulted.
- Both Governments recognise that there is much for deep regree on all sides in the long and offers tragic himsey of Anglo rish natriess, and of educious in Irland. Tacy believe is in now time to lay under, with digitity and forheatmen, the missakes of the past. A collective effort is needed to create, though agreement and reconciliation, a new beginning founded on consent, for relationships within Northern

Ireland, within the island of Ireland and between the peoples of these islands. The Joint Declaration itself represents an important step nowands this goal, effecting the people of Ireland, North and South, whatever their readition, the basis to agree that from now on their differences can be negotiated and resolved exclusively by peaceful

- 3. The announcements made by the Irish Republican Army on 31 August 1994 and the Combined Loyalist Military Command on 13 October 1994 are a welcome response to the profound desire of people throughout these islands for a permanent end to the violence which caused such immense sufficing and waste and served only to reinfreece
- 4. A climate of peace enables the process of healing to begin. It transforms the prospects fee political progress, building on that already made in the Talks process. Everyone now has a role to play in moving irreversibly beyond the fullures of the past and creating now relationships capable of perpertuaring peace with freedom and futures.
- 5. In the Joint Declaration both Governments set themselves the into function agreement and reconciliation, leading to a new political financesols founded on consent. A vital dimension of this directional protects in the search, though disalgue with the relevant Nordern Ireland parties, for new institutions and streamer to take accusate of the setting of relationships and to enable the people of Indiand to work together in all aroas of common instrum while fully reservative their discrimin.

- Both Governments are conscious of the widespread denier, throughout both identification are widely, to see negotiations underway as soon as possible. They also acknowledge the many requests, from parties Nonthern Ireland and elsewhere, for both Governments to see out their view on how agreement might be reached on relationships within the
- In the Function IX Decisions both Generations therefore should be about adopted many limited between them on the parameter of a bound and containing models between them on the parameter of a bound of the point of
- In Both Genementors or source that the approach is this document presents challenges on supplied depositions of tables. However, it are beligning in relationships mean addensing fractaneous insents are now war disconsistent from all such as a region of the impossible to be for This document is met a rigid beligning to be impossed but both This document is a region of the impossible to the impossibility of the generates which collect a decision with referring a specieties and sides, in comprehensive negationies with the relevant publical points in Numbers in Both. In a shared, with referring a special size and document for consideration and accordingly rangely comment is a for princise, beyond it is a bland of Inductal on more widely.

- 9. The primary objective of both Governments in their approach to Northern Ireland is to promote and enablish approximation of people of the lained of Ireland, bolding on the jint Cheatrains. To this end they will both deploy their policial resources with the irred recurring a new and comperhensive approximation layer the relevant political parties in Northern Ireland and commanding the wislant spoulds compared.
- ${\bf 10}.$ They take as guiding principles for their co-operation in search of the
 - Declaration;
 - stability in any political arrangement;
 - (iii) that agreement must be pursued and enablished by exclusively democratic, peaceful means, without resort to violence or coercion;
 - (iv) that any new political auragements must be based on field sespect for, and protection and exponsion of, the rights and identities of both randitions in Ireland and even-handedly afford both communities in Nombern Ireland parity of enteen and treatment, including equality of opportunity and advantage.
- They acknowledge that in Noethern Ireland, unlike the sinuation which
 prevails elsewhere throughout both islands, there is a fundamental
 absence of consensus about constitutional issues. There are deep

distinsts between the remains of the two main radiation. Bridge the core their responsive reason officiently and Bulgainer, their visions of faunt relationships in telescope and their vision of faunt relationships in ferland and between the two inlands. However, the ten distinct and between the two inlands. However, the two flowers are the Governments also recognise that the large majority of people, in beyond parts of fellested, are a case in their commissions to the demonstrate process and in their desirs to restoly political differences by peared process and in their desirs to restoly political differences by peared to the commissions.

- In "time states for position algorithm, said a friend way off of the Commencer and descriming in address in a finely way off of the Commencer and descriming in a finely way off of the layer of the controlling the rights of bank scalinos in the group of the controlling the rights of bank scalinos in the group of the controlling the rights of bank scalinos in the group of the controlling o
- the two coordinates was west segenter with the parties so achieve a comprehensive accommodation, the implemensation of which would include interlocking and manually supportive institutions across the three strands, including:
 - (a) Structures within Northern Ireland (paragraphs 22 and 23) to enable elected representatives in Northern Ireland to exercise shared administrative and legislative coarrol over all those montest that can be agreed across both communities and which can most effectively and appropriately be dealt with at that level.

- (b) North/South institutions (pungraphs 24-38) with clear slatning and purpose, no ordist representation of democratic institutions. North and South, no mritis more non-operation and construction relationships to promote agreement among the people of the island of Intellation to corry out on a democratically accountable basis delegated executive. Intermediating and consultative facutions over a target of designosed matters to be agreed, and so serve to adsordedge and reconciled or diplos. Horiest sea appreciation of the correlatation of the experimental proprietation of the contraction of the experimental proprietation of the contraction.
- (c) East-west structures (pasagraphs 379-99) to enhance the existing basis for co-operation between the two Governments and to premises, support and underwrite the fair and effective operation of the new arrangements.

