

ALD 2/2/6/11/2/67

ALL-PARTY NEGOTIATIONS
BACKGROUND DOCUMENTS
OCTOBER 1997

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1. RULES OF PROCEDURE

29 July 1996

1. The negotiations to which these rules of procedure refer and whose conduct they are intended to govern are, as provided for by Section 2(1) of the Northern Ireland (Entry to Negotiations, etc) Act 1996, the negotiations referred to in Command Paper 3232 published on 16 April 1996.
2. The conduct and outcome of these negotiations is exclusively a matter for those involved in the negotiations. These rules of procedure are adopted as the single set of rules governing the conduct of the negotiations. These rules can only be amended by agreement, in accordance with the decision-making process outlined in paragraphs 30 through 35, following discussion in the Business Committee.

Structure of Negotiations

3. Negotiations will be organised so that issues are discussed in the following formats:
 - Plenary;
 - Strand One;
 - Strand Two;
 - Strand Three; and,
 - a Business Committee.

Strand One will cover the relationships within Northern Ireland, including the relationship between any new institutions there and the Westminster Parliament; Strand Two

will cover relationships within the island of Ireland; and Strand Three will cover relationships between the British and Irish Governments. Negotiations on Strand One issues will involve the British Government and the political parties. Negotiations on Strand Three issues will be between the two Governments. Negotiations in all other formats will involve the British and Irish Governments and the political parties.

4. The British Government will chair Strand One of the negotiations and the British and Irish Governments will jointly chair Strand Three. Senator George Mitchell, General John de Chastelain and Prime Minister Harri Holkeri will chair the various aspects of the negotiations which require independent chairmanship, as follows:¹
 - Senator Mitchell (Chairman of Plenary, Joint Chairman of Strand Two);
 - General de Chastelain (Chairman of Business Committee, Joint Chairman of Strand Two); and
 - Prime Minister Holkeri (Joint Chairman of Strand Two, Alternate Chairman for the Plenary, and the Business Committee).
5. Where appropriate, other committees and sub-committees of the negotiations may be established among the participants in the format to which the sub-group relates. Committees and sub-committees shall be chaired by the relevant Chairman or, by agreement among the participants in that format, by a person nominated by the Chairman.

¹As amended by the Procedural Motion adopted by the Plenary on 24 September 1997.

Role and Responsibility of Chairmen

6. The designated Chairmen shall preside over all the business of the negotiations and will exercise their functions impartially at all times.
7. The Chairmen will moderate in all meetings to allow an opportunity for full discussion of issues on the agenda, guided by the aim of securing agreement of as broad a spectrum of participation as is possible, and doing so as expeditiously and efficiently as possible.
8. In their conduct of these proceedings, all Chairmen will be governed by these rules of procedure, having due regard to the views of the Business Committee on the arrangements of business and the exercise of their functions.
9. The Chairmen will be bound by the same requirement for confidentiality as the participants.
10. The Chairmen may bring forward specific suggestions if it is regarded as helpful by the relevant delegations.

Sequence of the Negotiations

11. Following the conclusion of the Opening Plenary, the appropriate Chairmen will convene meetings of the negotiations within the three strands and any committees or sub-committees subject to their having regard to the views of the Business Committee. Negotiations in each strand will open on the same day and proceed in parallel, consistent with the provisions of paragraph 14.
12. The Independent Chairman of the Plenary may convene further meetings of the Plenary if he considers such meetings

to be necessary in the light of developments across the negotiations as a whole. He shall, in addition, convene further plenary meetings at the request of the Business Committee.

Business Committee

13. The Business Committee shall comprise up to two representatives of each participating delegation. It will co-ordinate the progress and procedures of the negotiations. It will not deal with the substance of the negotiations but will address unresolved procedural issues. It may also determine the modalities for dealing with any issue which does not fall exclusively within any of the three strands.
14. The timing and duration of meetings in the various formats shall be determined by the relevant Chairman, having due regard to the views of the participants. However, unless otherwise agreed by the Business Committee, negotiating sessions in different formats, or within formats, will not be held simultaneously, to allow participants, if they so wish, the option of fielding the same negotiating team throughout the negotiations.
15. The Business Committee will be available to advise the Chairmen on the day-to-day exercise of their responsibilities and to facilitate communication between participating delegations and the Chairmen.

Conduct of the Proceedings

16. All participants in the negotiations will negotiate in good faith, seriously address all aspects of the agreed agenda, and make every effort to reach a comprehensive agreement. They will maintain confidentiality on all aspects of the negotiations except where they may from time to time agree to publicity.

