

Frameworks
for the
Future

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A SUMMARY

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Neither paper is put forward as a blueprint, to be imposed. The proposals in each are offered for further discussion in the Talks process. Part I is offered as an aid to negotiation involving the Northern Ireland parties and the British Government. Part II serves the same purpose for negotiation involving the Northern Ireland parties and the British and Irish Governments.

A FRAMEWORK FOR ACCOUNTABLE GOVERNMENT IN NORTHERN IRELAND

These proposals:

- outline the British Government's understanding of where agreement might be found amongst the political parties and the wider community on new democratic institutions within Northern Ireland;
- identify the characteristics that should underlie any such new institutions;
- propose and describe in greater detail:
 - a single unicameral Assembly of about 90 members elected for a fixed term;
 - legislative and executive responsibility over as wide a range of subjects as in 1973;
 - elections to the Assembly by a form of proportional representation;
 - possibly a separate Panel, perhaps of 3 people elected within Northern Ireland, to complement the working of the Assembly;
 - a system of Assembly Committees, constituted broadly in proportion to party strengths in the Assembly;
 - a system of detailed checks and balances intended to sustain confidence in the institutions.

A NEW FRAMEWORK FOR AGREEMENT

These proposals:

- reaffirm the guiding principles of self-determination, the consent of the governed, exclusively democratic and peaceful means, and full respect and protection for the rights and identities of both traditions;
- provide for an agreed new approach to traditional constitutional doctrines on both sides:
 - the British Government will propose changes to its constitutional legislation, so as to incorporate a commitment to continuing willingness to accept the will of a majority of the people living in Northern Ireland, and a commitment to exercise their jurisdiction with rigorous impartiality on behalf of all the people of Northern Ireland, in a way which does not prejudice their freedom to determine Northern Ireland's constitutional status, whether in remaining a part of the United Kingdom or in forming part of a united Ireland;
 - the Irish Government will introduce and support proposals for changes in the Irish Constitution, so that no territorial claim of right to jurisdiction over Northern Ireland contrary to the will of a majority of its people is asserted, and so that the Irish Government recognise the legitimacy of whatever choice is freely exercised by a majority of the people of Northern Ireland with regard to its constitutional status;
- commend direct dialogue with the relevant political parties in Northern Ireland in developing new internal structures;
- propose a North/South body, comprising elected representatives from, and accountable to, a Northern Ireland Assembly and the Irish Parliament, to deal with matters designated by the two Governments in the first instance in agreement with the parties;
- describe ways in which such a body could work with executive, harmonising or consultative functions, by way of authority delegated to its members by the Assembly;
- envisage that all decisions within the North/South body would be by agreement between the two sides;
- set out criteria for the designation of functions, and suggest a range of functions that might be designated from the outset, for agreement with the parties;

- envisage the Northern Ireland Assembly and the Irish Parliament being able, by agreement, to designate further functions or to move functions already designated between the three categories;
- envisage that the body will have an important role, in consultation with the two Governments, in developing an agreed approach for the whole island in respect of the challenges and opportunities of the European Union;
- envisage a Parliamentary forum, with representatives from new Northern Ireland institutions and the Irish Parliament, to consider matters of mutual interest;
- envisage a new and more broadly based Agreement between the British and Irish Governments to develop and extend co-operation;
- envisage a standing Intergovernmental Conference which would consider matters of mutual interest, but not those transferred to new political institutions in Northern Ireland;
- envisage that representatives of agreed political institutions in Northern Ireland may be formally associated with the work of the Conference;
- provide for a complementary undertaking by both Governments to ensure protection for specified civil, political, social and cultural rights.

These proposals do not provide for joint authority by the British and Irish Governments over Northern Ireland. They do not predetermine any outcome to the Talks process. Agreement by the parties, and then by the people, is the key.

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- describe ways in which such a body could work with executive, harmonising or consultative functions, by way of authority delegated to its members by the Assembly;
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A New Framework for Agreement.

Notes:

Para9,18: The primary objective of both governments is 'to promote and establish agreement among the people of the island of Ireland'; they reaffirm their commitment 'to encourage, facilitate and enable the achievement of agreement over a period among all the people who inhabit the island'.

Paras 14,15: Both governments accept that agreement requires " 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". Such an accommodation "will involve an agreed new approach to the traditional constitutional doctrines on both sides".

Para19: Commitment to parity of esteem

Para20: BG reaffirms that they will uphold the democratic wish of the greater number of people in NI. However -

- They have no selfish, strategic or economic interest,
 - they pledge that their jurisdiction will be exercised with rigorous impartiality,
 - they will discharge their responsibilities so as not to prejudice the freedom of the people of NI to decide,
 - they will be equally cognizant of either option,
- and
- "this new approach" will be enshrined in constitutional legislation.

Para 21: JG will amend constitution to fully reflect principle of consent and remove any claim to right of jurisdiction contrary to the will of majority.

Structures:

Para 25: North/South body will involve Heads of Department from Assembly, under duty of service. N/S body should have " clear institutional identity and purpose".

Para 26: N/S body will have important role, in consultation with G's, in developing an agreed approach to EU matters. Body would be responsible, subject to treaty obligations of both G's, for implementation of all cross border or island wide EU programmes and initiatives(e.g. Interreg ?).

Para 28: Legislation would designate initial areas, after discussion with parties. BG would have no objection to any transferred matter being designated subsequently.

Para 35: Decisions would be by agreement. HD's would operate within terms of reference mandated by initial legislation and would exercise powers "in accordance with the rules of democratic authority and accountability for this function in force in new institutions in Northern Ireland". N/S body would be subject to regular scrutiny in agreed political institutions in NI.

Para 36: There would be a Parliamentary Forum drawn from NI institutions and the Oireachtas.

East-West:

Para 39: New and more broadly based agreement.

Para 42: Conference will be vehicle for "intensification" of co-operation an partnership between governments.

Para 44: Conference will deal with policing.

Para 46: Conference will keep under review workings of Agreement and new arrangements under it. Either government may raise problems and proposed ways of redress, with an obligation to seek agreed position; each government to be responsible for implementation of redress within their own jurisdictions.

Para 47: In the event of failure of devolved institutions BG would make other arrangements to implement the commitment to co-operation.

Para48: Representatives of NI institutions will be involved in work of conference.

Para 49: Conference will also co-ordinate with N/S body.

Protection of Rights:

Para 50: New Agreement to include commitment to protection of rights.

Para 51: Charter or Covenant to be agreed.

This section is extremely vague and unsatisfactory.

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