Constitutional Issues

- new Coverments accept that agreement on an overall senteness requires; inter alia, a bulanced accommodation of the differing views of the two main traditions on the constitutional issues in relation so the special position of Northern Ireland.
- amini traditions in Northerm Indiant, the two Governments agree that such an accommodation will involve an agreed new approach to the traditional consociational decrines on noto sides. This would be sinced at enhancing and codifying the fullest attainable measure of consent across both tradicions in Ireland and fostering the growth of consensus between them.

- the Anglo-Irish Agreement and in the Joint Declaration. They should acknowledge that it would be wenge on those any change in the strain of Nurbrach Berland sow with the consent of a mojority of the people of Nonthern Berland. He finances as pages of the people them with for and fensily consent to the enablishment of a surried Irishad, the roa Government will strandscar and appear beginning to give effort on the width.

 B. Buth. Governments resourcine that Northern, Industry, current
- 18. Doon Overchitestee (foughes) that Posterion it results clients continuing a time reflexe and relevant per not present with of a majority of in people. They also acknowledge that a present a substantial mismosty of its people with a surface listent Ratiffering the commitment to recourage, facilitize and relief but a laboration agreement over a proid astrong all the people who inhabit the laboration of the proposed of the people who inhabit the laboration of the people who inhabit the people who inhabi

status of Northern Indiand command the consent of the nationalist realision. Against this background, they acknowledge the need for new arrangements and structures — to reflect the reality of diverse suprimisors, to reconcile as fully as possible the rights of book traditions, and to promote co-operation between them, to as to forest the process of developing agreement and consensus between all the people of lock-of.

- 19. They up to the finant surangement relating to Northern Indicate Associates Indicate Section for the indicate placed for the first angular legitimes, and work of the interior same of alleginess, septom and so there of the interior same of alleginess, septom and their sal both the same interior and attending communities other and their sal both times and the properties of the principal contractions and their same interior in the principal contractions and uniform policies, administrative and symbolic expensions and uniform policies, administrative and symbolic expensions and uniform policies. In administrative and repetitive committees one can under the properties of the principal composition and the same policies, the contractive contractive policies for subsequent community fields and fire a surface policies policies for administrative policies. It is a feature policies for a financia, as the case may be, consequent upon the operation of the principle of consecurity.
- 20. The British Government reaffirm that they will upheld the demonrate wish of a genera number of the people of Ninthem Ireland on the issue of whether they prifer to support the Union or a sweetings united Induad. On this basis, they reiterate that thely have no selfish armeripe or economic interest in Northem Ireland. For as long as the demonratic which of the people of Northern Ireland is for no charge in in present

communities. The British Government will discharge their amendment of the Government of Ireland Act 1920 or by its

41. As part or an agreement constraining the toogsaring unnecessaring between the two Governments on constitutional issues, the linit Government will introduce and support proposals for change in the Irish Comittusion to implement the commissioners in the Join Declaration. These changes in the Irish Constitution will fully reflect

the principle of commer in Northern brokeds and domonatally levals, the are northeride data of a plus is including on Northern bright containing to the will of a neptope of in people in amount, while the will of a neptope of in people in amount, while the principle of recognition in the size of the people of the new form of the people of the people

Structures in Northern Ireland

- 22. Both Goermours recognise that new political structures while Northern Include must depend on the co-operation of elected representatives their. They conform that ross-community agreement is an establishment of the establishment and operation of undtractures. They mengly fevour and will appear promising for comcommunity construm in relation to decisions affecting the basis rights, concerns and finderment interessed both communities, for example on the first administrated in Sexual 1 discussions in the 1972 mustcials sealing.
- 23. While the principles and overall context for such new structures are a recognised concern of both Governments in the exercise of their respective responsibilities, they consider that the structures themselves

would be most effectively negotiated, as part of a comprehensive threestranded process, in direct dialogue involving the relevant political parties in Northern Iteland who would be called upon to open to the

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- 24. Both Governments consider that new institutions should be crossed to catter deliquation for prosent and future policial, social and economic inter-connections on the island of lecland, enabling representatives of the main random, North and Stouth, so center agreed dynamic, new, co-operative and constructive relationships.
 25. Both Governmenters agree that there institutions should include a
 - return to the control of the control
 - the common interest in a given matter on the part of both part of the island; or
 - ii the mutual advantage of addressing a matter together; or

- iii the mutual benefit which may derive from it bring
- iv the achievement of economies of scale and the avoidance of unnecessary duplication of effort.

In relevant posses is such of the row administrations participation in the North-Slown holy would be a dray of article. Both Government believe that the highlation should possife for a clear institutional stategory and purpose for the North-Slown hole, be would also metable the holy terms of reference, legal struss and assurgaments for political, hogh, administratives and functional excessability. The North-Slown holy could operate through, or reverse, a target of functionally related analysisy before or relative accessibility to administrar designated function on an all-island or cross-bonder basis.

26. Specific aerugements undet nord to be developed to egylo set U. summer, for U. It man relevant to the compress of other administration could be rised for understatent in the Bouleband, both, Annual olloqued menure and is amounted with the developed country of the contract with the supervisor to the contract of the developed country and the compress of the country of the c

would include the preparation, in consultation with the two Governments, of joint submissions under EC programmes and initiatives and their joint monitoring and implementation, although the control of the programment of the principle or sensuates.