17. The negotiations in the various formats, committees and sub-committees, will be on the basis of a comprehensive agenda for the negotiations as a whole, adopted by agreement in the opening plenary, as it relates to the participants' area of competence. Without prejudice to any participant's negotiating position, each participant will be able to raise any significant issue of concern to them and receive a fair hearing for those concerns without their ability to do so being subject to the veto of any other party in the negotiations. Participants may, by agreement, develop or refine the comprehensive agenda.
18. Any participant in the format in question will be free to raise any aspect of the three relationships, including constitutional issues and any other matter which it considers relevant. The conduct and outcome of the negotiations will be exclusively a matter for the relevant participants. No negotiated outcome is either pre-determined or excluded in advance or limited by anything other than the need for agreement. Participation in negotiations is without prejudice to any participant's commitment to the achievement by exclusively peaceful means of its preferred options. It is common ground that any agreement, if it is to command widespread support, will need to give adequate expression to the totality of all three relationships.
19. The agenda for each meeting of the negotiations shall be settled by the participants on the basis of proposals put forward by the Chairman in accordance with the overall agenda in the relevant format, and taking into account the advice of the Business Committee.
20. The relevant Chairman will have responsibility for convening, re-scheduling and adjourning meetings, having due regard to

the views of the Business Committee or, as appropriate, of the relevant participants. It is understood, however, that any delegation may request an adjournment of up to 20 minutes at a time and the Chairman shall refuse such requests only if they are made with unreasonable frequency.

21. Strand One negotiations will take place in Castle Buildings, Belfast. Strand Two negotiations will take place in Belfast, Dublin and London, at times agreed by the Business Committee. The two Governments will determine where Strand Three meetings will take place. The Business Committee shall determine the venue of its own meetings.
22. The negotiations shall normally occur only on Mondays, Tuesdays and Wednesdays.
23. Where any negotiating team does not attend at a previously agreed time and fails to provide notice of their inability to attend, the Chairman of that meeting and the remaining participants may proceed to conduct the meeting in the absence of that team or teams. If a delegation should withdraw temporarily or permanently from any aspect of the negotiations, the Chairman and the remaining participants will be free to proceed with business with the remaining participants, notwithstanding such withdrawal.
24. All remarks shall be addressed through the Chairman, who may time-limit interventions at his discretion.
25. The Chairman's ruling on individual procedural matters shall be binding. In arriving at such rulings, the Chairman may apply the rules for determining sufficient consensus as set out in paragraphs 30 through 35.

26. The Chairman may at any time seek a meeting or accede to a request for a meeting with any participating delegation or group of delegations.
27. Any written submissions which may be received from other groups or individuals will have no status.
28. Participating political parties may only be represented at formal meetings of the Plenary, or to discuss Strand One, Strand Two or Strand Three issues, by elected delegates. Such delegates may be supported in meetings by researchers or others who are not elected. The numbers of delegates and supporters participating in any one meeting shall be agreed by the Business Committee.
29. If, during the negotiations, a formal representation is made to the Independent Chairmen that a participant is no longer entitled to participate on the grounds that they have demonstrably dishonoured the principles of democracy and non-violence as set forth in the Report of 22 January 1996 of the International Body, this will be circulated by the Chairmen to all participants and will be subject to appropriate action by the Governments, having due regard to the views of the participants.

Decision-Making

30. The negotiations will operate on the basis of consensus. If it appears to the Chairman, after a reasonable period of discussion, that there is no unanimity, he may follow one or more of the courses of action set out below:
 - a. consult with the participants, with a view to putting forward a solution that he believes will secure agreement; and/or,

- b. invite the participants to set up a broadly representative working group, including nominees of both Governments (or of the British Government alone in the case of Strand One issues); and/or,
 - c. obtain the agreement of the participants to refer the matter to an agreed group of experts for advice, requesting a report within an agreed specified period.
31. It will also be open to the participants, acting solely by agreement and only at their instigation, and subject to the provisions set out in paragraph 37 below, to refer the matter to the forum for consideration, requesting a report.
32. If, after the participants have considered any further proposals arising from one or more of the courses of action set out above, there is no unanimity on a particular proposition, the Chairman may propose that negotiations proceed on the basis that the proposition has been approved by sufficient consensus, as defined in paragraph 34.
33. Sufficient consensus may apply to all decisions taken in any format.
34. A proposition would be deemed to have sufficient consensus when supported by participating political parties which, taken together, shall have obtained a majority of the valid votes cast in the elections held on 30 May 1996 and which between them represent a majority of both the unionist and nationalist communities in Northern Ireland respectively and which also constitute a majority of the participating political parties. With the exception of Strand One, both Governments must endorse the particular proposition for it to be deemed to have sufficient consensus.

35. Where it does not prove possible to achieve either unanimity or sufficient consensus, the Chairman will work, in consultation with the participants, to remove obstacles to the reaching of agreement, or, with the agreement of the participants, may decide to move on to the next item on the agenda.
36. The negotiations will proceed on the principle that nothing will be finally agreed in any format until everything is agreed in the negotiations as a whole. Subject to this principle, it would nevertheless be possible, solely on the basis of agreement among the participants, to proceed on the assumption of contingent agreement on any individual aspect of the negotiations.

Referral to the Forum

37. The negotiating teams in any format of the negotiations, by agreement and on the formal proposal of the participants in that format, may direct the relevant Chairman of the format in question to request the members of the forum, through the Secretary of State, to consider, investigate or discuss a specified subject and to submit a report on that subject to the negotiating teams within a specified period. Any such report from the forum may only be formally taken under notice by the negotiating teams if it has consensus support in the forum according to the forum's rules of procedure.

Liaison Arrangements with the Irish Government in Relation to Strand One

38. The British Government, as Chairman of Strand One, will keep the Irish Government informed and will report on the status, as determined by the Strand One participants, of the Strand One negotiations.

Meetings Between the Governments and the Political Parties
in Relation to Strand Three

39. Negotiations on Strand Three issues will be between the two Governments. However, with a view to providing a meaningful role for the political parties, the two Governments will, during the course of their negotiations:

ensure regular meetings at which the political parties will be briefed and, as appropriate, consulted on progress in the negotiations, and at which they would be able to put forward their views on Strand Three issues under discussion; and,

meet the political parties at their request for further discussion of Strand Three issues.

40. To this end, the two Governments will convene regular meetings involving up to three members of the negotiating team of each political party.
41. In addition, in relation to Strand Three issues, each political party, acting independently or in conjunction with others, may, on its initiative or otherwise, confer with either or both Governments in order to consult on issues under discussion and advance its own views, orally or in writing. In response, each Government will explain its own views and take full account of those put to it by the parties.
42. The outcome of the Strand Three issues will be considered by all the participants alongside the outcome of the other elements of the negotiations as a whole.

Records of Meetings

43. Records of formal meetings will be prepared by note-takers under the general direction of the Chairman of the format within which the meeting takes place. A draft record of each formal meeting will be circulated as soon as possible to the negotiating team of each Government and political party participating in the meeting and will be subject to their approval at the next meeting of that format, or earlier if appropriate.

44. The British Government will provide a team of civil servants responsible for taking the record of formal Strand One meetings. The two Governments will provide a pool of civil servants responsible for taking the record of formal meetings in other formats. The Chairman of the format in question shall appoint note-takers for each meeting from among the officials nominated by the two Governments.

2. COMPREHENSIVE AGENDA FOR THE NEGOTIATIONS

Adopted by Plenary, 24 September 1997

Strand 1

1. Principles and Requirements
2. Constitutional Issues
3. Nature form and extent of new arrangements
4. Relationships with other arrangements
5. Justice Issues
6. Rights and Safeguards

Strand 2

1. Principles and Requirements
2. Constitutional Issues
3. Nature form and extent of new arrangements
4. Relationships with other arrangements
5. Rights and Safeguards

Strand 3

1. Principles and Requirements
2. Constitutional Issues
3. Nature form and extent of new arrangements
4. Relationships with other arrangements
5. Rights and Safeguards

Cross-Strands Issues

1. Principles and requirements for the new arrangements to address the totality of relationships
2. Rights and Safeguards
3. Arrangements for validation of overall agreement

3. AGENDA FOR REMAINDER OF THE OPENING PLENARY

1. Circulation and Introduction of Proposals regarding the Comprehensive Agenda.
2. Consideration of the International Body's proposals on decommissioning:
 - (a) discussion of proposals;
 - (b) participants' commitment to work constructively to implement agreements on decommissioning;
 - (c) consideration of, and agreement on, mechanisms necessary to enable further progress to be made on decommissioning alongside negotiations in three strands.
3. Discussion and Adoption of Comprehensive Agenda.
4. Launch of three-stranded negotiations and establishment of agreed mechanisms on decommissioning.
5. Concluding remarks by Independent Chairman.

15 October 1996

4. PROCEDURAL MOTION

Adopted 24 September 1997

Plenary adopts the following conclusions in respect of items 2-5 of the agenda for the remainder of the opening Plenary session.

- 2(a) Plenary agrees to adjourn discussion of this item to a subsequent Plenary.

Plenary welcomes the decision of the British and Irish Governments to appoint General de Chastelain as Chairman of the Independent Commission and agrees that Senator Mitchell, Prime Minister Holkeri and General de Chastelain should act as Joint Chairmen of Strand Two and that the Rules of Procedure are hereby amended accordingly;

- 2(b) Plenary agrees that the resolution of the decommissioning issue is an indispensable part of the process of negotiation, alongside other confidence building measures;

All delegations are hereby committed to work constructively and in good faith to secure the implementation of the compromise approach to decommissioning set out in the Report of the International Body;

Plenary supports the views of the British and Irish Governments, as set out in the joint statement by the Prime Minister and the Taoiseach on 15 September (copy attached as Annex 1), on consent and on the decommissioning of some paramilitary arms during the negotiations;

All delegations are committed to work constructively with the Independent Commission to enable it to carry out its role;

Plenary invites the Independent Commission to notify it of any case where the Commission considers that a participant has failed to engage properly with the Commission.

2(c) Plenary agrees to establish two sub-committees as follows:

(1) Liaison Sub-Committee on Decommissioning

A Liaison Sub-Committee of the Plenary on Decommissioning (the Committee) shall be established comprised of representatives of all the participants in the negotiations. It shall be chaired by the Chairman of the Plenary and will report regularly to Plenary.