- 27. Both Governments envisage regular and frequent meetings of the
 - so discharge the functions agreed for it in relation so a range of matters designated for treatment on an all-freland or cross border basis;
 - movement are work or internally brown
- 28. The new Government entiting that linguistion in the sensing between some of diseases between feature for facilities with should, from the mouths to discharged or somework by the limitation holy, and the mouth of discharged or somework by the limitation holy, and they all so the squares made in the sensitive so that the sensitive should be supported by the structure of Mandelsond surragements, or discourses softs the software particular point in structure of the structure of Mandelsond and the sensitive structure of Mandelsond somework of the structure and the structure and the structure of the structure

responsibilities, including meaningful functions as executive look, with as a fount of such appearment. The Beitigh Government believe this to principle, any function devolved to the intrinsimism in Suether Irrland could be so designated, subject to any necessary swings it propert of the BeitinGovernment's powers and dutine, for example, essure complister with SU and international obligations. The first Government's however and elimine, for example, the same of functions of the property and colorant as commanded teams of functions.

29. Although both Governments envisage that representatives of North and South in the body could raise fee discussion any matter of interest to either side which falls within the competence of either administration, it is envisaged, as already mentioned, that its desiranted functions would fall into these board caregoritis:

consultative the North/Seath body would be a forum where the row also would consult on any appear of designated mattern on which either tide withert to held consultations. Both iddes would alars a day to exchange information and to consult absert existing and future policy, though their would be no formal requirement that agentises the size of the policy would be harmonised or implement gloudy. In the devolpment of munit, that agent and the property of the policy would be harmonised or implement gloudy. In the devolpment of munit, understanding or common or agreed positions would be the greent goals.

harmonising: in respect of these designated esponsibilities there would be, in addition to the duty to exchange information and to consult on the formulation of policy, as obligation on both sides to use their best endeavours to reach agreement on a common policy and so make deversing of efforts to openous arm obstacles in the way of that objective, even though its implementation might be

essentive in the case of these designated requestibilities the North-South body would incif be directly responsible for the establishment on larged policy and for in implementation on a junt basis. It would knower be open to the body, where appropriate, no greet that the implementation of the agreed policy would be undertaken other by cointing bodies, script in an agreety capacity, swhere jumple are separately, both and Stouth or by new complete the contraction of the contraction of the second of the contraction of the c

- 30. In this light, both Governments are continuing to give consideration: the range of functions that might, with the agreement of the parties, I designated at the outset and accordingly they will be ready to nat proposals in that rogard in future discussions with the relevan Northern Ireland parties.
- By way of illastration, it is intended that these proposals would include at the executive level a range of functions, clearly defined in scope, from within the following broad categories:
 - sectors involving a natural or physical all-lecland framewo
 - EC programmes and missiones.
 - marketing and promotion activities abroac
 - culture and heritage.
- 32. Again, by way of illustration, the Governments would make proposals

at the harmonising level for a broader range of functions, clear defined in scope (including, as appropriate, relevant EU aspects), froe within the following categories:

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ageiculture and fisheric industrial development consumer affains trampores energy: trade: health; social welfare;

5. By way of example, the enegacy of agriculture and fisheries might-include agricultural and fisheries research, training and advisory services, and aimine whether helds might include cooperative sensors in medical, parameted and nursing marine, consolved research or medical parameters and major memory-procedured parameter procession follogueal services and major memory-procedured parameter and examples and enhancement of tracher qualifications, comprehensive sensors in higher decisions in tender united in relaxation for manual understanding and in elecation for man

 The Governments also espect that a wide range of functions would be designated at the consultative level.

- 35. Back Generation coining that all decisions within the body wards beying reported between the west left. The Back of Department on the layer and programs of the body of Department on the said would operate within the occuld orms of reference random by legislation is the two converging Palameners. They would carrie their powers in accordance with the rules for democratic authority as excentability for this function in four in the OfficeAsses and contenting for this function in four in the OfficeAsses and in the institutions in Stortbern Botton! The operation of the Nerole's fourties would be subject or negles seeming in agreed section (2014).
- 36. Both Governments espect that there would be a Parliamentary Forum, with representatives from agreed political institutions in Nonhern Ireland and members of the Oitrachtas, to consider a wide range of matters of rusual interest.
- 57. Both Gesterments crivinge that the futnesseed would include administrative support staffed jointly by members of the Northers feeland Coré Service and the Inth Civil Service. They also estisting that both administrations will need to arrange futners for the Nanth/South body and its agenties on the basis that these constitute a necessary public function.
- 38. Both Governments enoising that this new furmeworth thould serve to help heal the divisions among the communities on the island of leclard; preside a forum for advancedegling the respective identities and requirements of the two major raditions; repeas and enlarge the numal acceptance of the validity of otheir traditions and premote understunding and agreement among the people and institutions in both pairs of the island. The remain of the body should be dynamic.

enabling progressive extension by agreement of its functions to new areas. Its role should develop to keep pace with the growth of harmonisation and with greater integration between the two

East-West Structures

- 39. Both Governments envisage a new and more boudly-based Agreement, developing and extending their co-operation, reflecting the rotality of relationships between the two islands, and delicated to fostering co-operation, reconciliation and autoentures in Ireland as all Perch.
- 40. They intend that under such a new Agreement a standing Intergovernmental Conference will be maintained, chaired by the designood brish Minister and by the Secretary of State for Noethern Iteland. It would be supported by a Permanent Secretarist of civil servants from both Governments.
- 41. The Conference will be a forum through which the two Governments will work together in pursuance of their joint objectives of securing agreement and reconciliation amongst the people of the island of living the foundations for a peaceful and harmorious future based on mutual trust and undensatisfing between them.
- 42. The Conference will provide a continuing institutional expression for the Irish Government's recognized concern and role in relation to Northern Ireland. The Irish Government will put forward views and proposals on issues falling within the arabit of the new Conference or translation both Government, and determined offers will be made as

union any diffraction between the two Governments. The Conference will be the principal interments for an intermilaction of the expoperation and partnership between both Governments, with particular effectives to the principal contention in the light Potenthenis, in this Partnership between both Governments, or a side range of a training of the Contention of the Transcord Document and is the trave Agreement, or a side range of a training contention with Northern Intelligent Active Transcord Contention of the Contention of the Potential Contential Contenti