The Committee will be charged with assisting as appropriate the implementation of all aspects of decommissioning as set out in the Report of the International Body. In particular it will be required:

- to consider any legislative proposals by the Government, and any proposed regulations;
- to consider the type of scheme or schemes for decommissioning and the role of the Independent Commission in respect of same;
- to consider proposals for such schemes drawn up by the Independent Commission, and to submit any agreed opinion on the proposals for consideration by the Commission.

(2) **Liaison Sub-Committee on Confidence Building Measures**

A Liaison Sub-Committee on Confidence Building Measures (the Committee) shall be established comprised of representatives of all the participants in the negotiations. It shall be chaired by the Chairman of the Plenary and will report regularly to the Plenary.

The Committee will be charged with assisting as appropriate the implementation of all aspects of the Report of the International Body relating to the further confidence building measures mentioned in that Report which participants may raise, and any others which may be referred to by agreement by the Plenary. In particular it will be expected:

- to consider developments in relation to such measures;
- to consider such reports on such measures as may be submitted by those with responsibility for the issue in question;
- to draw to the attention of the Chairman of the relevant strand any institutional or systemic implications which may arise from its consideration of particular confidence building measures.

3 Adopts as the comprehensive agenda for the negotiations the outline proposals tabled on 15 October 1996 by the Ulster Unionist Party, the SDLP and the Alliance Party and set out in Annex 2 to this motion; and accepts that, consistent with Rule 17, the participants may wish, by agreement to develop or refine the comprehensive agenda during the negotiations;

- 4 Hereby launches the three-stranded negotiations and invites the relevant Chairmen to convene meetings in accordance with Rule 11, and agrees that the Business Committee should meet as required to co-ordinate the progress and procedures of the negotiations and to advise the Chairman on the timing and sequencing of meetings in the various strands;

Notes that the two Governments will complete the formal establishment of the Independent Commission on the adoption of this motion; and hereby formally establishes the two Sub-Committees referred to above;

- 5 Invites the Chairman, following the adoption of this motion, to make his concluding remarks, thereby completing the agenda for the opening Plenary session of these negotiations;

Invites the Chairman, without prejudice to his powers under Rule 12, to convene further meetings at intervals of two months, or such longer period as may be agreed, in order to review progress across the entire spectrum of the negotiations and to consider whether the necessary confidence and momentum towards agreement is being sustained.

**JOINT STATEMENT
15 September 1997**

The Prime Minister and the Taoiseach have reviewed together the present situation, and believe it may be helpful to clarify their views as the talks resume.

The two Governments are committed to the documents they have signed, including the Downing Street Declaration, but believe they should in particular spell out their views on two crucial issues, consent and decommissioning.

Consent will be a guiding principle for them in the negotiations, from which no outcome is of course excluded or pre-determined.

Both Governments re-affirm that the aim of the negotiations is to achieve a new and lasting agreement, addressing the totality of relationships, which commands the consent of both Unionists and Nationalists.

They recall that a guiding principle for the process of negotiations launched on 10 June 1996, enshrined in the agreed rules of procedure and therefore binding on all participants, is that any agreement in these negotiations must command sufficient consensus among the participants.

The two Governments see the resolutions of the decommissioning issue as an indispensable part of the process of negotiation, alongside other confidence-building measures for all sides. That is why they have passed the appropriate legislation in their respective jurisdictions and agreed to establish an

Independent Commission simultaneously with the launch of substantive negotiations.

Security experts in both jurisdictions have made preparations to brief the Commission, so that options for draft schemes for decommissioning, in conformity with the Mitchell Report and the Independent Commission's terms of reference, are available for their consideration and their discussion with all the participants from 15 September.

The two Governments remain totally committed to the implementation of the Mitchell Report in all its aspects, and they look to all parties to work constructively and in good faith with them on this basis.

Successful decommissioning will depend on the co-operation of the paramilitary organisations themselves and cannot in practice be imposed on them as a pre-condition for successful negotiation or as an absolute obligation. But both Governments would like to see the decommissioning of some paramilitary arms during negotiations, as progress is made in the political talks, and believe this could be a major contribution to confidence-building and momentum towards agreement.

ANNEX 2

Proposals for the Comprehensive Agenda

Strand 1

1. Principles and Requirements
2. Constitutional Issues
3. Nature form and extent of new arrangements
4. Relationship with other arrangements
5. Justice Issues
6. Rights and Safeguards

Strand 2

1. Principles and Requirements
2. Constitutional Issues
3. Nature form and extent of new arrangements
4. Relationship with other arrangements
5. Rights and Safeguards

Strand 3

1. Principles and Requirements
2. Constitutional Issues
3. Nature form and extent of new arrangements
4. Relationship with other arrangements
5. Rights and Safeguards

Cross-Strands Issues

1. Principles and requirements for the new arrangements to address the totality of relationships
2. Rights and Safeguards
3. Arrangements for validation of overall agreement

5. Northern Ireland (Entry to Negotiations, etc.) Act, 1996

1996 CHAPTER II

An Act to make provision for elections in Northern Ireland for the purpose of providing delegates from among whom participants in negotiations may be drawn; for a forum constituted by those delegates; for referendums in Northern Ireland; and for connected purposes. [29th April 1996]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

The elections

1.--(1) Elections shall be held in Northern Ireland for the purpose of providing delegates from among whom participants in negotiations may be drawn.

(2) Schedule 1 (which makes provision as to the holding of the elections and the provision of delegates) shall have effect.

The negotiations

2.--(1) The negotiations mentioned in section 1 are the negotiations referred to in Command Paper 3232 presented to Parliament on 16th April 1996.

(2) As soon as practicable after the elections, the Secretary of State shall invite the nominating representative of each party for which delegates have been returned in accordance with Schedule 1 to nominate from among those delegates, a team to participate in the negotiations.

(3) The Secretary of State shall refrain from inviting nominations from the nominating representative of a party, and shall exclude delegates already nominated from entering into the negotiations, if and for as long as he considers that requirements set out in paragraphs 8 and 9 of Command Paper 3232 are not met in relation to the party.

(4) The nominating representative of a party may from time to time substitute for any member of the team nominated for that party another delegate returned for that party in accordance with Schedule 1.

The forum

3.--(1) The delegates returned in accordance with Schedule 1 shall constitute a forum for the discussion of issues relevant to promoting dialogue and understanding within Northern Ireland.

(2) The functions of the forum shall be deliberative only.

(3) Accordingly the forum shall not have any legislative, executive or administrative functions, or any power to determine the conduct, course or outcome of the negotiations mentioned in section 1.

(4) But if, in accordance with any rules of procedure adopted by them, the participants in the negotiations refer any matter to the forum, subsection (3) shall not be taken to prevent the forum from considering that matter.

(5) Schedule 2 shall have effect in relation to the forum.

Referendums

4.--(1) The Secretary of State may from time to time by order direct the holding of a referendum for the purpose of obtaining the views of the people of Northern Ireland on any matter relating to Northern Ireland.

(2) An order under subsection (1) shall be made by statutory instrument; but no order shall be made unless a draft has been laid before, and approved by resolution of, each House of Parliament.

(3) An order under subsection (1) may include such provision relating to the conduct of the referendum as appears to the Secretary of State expedient, including provision -

- (a) setting out the wording of the question to be put;
- (b) as to the persons entitled to vote;
- (c) applying, with or without modifications, any enactment (and in particular any enactment relating to elections) or any provision made under an enactment.

1973 c.36

(4) Nothing in this section shall be construed as authorising the Secretary of State to direct the holding of a poll otherwise than in accordance with Schedule 1 to the Northern Ireland Constitution Act 1973 in relation to the matters dealt with in section 1 of that Act (status of Northern Ireland as part of United Kingdom).

“Nominating Representative” of a party

5.--(1) In this Act “nominating representative” in relation to a party means the person who at any time appears to the Secretary of State to be the leader of the party or otherwise the most appropriate person to act on behalf of the party for the purposes of this Act.

(2) The Secretary of State shall cause to be published in the Belfast Gazette--

- (a) an initial list of the nominating representatives of the parties listed in Part II of Schedule 1;
- (b) notice of any change in the nominating representative of any of those parties.

Allowances and Secretary of State's expenses

6.--(1) The Secretary of State may pay allowances to delegates returned in accordance with Schedule 1, whether by reference to days on which they attend the forum or participate in negotiations or otherwise.

(2) Any expenses incurred by the Secretary of State in connection with the Elections or otherwise by virtue of this Act shall be paid out of money provided by Parliament.

Duration of Section 3&4

7.--(1) Section 3 shall cease to have effect at the end of May 1997.

(2) The Secretary of State may by order provide that section 3 shall -
(a) continue to have effect, or
(b) come into force again,
until a time, not later than the end of May 1998, specified in the order.

(3) The Secretary of State may by order provide that section 3 shall cease to have effect at a time specified in the order (being a time earlier than the time at which it would cease to have effect by virtue of subsection (1) or (2)).

(4) If it appears to the Secretary of State that the negotiations mentioned in section 1 are concluded or suspended, he shall by order under subsection (3) provide for section 3 to cease to have effect.

(5) Section 4 shall cease to have effect at the end of May 1999.

(6) An order under this section shall be made by statutory instrument; but no order shall be made unless a draft has been laid before, and approved by resolution of, each House of Parliament.

Short title

8.--This Act may be cited as the Northern Ireland (Entry to Negotiations, etc) Act 1996.

SCHEDULES

Section 1(2)

SCHEDULE 1 THE ELECTIONS

PART I GENERAL

Orders

1. - (1) The Secretary of State may by order make provision about the elections, and any other provision consequential on or supplementary to this Schedule.

(2) An order under this paragraph may apply, with or without modifications, any enactment (and in particular any enactment relating to elections) or any provision made under an enactment.

(3) An order under this paragraph shall be made by statutory instrument; but no order shall be made unless a draft has been laid before, and approved by resolution of, each House of Parliament.