- Agreement for developing cooperation between the two Governments and both hilands on a range of Tase Weef issues and bilinear matters of mutual interest not covered by other specific arrangements, either through the Anglo-Irish Intergovernmental Council, the Conference or otherwise.
- 44. Bold Commentum accept that issues of low and solar in Northern Indicated are doodly reserved with the issue of political contensus. For so long as these natures are not end-order, it will be for the Commentum to consider way in which, a climate of prices, row institutions and the growth of political agreement may offer sote that the possibility of the political agreement political transposabilities and opposation for relatince questional political relative possibility of the political agreement political relations possible displayment of the research of the Comments of the Comment districtation to combine time and present any possible research with the contract of violates for publical clouds, from any source advances.

- 45. The Governments enrising that matters for which supurmibility transferred to new political institutions in Northern Ireland will be excluded from consideration in the Conference, course up the extern that the constitution propossibilities of the Scormay of State for Northern Ireland any relevant, or that cross-bonder aspects considerated insure age on coloravite provided for. or in the contract of the Conference of
- Agreement has otherwise occurred, the Conference shall consider the

- 47. In the event that develved institutions in Northern Indused caused we operate, and direct rule from Wormisser was resimendated, the British Gooranness again that one transgeness would be reader to implement the commitment to permote co-operation as all bretter than the perfect of the properties as all bretters can be people. North and Stack, respectively, but for dediction is lebtack, as agoed by the two Goorannesses in the joint Declaration and so consurt has the co-operation that the lines developed through the people of the people o
- 48. Both Germaneus ensings that representatives of agond political institution in Nursheuts Instalan up the fermility associated with the work of the Conference, is a ramore and to a newton to be agond by both Germaneus and consultation with them. This right institugiology them advance notice of what in to be discussed in the Conference, coulding shown to oppose views to either advanced in the Conference, coulding shown to oppose views to either advanced in timing them to printipare in various appears of the work of the Canference, Other more unrestrand arrangements could be devised by appearance.
- 49. The Confenence well also be a framework for consultation and containation because hoof Georgeams and the new Noub-Stook incitication, where the while role of the two Georgeams in particularly electrons to the world of host institutions, for example is a coordinated approach on EU losses. It would be for consideration by hoofs Georgeams, in consultation with the relevant parties in the North, or with the institutions after they have been established, whether on admirition of the two properties of a blear transportation.

Protection of Rights

- 50. There is slope body of approx. meanturing the potical fields, for the complexities presented an against set of indiscussed humarights. Advantediging this, band, Germanenes emissing that a restriction of the complexities of the international consistency of the against set of the part of such Germanenes, equilible remarks as approximation as the part of such Germanene, equilible remarks as a against set of the part of such Germanene, on the continuous and particulation in a few bands of Industria. In continuous measurements of constitutional programments, the spowners and efficiency procedure of continuous and suggestion of the continuous and continuous and continuous and suggestion of the continuous and continuous and suggestion facilities are such as given and the sea openified and howeful and the continuous and the continuous and approximation including in somewhat the approximation including in somewhat displacements. Each supposition including an increasing approximation in production of the continuous and approximation in the continuous and approximation of the continuous and approximation of the continuous and approximation of the continuous and approximation and appr
- The annum, our towermous years extend encourage entertains representatives from both jurisdictions in flectand to adopt a Chairer or Covenare, which might reflect and endorse agreed measures for the protection of the fundamental rights of overpose living in Ireland, It could also pledgy a commissioner to unusual respect and to the civil rights and religious liberties of both continuatives, including:
 - the right of free political thought.
 - the right to freedom and expression of religion,
 - the right to pursue democratically national and political aspiratiom,

- the right to seek constitutional change by peaceful and
- the right to live wherever one chooses without hindrance
- the right to equal opportunity in all social and economic
- 24. This Conference was a second contract to the contract t
- 53. The Covenant might also affirm on behalf of all unditions in Indand a solenn commitment to the exclusively peaceful resolution of all differences between them including in relation to all insues of self-determination, and a solenn repudiation of all resource to violence between them for any political end or purpose.

Conclusion

54. Both Government agree that the issues set out in this Framework Document should be examined in the most correprehensive attainable acquestations with democratically mandatered political parties in Northern Instand which abide exclusively by peaceful means and wish to jein in dialogue on the way ahead.