Return of delegates

2. - (1) Five delegates shall be returned for each of the parliamentary constituencies in Northern Ireland and twenty for Northern Ireland as a whole.

S.I. 1995/2992

(2) The constituencies referred to in sub-paragraph (1), and in the following provisions, are those provided for in the Parliamentary Constituencies (Northern Ireland) Order 1995.

Date of poll

3. The poll in the elections shall be held on a date provided for by an order under paragraph 1.

Franchise

4. The persons entitled to vote at the election in a constituency shall be those who both -

- (a) would be entitled to vote as electors at a local election in a district electoral area wholly or partly comprised in the constituency, and
- (b) are registered at an address within the constituency in a register of local electors.

Parties and party lists

5. - (1) The elections shall be conducted on the basis of lists submitted by the nominating representative of parties.

(2) The parties for which lists may be submitted are those set out in Part II of this Schedule.

6. - (1) The nominating representative of each of those parties may (within such time as may be prescribed by an order under paragraph 1) submit to the Chief Electoral Officer for Northern Ireland separate lists of candidates for all or any of the constituencies ("constituency lists").

(2) If a nominating representative submits at least three constituency lists, he may also submit a list of candidates for Northern Ireland as a whole (a "regional list").

Sch1

- (3) The number of candidates on a constituency list must be at least two and not more than five.
- (4) The number of candidates on a regional list must be at least two and not more than ten.
- (5) A constituency list for a party may not include a candidate who is on another constituency list for the party.
- (6) A party's regional list must include at least two candidates who are not on a constituency list for the party.

Method of election

- 7.- (1) Each elector shall have one vote, to be cast for a party named on the ballot paper for the constituency.
- (2) The ballot paper shall show the names of each of the parties for which a constituency list has been submitted for the constituency.

Constituency delegates

8. - (1) For each constituency there shall be calculated -
- (a) the total number of votes given;
 - (b) the quota for the constituency;
 - (c) the number of votes given for each party.
- (2) The quota for a constituency is -

$$\frac{T}{6} + 1$$

where T is the number of votes given.

9. - (1) If the number of votes given for a party in a constituency equals or exceeds the quota, one of the candidates on the party's constituency list shall be returned from the constituency as a delegate.

(2) But if the number of votes equals or exceeds a multiple of the quota, a correspondingly greater number of candidates shall be returned (up to the number appearing on the list).

10. If the application of paragraph 9 produces fewer than five delegates, then-

(a) there shall be calculated for each party (excluding any whose constituency list has been exhausted) the quotient representing -

$$\frac{V}{N+I}$$

where V is the number of votes given for the party and N is the number of the party's candidates returned as delegates by the previous application of paragraph 9 (or paragraph 9 and this paragraph);

(b) a candidate on the list of the party with the highest quotient shall be returned as a delegate.

11. If the application of paragraph 10 produces fewer than five delegates, it shall be applied again until five delegates have been produced (or all the constituency lists have been exhausted).

12. The order in which the candidates on a party's list are returned for a constituency shall be the order in which they appear on the list.

13. An order under paragraph 1 shall make provision as to the return of delegates in the event of an equality of quotients.

Sch.1

Regional delegates

14. - (1) For each party having a regional list the aggregate number of votes given in all the constituencies shall be calculated.

(2) Two candidates from the regional list of each of the ten parties with the largest aggregate shall be returned as delegates.

15. The order in which the candidates on a party's regional list are returned shall be the order in which they appear on the list, except that a candidate returned at the election for a constituency shall be disregarded.

16. An order under paragraph 1 shall make provision as to the return of delegates in the event of an equality of votes.

Disqualification

17. A person is disqualified for being on a constituency or regional list if -

1983 c.2

(a) he is a person to whom section 3 of the Representation of the People Act 1983 applies (disfranchisement of offenders in prison), or

(b) he is authorised to be detained on the ground (however formulated) that he is suffering from mental illness, or

(c) he is not of voting age within the meaning of section 1 of that Act.

Amendment of lists, and vacancies

18. - (1) A person's name shall be treated as removed from a party's constituency or regional list if he dies or is disqualified or if the Secretary of State receives a written request for removal from -

- (a) that person, or
- (b) the party's nominating representative.

(2) A person whose name is treated as removed from a list shall (if he is one) cease to be a delegate or a member of a team nominated under section 2(2) or (4)

19. - (1) This paragraph shall apply where a person ceases to be a delegate in accordance with paragraph 18.

(2) Where the delegate was appointed from a party's constituency list, there shall be returned as a delegate in his place-

- (a) the next person on the list who is not a delegate, or
- (b) if there is no such person, the next person on the party's regional list who is not a delegate.

(3) Where the delegate was appointed from a regional list, there shall be returned as a delegate in his place the next person on that list who is not a delegate.

(4) A vacancy which can not be filled by the application of sub-paragraph (2) or (3) shall remain unfilled.

20. Where a party ceases to exist, any persons on its list who are delegates or members of a team nominated under section 2(2) or (4) shall cease to be so.

Part II THE PARTIES

Alliance Party
British Ulster Unionist Party
Communist Party of Ireland
Conservative Party
Democratic Left
Democratic Partnership
Democratic Unionist - DUP
Green Party
Independent Chambers
Independent Democratic Unionist Party
Independent Kerr
Independent McCaffrey
Independent McGrath
Independent McMullen
Independent Sinclair
Independent Templeton
Labour
Natural Law Party
No Going Back
Northern Ireland Party (NIP)
Northern Ireland Womens' Coalition
Progressive Unionist Party (PUP)
Sinn Féin
Social Democratic and Labour Party (SDLP)
UK Unionist Party - Robert McCartney
Ulster Christian Democratic Party
Ulster Democratic Party (UDP)
Ulster Independence
Ulster Independent Voice
Ulster Unionist Party (UUP)
Workers' Party

Sch 1

**SCHEDULE 2
THE FORUM**

Section 3(5)

Chairman

1. - (1) There shall be a chairman of the forum

(2) The chairman shall be elected by the members, but until the first election has taken place he shall be a member nominated by the Secretary of State.

Meetings

2. - (1) The first meeting of the forum shall be at a time decided by the Secretary of State.

Sch.2

(2) The time decided under sub-paragraph (1) shall be -

(a) after the commencement of negotiations within section 2, and

(b) within, or as soon as possible after the expiry of, the period of four weeks beginning with the date of the poll in the elections.

(3) Subsequent meetings shall be at times determined by the members of the forum.

(4) But the forum shall not meet at any time notified by the Secretary of State to the chairman as being a time when, in the opinion of the Secretary of State, it would not be appropriate for the forum to meet because negotiations within section 2 are intended to take place, but the Secretary of State shall not prevent the holding of a meeting for more than four consecutive weeks.

Procedure

3.- (1) Subject to the provisions of this Schedule, the proceedings of the forum (and of any committee it may establish) shall be conducted in accordance with rules of procedure determined by the members of the forum and approved by the Secretary of State.

(2) The rules of procedure of the forum shall include provision for a quorum.

(3) Until rules of procedure have been determined and approved under sub-paragraph (1) proceedings shall be conducted in accordance with rules determined by the Secretary of State and notified by him to the Chairman.

(4) In exercising his functions under sub-paragraphs (1) and (3) above, the Secretary of State shall make every effort to insure that the rules of procedure of the forum facilitate the promotion of dialogue, understanding and consensus across the communities of Northern Ireland.

4. - A decision on the election or removal of a chairman or the adoption or alteration of rules of procedure shall not be regarded as taken by the members unless -

(a) no member present has objected to it, or

(b) it is approved on a vote by at least 75 per cent of those voting.

Privilege

5. - A written or oral statement made by a member of the forum in or for the purposes of the forum (or any committee it may establish) shall be privileged from action for defamation unless it is proved to have been made with malice.

Miscellaneous

6. The Secretary of State shall provide for the forum the service of such staff, the use of such premises and such other facilities as he thinks appropriate.

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6. GROUND RULES FOR SUBSTANTIVE ALL-PARTY NEGOTIATIONS

16 April 1996

In their Joint Communique of 28 February 1996, the Prime Minister and the Taoiseach confirmed that all-party negotiations will be convened on Monday 10 June 1996 following intensive consultations with the relevant political parties and the completion of a broadly acceptable elective process. Following consultation with the political parties this paper sets out the best judgement of the two Governments on the most suitable and broadly acceptable ground rules for the basis, participation, structure, format and agenda of all-party negotiations, beginning on 10 June 1996.

THE BASIS, PARTICIPATION, STRUCTURE, FORMAT AND AGENDA OF ALL-PARTY NEGOTIATIONS

BASIS

- 1 The purpose of the negotiations will be to achieve a new beginning for relationships within Northern Ireland, within the island of Ireland and between the peoples of these islands, and to agree new institutions and structures to take account of the totality of relationships.

AGENDA

- 2 The negotiations will, therefore, in a full and comprehensive fashion, address and seek to reach agreement on relationships and arrangements within Northern Ireland, including the relationship between any new institutions there and the Westminster Parliament; within the whole island of Ireland; and between the two Governments, including their relationship with any new institutions in Northern Ireland.

- 3 Any participant in the strand in question will be free to raise any aspect of the three relationships, including constitutional issues and any other matter which it considers relevant. While no outcome is either predetermined or excluded in advance, and while participation in negotiations is without prejudice to any participant's commitment to the achievement by exclusively peaceful and democratic means of its own preferred options, it is common ground that any agreement, if it is to command widespread support, will need to give adequate expression to the totality of all three relationships.
- 4 Both Governments, as signatories of the Anglo-Irish Agreement, reaffirm that they would be prepared to consider a new and more broadly based agreement, if that can be achieved through direct discussion and negotiation between all the parties concerned. The two Governments, for their part, have described a shared understanding of the parameters of a possible outcome of the negotiations in "A New Framework for Agreement".