- Both Governments intend that the outcome of these negociations will be submitted for democratic ratification through referendums, North
- 56. But Gossmann believe that the prosest clinear of poors, which owes much as the impairation, usings and conditioned will almost a second to the contract of the contract of the contract of the point is Norders Indiagrams (as well as greatest as the contract of the point is Norders Indiagrams as suggested as the contract to a second to the contract to the contract to the point for possible from a better to possible from the contract to th
- 57. With agements, compension to the mutual borofs of all living in Industion and develop without importance unimage in full greating for all remaining recognitions; meaning in the present for airculating economic greats and prosperity. Now encaperation could remu proceed, method on a basis acceptable to bed sales of the community, anothing them to we design for the common welfare and interest of all the community. The distortion of influences and adiguisates could be regarded by all as a source of mutual enclosures, rather than a threat to other side. The distorior living interesting to the common confirmation of the community of the commun

community over author. It would insend be for decision under agend pruned only, first and balanced swooth beto shipstimies, the chapter process of democratic persuasion governed by the principle of consent reduct than by theme, first or correion. In such ciscommunes the Government Depth to the relicionally between the canditions in Northern Iterland could become a positive bond of further understanding, or operation and unity, nather than a source of

and strongly commend three peoposals, trusting that, with generois and goodwill, the peoples of these islands will build on them a new an lasting agreement.



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New Framework for Agreement



A NEW FRAMEWORK FOR AGREEMENT

A shared understanding between the British and Irish Governments to assist discussion and negotiation involving the Northern Ireland parties

- The Joint Declaration acknowledges that the most urgent and important issue facing the people of Ireland, North and South, and the British and Irish Governments (ogether, is to remove the causes of conflict, to overcome the legacy of history and to heal the distions which have resolved.
- 2. Bode Government recognite that there is much for deep regrees on all sides in the though and stem trapic theory of Angle-leich relations, and of stations in Irisdam. They believe it is now time to be paids, with degree of the contract of the contra
- 3. The announcements made by the frish Republican Army on 31 August 1991 and the Combined Loyalist Military Command on 13 October 1994 are a selectioner response to the profound desire of people throughout these islands for a permanent end to the violence which caused such immense, suffering and waste and served only to reinforce the barriers of
- 4. A climate of peace enables the process of healing to begin. It transforms the prospects for political progress, building on that already made in the Talks process. Everyone now has a role to play in moving irreversibly beyond the failures of the past and creating new relationships capable of the past and creating new relationships capable of
- In the Joint Declaration both Governments set themselves the aim of fostering agreement and reconciliation, leading to a new political framework founded on consent. A vital dimension of this three-stranded process is the search, through dialogue with the relevant Northern

Ireland parties, for new institutions and structures to take account of the totality of relationships and to enable the people of Ireland to work together in all areas of common interest while fully respecting their diversity.

- Both Covernments are conscious of the widespread desire, throughout both islands and more videly, to see negotiations undersway as soon as possible. They also acknowledge the many requests, from parties in Northern Ireland and elsewhere, for both Governments to set out their views on bow agreement might be reached on relationships within the island off Ireland and between the menoles of these islands.
- In this Framework Document both Governments therefore describe a basterd understanding reached between them on the parameters of a possible outcome to the Talks process, consistent with the Joint Decharious and the statement of 20 March 1991. Throught this they hope to give impetus and direction to the process and to show that a fair and which would carable people to work constraintly for their mutual benefit, subnot compromising the essential principles or the long-term applications or interests of either tailing or of either comunity.
- Both Goerments are asser that the approach in this discussed persent challenges in complyheld points on all ables. However, a merbeginning in relationships means addressing fundamental linear in a new temperature of the contraction of the contraction of the contraction of the Goornette in no rapid belongs in the imposed has both Goerments belone two out a realistic and hadared framework for agreement which comperitors were required to the contraction of the contraction of the Sorthern Technical In this spirit, both Goerments of the thicknesses for consideration and recordingly strongly commend it to the parties, the
- b. The primary objective of both Governments in their approach to Northern Ireland is to promote and establish agreement among the people of the island of Ireland, building on the Joint Declaration. To this end they will both deploy their political resources with the aim of securing a new and comprehensive agreement involving the relevant possibility primers in Northern Fedand and commanding the widest possibility primers in Northern Fedand and commanding the widest
- They take as guiding principles for their co-operation in search of this
 - (i) the principle of self-determination, as set out in the Joint Declaration;
- (ii) that the consent of the governed is an essential ingredient for stability in any political arrangement;

- that agreement must be pursued and established by exclusively democratic, peaceful means, without resort to violence or coercion;
 - (iv) that any new political arrangements must be based on full respect for, and protection and expression of, the rights and identities of both traditions in Ireland and even-bandedly afford both communities in Northern Ireland parity of esteem and treatment, including evauliey of opnortunity and advantage.
- 11. They acknowledge that in Northern Ireland, sulface the situation which persulis desideret throughout both lands, there is a fundamental absence of concerns about constitutional issues. There are deep deficious between the members of the bost main radiation long there exists the contract of the
- 12. In their search for political agreement, based on consent, the two Governments are determined to address in a fresh say all of the consent of the property of the prope
- The two Governments will work together with the parties to achieve a comprehensive accommodation, the implementation of which would include interlocking and mutually supportive institutions across the three
 - a) structures within Northern Ireland (paragraphs 22 and 23) to enable elected representatives in Northern Ireland to exercise shared administrative and legislative control over all those matters that can be agreed across both communities and which can more effectively and appropriately be deal with a thou break.
 - (b) North/South institutions (paragraphs 24-58), with clear identity and purpose, to enable representatives of democratic institutions, North and South, to enter into nex co-operative and constructive relationshipte; to promote agreement among the people of the island of Ireland; to curry out on a democratically accountable basis delegated executive, harmoniting and consultative functions over a range of designated matters to be agreed, and to serve to acknowledge and reconcile the rights.

(c) East-West structures (paragraphs 39-49) - to enhance the existing basis for co-operation between the two Governments, and to promote, support and underwrite the fair and effective operation of the new arrangements.

Constitutional Issue

Both Covernments accept that agreement on an overall settlement requires, inter alia, a balanced accommodation of the differing views of the two main traditions on the constitutional issues in relation to the special position of Northern Ireland.

- 15. Given the absence of consensus and depth of divisions between the two main traditions in Northern Ireland, the two Goarrements agree that such an accommodation will involve an agreed new approach to the traditional constitutional doctrines on both sides. This would be aimed at exhausting and codifying the falloss the size of the size
 - 6. In their approach to Northern fedural they will apply the principle of self-determination by the people of fredund on the basis or ten in the Joint Declaration: the British Convenients recognic that is to the people of Technal above. To agreement because the self-and the self-and the self-and tendent properties and the self-and tendent properties of the determination on the basis of convent. Feetly and concurrently given. North and South, to being about a uniter fedural, that not which the little Convenient accept the self-and tendent that of their which the little Convenient accept the self-and tendent that the desired and exercised with and subject to the agreement and connect of a majority of the people of the properties.
- 17. New arrangements should be in accordance with the commitments in the Angle-fish Agreement and in the Joint Declaration. They should acknowledge that it would be wrong to make any change in the stans of Northern Ireland save with the consent of a majority of the people of Northern Ireland as with the consent of a majority of the people of Northern Ireland. If in future a majority of the people there who for and formally consent to the establishment of a united Ireland, the two Governments will introduce and support legislation to give effect to that
- 18. Both Governments, recognise that Northern Ireland's current constitutional satus reflects and relies upon the pecent sish of a majority of its people. They also acknowledge that at present a substantial minority of its people. They also acknowledge that at present a substantial minority of its people. For either the actual control. Reaffrining the commitment to a retord among all the people which inhabits the bland, they acknowledge that the option of a sovereign united freland does not acknowledge that of the unimority tradition, not does the existing.

status of Northern Ireland command the consent of the nationalist tradition. Against this background, they acknowledge the need for new arrangements and structures to reflect the reary of there applications, to recondle as fully as possible the rights of both traditions, and to promote cooperation between them, as at to foster the process of

18. The agree that finue arrangements relating to Noethern Testada, and Northern Testada, and Northern Testada, and water fractionable, sould respect the fill and equal legitimary and worth of the dentity, were of allegitume, assignation and legitimary that the state of the

280 The Bistude Concernments credition that they will updouble the descounts with of all agreets remained or the people of Sorberten Includent on the issue of whether their people is support the Union or a sorreign wind common includent in Sorberten Include I content in Lindon of common includents in Northern Include in tor not shape in in present with of the people of Sorberten Include in tor not shape in in present in the properties of the people of Sorberten Include in tor not shape in in present sources of the Angelows improving to be shade of all the people of Sorberten Include in their deferents in their demands on the procedure of Sorberten Include in their deferents in Lindon Includes and the people of Sorberten Includes in the Include Includes and the people of Sorberten Includes in the Include Includes and the Includes Includes in the Includes I

21. As part of an agreement confirming the foregoing understanding between the till confirmation of the confirmation of the confirmation to include and support proposals for change in the link Constitution to implement the commission will failer relieve the principle of the confirmation of the legislature of the confirmation of the legislature of the confirmation of the confirmatio

Union or a sovereign united Ireland. Structures in Northern Ireland

Northern Ireland must depend on the cooperation of elected representatives there. They confirm that cross-community agreement is an escential requirement for the establishment and operation of such structures. They strongly favour and still support provision for cross-community consensus in relation to decisions aftering the basic rights. concerns and fundamental interest of both communities, for example on the lines aduntherated in Strand I discussions in the 1992 cound table talks.

23. While the principles and overall context for such new structures are a recognised concern of both Governments in the exercise of their respective responsibilities, they consider that the structures themselves would be most effectively negotiated, as part of a comprehensive three-stranded process, in direct dialogue involving the relevant pollical.

North/South Institutions

- 24. Both Governments consider that new institutions should be created to cater adequately for present and future political, social and economic interconnections on the island of Ireland, enabling representatives of the main traditions, North and South, to enter agreed dynamic, new, co-operative and constructive relationships.
- Both Governments agree that these institutions should include a North/South body involving Heads of Department on both sides and duly established and maintained by legislation in both sovereign

representing the Irish Government and new democratic institutions in harmonising or consultative functions, as appropriate, over a range of matters which the two Governments designate in the first instance in agreement with the parties or which the two administrations, North and determining functions to be discharged or overseen by the North/South

- (i) the common interest in a given matter on the part of both parts
- (ii) the mutual advantage of addressing a matter together; or
- - unnecessary duplication of effort.

In relevant posts in each of the two administrations participation in the North/South body would be a duty of service. Both Governments believe terms of reference, legal status and arrangements for political, legal, administrative and financial accountability. The North/South body could operate through, or oversee, a range of functionally-related subsidiary bodies or other entities established to administer designated functions on

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Specific arrangements would need to be developed to apply to EU matters. Any EU matter relevant to the competence of either administration could be raised for consideration in the North/South functions, both Governments agree that the body will have an important role, with their support and co-operation and in consultation with them, in developing on a continuing basis an agreed approach for the whole Union. In respect of matters designated at the executive level, which would include all EC programmes and initiatives to be implemented on responsible, subject to the Treaty obligations of each Government, for the implementation and management of EC policies and programmes on a two Governments, of joint submissions under EC programmes and initiatives and their joint monitoring and implementation, although individual projects could be implemented either jointly or separately.

 Both Governments envisage regular and frequent meetings of the North/South body:

- to discharge the functions agreed for it in relation to a range of matters designated for treatment on an all-freland or cross-border basis;
- to oversee the work of subsidiary bodies.
- The noc Governments ensings that legislation in the sorreging parliaments should designate these firmines which should, from the parliaments which designate the sections which should thought and seek agreement in discussion with the relevant polisical parties in arrangements, in discussion with the relevant polisical parties in a respective to the section of the North-North Rody to recommend to the report also be open to the North-North Rody to recommend to the report and the respect and the respect and the section of the section of the respect and the respect and the respect of the parties of the respect and the respect and the section of the theory of the respect and the respect and the respect and the designated of the respect and the respect and the respect and the transmission and executive action. Within those responsibilities, between the relation of the respect and the source of the respect to the respect to the respect to the respect of the respect of the responsibilities, between the relation of the respect of the principles of the respect to the respect of the respect of the British Government's powers and distinct, for example to ensure the section of mentions of mentions of the respect of the British Government's powers and distinct, for example to ensure the British Government's powers and distinct, for example to ensure the section of the contraction of the respect to designate a companied reging of distortion.
- Although both Governments envisage that representatives of North and South in the body could raise for discussion any matter of interest to either side which falls within the competence of either administration, it is envisaged, as already mentioned, that its designated functions would fall into three bound categories.

consultative the North/South body would be a formar where he too sides sould consult on any appert of designated nativers on which either side withed to hold consultations. Both sides would share a days us exchange information and to consultations extension and future policy, though there would be no formal requirement, and future policy, though there would be no formal requirement, the state of the side of the side of the side of the side of the harmonical entire of the side of the side of the side of the uncertainties of the side of the side of the side of the side of the general goal, and the side of the side of the side of the side of the general goal.

harmonising: in respect of these designated responsibilities there would be, in addition to the duty to exchange information and to use their best endeavours to reach agreement on a common policy way of that objective, even though its implementation might be undertaken by the two administrations separately;

executive: in the case of these designated responsibilities the North/South body would itself be directly responsible for the establishment of an agreed policy and for its implementation on a joint basis. It would however be open to the body, where appropriate, to agree that the implementation of the agreed policy would be undertaken either by existing bodies, acting in an agency capacity, whether jointly or separately, North and South, or by new bodies specifically created and mandated for this purpose.

- In this light, both Governments are continuing to give consideration to the range of functions that might, with the agreement of the parties, be
- By way of illustration, it is intended that these proposals would include at the executive level a range of functions, clearly defined in scope, from within the following broad categories:
- sectors involving a natural or physical all-Ireland framework;
- EC programmes and initiatives;
- marketing and promotion activities abroad; and culture and heritage.
- 32. Again, by way of illustration, the Governments would make proposals at the harmonising level for a broader range of functions, clearly defined in scope (including, as appropriate, relevant EU aspects), from within the following categories:

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aspects of -
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agriculture and fisheries; industrial development;

consumer affairs:

transport;

trade: health; social welfare; education; and

33. By way of example, the category of agriculture and fisheries might and animal welfare; health might include co-operative ventures in hospital services and major emergency/accident planning; and operative ventures in higher education, in teacher training, in education

34 The Governments also expect that a wide range of functions would be

side would operate within the overall terms of reference mandated by legislation in the two sovereign Parliaments. They would exercise their powers in accordance with the rules for democratic authority and accountability for this function in force in the Oireachtas and in new institutions in Northern Ireland. The operation of the North/South

36 Both Governments expect that there would be a Parliamentary Forum. with representatives from agreed political institutions in Northern Ireland and members of the Oireachtas, to consider a wide range of

37. Both Governments envisage that the framework would include administrative support staffed jointly by members of the Northern both administrations will need to arrange finance for the North/South

Both Governments envisage that this new framework should serve to help heal the divisions among the communities on the island of Ireland: provide a forum for acknowledging the respective identities and requirements of the two major 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. The remit of the body should be dynamic, renabing progressive extension by agreement of its functions to new areas. Its role should develop us keep pace with the growth of harmonisation and with greater

East-West Structures

- Both Governments envisage a new and more broadly-based Agreement, developing and extending their co-operation, reflecting the totality of relationships between the two islands, and dedicated to fostering cooperation, recognition and appropriate leadership.
- 40. They intend that under such a new Agreement a standing Intergovernmental Conference will be maintained, chaired by the designated Irish Minister and by the Secretary of State for Northern Ireland. It would be supported by a Permanent Secretariat of civil
- 41. The Conference will be a forum through which the two Governments will work together in pursuance of their joint objectives of securing agreement and reconciliation amongst the people of the Island of Ireland and of Javing the foundations for a peaceful and hazmonious future based on mutual trust and understanding between the second or the people of the peop
- 42. The Conference will provide a communing minimizant apprecions for the the Occurrence will provide a communing minimizant and role in relation in Northern the Occurrence will be considered as a community of the Conference of Indian State of the new Conference or imbulley should be concerned and determined reflexes will be made to reache any private place of the conference of the community of the Conference of the Conference will provide a community of the Conference of the Conference will provide a first engage of those concerned with Northern feedland and with relations between the two December of the Conference of the Conferen
- 43. Both Governments believe that there should also be provision in the Agreement for developing cooperation between the two Governments and both islands on a range of "East West" issues and lislateral matters of mutual interest not covered by other specific arrangements, either through the Anglo-Irish Intergovernmental Council, the Conference or otherwise.

- 44. Both Goernments accept that issues of law and order in Northern Ireband are closely intervised with the issues of political consensus. For the control of the control of the control of the control of the to consider ways in shidh a claimed or plear, new institutions and the growth of political agreement may offer new possibilities and opportunities for enhancing commoning identification with politicin in Northern Ireband, while maintaining the most effective possible determination to conduct time and prevent any possible recourse to the determination to conduct time and prevent any possible recourse to the
- use or threat of violence for political ends, from any source whatsoever.

 45. The Governments envisage that matters for which responsibility is transferred to new political institutions in Northern Ireland will be excluded from consideration in the Conference, except to the essent that the continuing responsibilities of the Secretary of State for Northern and Conference and Con
 - The Intergovernmental Conference will be a forum for the two Governments jointly to keep under review the workings of the Agreement and to promote, support and underwrite the fair and effective operation of all its provisions and the new arrangements established under it. Where either Government considers that any institution, established as Agreement or that a breach of the Agreement has otherwise occurred. the Conference shall consider the matter on the basis of a shared commitment to arrive at a common position or, where that is not possible, to agree a procedure to resolve the difference between them. If the two Governments conclude that a breach has occurred in any of the above circumstances, either Government may make proposals for remedy and adequate measures to redress the situation shall be taken. However, each Government will be responsible for the implementation of such measures of redress within its own jurisdiction. There would be no derogation from the sovereignty of either Government; each will retain responsibility for the decisions and administration of government within
- 47. In the event that decobed institution in Northern Ireland caused to operate, and divert rule from Westimaties was reimmodated, the limits Government agree that other arrangements would be made to implement the commitment to promote cooperation at all levels between the people. North and South, representing both traditions in Ireland, as agreed by the two Governments in the Joint DeLucation, and to ensure that the cooperation that bade been developed through the North/South body be maintained.
- 18. Both Governments envisage that representatives of agreed political institutions in Northern Ireland may be formally associated with the work of the Conference, in a manner and to an extent to be agreed by both

Governments after consultation with them. This might involve giving them advance notice of what is to be discussed in the Conference, enabling them to express views to either Government and inviting them to participate in various aspects of the work of the Conference. Other more structured arrangements could be devised by agreement.

49. The Conference will also be a framework for consultation and co-ordination between both Governments and the new North-South instances are successful as the subset of the new Governments is particularly relevant to the ords of those institutions, for example in a coordinated approach to the ords of those institutions, for example in a coordinated approach to the ords of those institutions for example in a coordinated approach to the ords. But it is usually to the ords of the

Protection of Rights

- 96. There is large bods of support transcending the point of thick, but comprehensing procession and quasars of insularous damages and human span. A knowledging this, bed, Goernments ensuige that the transgreems, and the confidence of the conf
- 51. In addition, both Governments would encourage democratic representatives from both parishcitons in Ireland to adopt a Chatter of Government, which might refers and endorse agreed measures for the protection of the fundamental third of everyone living in Ireland. It could also pledge a commitment with soft everyone living in Ireland. It and religious liberties of both communication green and to the edit rights and religious liberties of both communications.
 - 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 live wherever one chooses without hindrance,
- the right to equal opportunity in all social and economic activity,
- 52. This Claster or Conceast might also contain a commitment to the principle of connent in the relatedoils between the not radiation in Ireland. It could incorporate also an enduring commitment to the balf of all the people of the idant to guarantee and protect the right, interests, ethos and dignity of the unionist community in anyall released framework that might be developed with convent in the fature; and the context of extent as provided many the context of the context of
- 53. The Covenant might also affirm on behalf of all traditions in Ireland a solemn commitment to the exclusively peaceful resolution of all differences between them including in relation to all issues of self-determination, and a solemn repudation of all recourse to stolence between them for any political end or purposal.

Conclusion

- 4. Both Governments agree that the issues set out in this Framework. Document should be examined in the most comprehensive attainable negotiations with democratically mandated political parties in Northern Ireland which abide exclusively by peaceful means and wish to join in dialogue on the way abract.
- Both Governments intend that the outcome of these negotiations will be submitted for democratic ratification through referendums, North and South
- 56. Both Governments believe dut the general timus of porce, which we work much to the imagination, courage and excitationees of difference where we want of the imagination, courage and excitations to the subsequence of the subsequence of

With generator, cooperation to the number benefit of all living in technic could become benefit in a chain and in the process for stimulating consuming growth and prospective. New arrangements could return power, anothering and repostuality to be desplected the commander of the comman without the common welface the commander of the comman without the common welface and interests of all the commans. The density of because and rather than a threat to rither said. The districts may be a substitute of earlier than a threat to rither said. The district issue of sovereigen regular rather than a threat to rither said. The district issue of sovereigen regular substitutes the said of the said of the said was a source of the said made the said of the said of the said of the said was a balanced towards both apprintions, through a process of democratic balanced towards both apprintions, through a process of democratic locations are said of the said of

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 Accordingly, the British and Irish Governments offer for consideration and strongly commend these proposals, trusting that, with generosity and goodwill, the peoples of these islands will build on them a new and lasting agreement.