STRUCTURE

- 5 The negotiations will be structured so as to ensure that all issues will be addressed in a coherent and efficient manner in three interlocking strands, reflecting the three key relationships at issue, with appropriate distinctions as to participation and procedural arrangements. Strand One will cover relationships within Northern Ireland; Strand Two will cover relationships within the island of Ireland; and Strand Three will cover relationships between the British and Irish Governments.
- 6 If appropriate, committees and sub-committees may be established by agreement.

- 7 The conduct of the negotiations will be exclusively a matter for those involved in the negotiations. Any reference to, or interaction with, the forum to be convened following the elective process held to determine which parties will participate in the negotiations may take place solely by agreement among the negotiating teams to this effect and only at their formal instigation.

PARTICIPATION

- 8 Negotiations will involve the participation, in the appropriate strands, of representatives of both Governments and all those political parties operating in Northern Ireland (hereafter referred to as "the political parties") which achieve representation through an elective process and which, as set out in the Communiqué of 28 February 1996, establish a commitment to exclusively peaceful methods and which have shown that they abide by the democratic process.
- 9 In the Communiqué of 28 February, both Governments expressed the hope that all political parties with an electoral mandate will be able to participate in all-party negotiations. However, both Governments are also agreed that the resumption of Ministerial dialogue with Sinn Féin, and their participation in negotiations, requires the unequivocal restoration of the ceasefire of August 1994.
- 10 There will be no limit on the overall size of the negotiating teams of the political parties and the two Government(hereafter collectively referred to as "the participants"). However, for any one meeting, unless there is agreement otherwise, participants will generally be limited to teams of three, plus three in support (five in support in the case of the two Governments).

- 11 The negotiating team of each political party will be designated by the party leader from among the elected representatives. These teams may be supported in meetings by researchers and others who are not elected.

OPENING OF NEGOTIATIONS

- 12 Negotiations will begin on Monday 10 June 1996 with an opening plenary session involving all the participants in the negotiations. Each delegation would have the opportunity to make an opening statement setting out its approach to the negotiations and its position on key issues.

- 13 In their Communiqué of 28 February, the Taoiseach and the Prime Minister said:

"They recognise that confidence building measures will be necessary. As one such measure, all participants would need to make clear at the beginning of the discussions their total and absolute commitment to the principles of democracy and non-violence set out in the report of the International Body. They would also need to address, at that stage, its proposals on decommissioning. Confidence building would also require that the parties have reassurance that a meaningful and inclusive process of negotiations is genuinely being offered to address the legitimate concerns of their traditions and the need for new political arrangements with which all can identify".

- 14 The agenda for negotiations will be in accordance with this and therefore the opening plenary session will need to ensure that priority is given to these confidence building issues. The opening plenary session will also adopt, and commit the participants to negotiate, a comprehensive agenda which

provides reassurance, both in terms of addressing the report of the International Body and ensuring that a meaningful and inclusive process of negotiations is genuinely being offered. This agenda will include all the significant items which the various negotiating teams consider relevant and which will, therefore, have to be addressed in the search for agreement. The plenary session would also decide how to deal with any procedural issues which may require resolution in the negotiations.

- 15 Both Governments are determined that the structure and process of the negotiations will be used in the most constructive possible manner in the search for agreement. They will use their influence in the appropriate strands to ensure that all items on the comprehensive agenda are fully addressed in the negotiating process and commit themselves, for their part, to doing so with a view to overcoming any obstacles which may arise.
- 16 All participants in the negotiations will take part in good faith, seriously address all aspects of the agreed agenda, and make every effort to reach agreement. They will maintain confidentiality on all aspects of the negotiations except where they may from time to time agree to publicity.
- 17 If, during the negotiations, any party demonstrably dishonoured its commitment to the principles of democracy and non-violence set out in the report of the International Body by, for example, resorting to force or threatening the use of force to influence the course or the outcome of the negotiations, or failing to oppose the efforts of others to do so, it would no longer be entitled to participate in the negotiations.

FORMAT

- 18 Negotiations will address all three interlocking sets of relationships as a totality. Negotiations in each of the three interlocking strands will open on the same day and will proceed in parallel. However, unless otherwise agreed by the Business Committee, negotiating sessions in different strands, or within strands, will not be held simultaneously, to allow participants, if they so wish, the option of fielding the same negotiating team throughout the negotiations.
- 19 Negotiations on Strand One issues will involve the British Government and the political parties:
- negotiations will take place on the basis of an agreed agenda and in appropriate formations as agreed by the participants;
 - formal meetings will be chaired by the British Government operating procedural rules, agreed by the participants;
 - the Irish Government will be kept informed of the progress achieved in Strand One through liaison arrangements agreed between the two Governments following consultations with the parties.
- 20 Negotiations on Strand Two issues will involve both the British and Irish Governments and the political parties:
- negotiations will take place on the basis of an agreed agenda and in appropriate formations as agreed by the participants;
 - formal meetings will be chaired by an independent Chairperson operating procedural rules, agreed by the participants.

21 Negotiations on Strand Three issues will be between the two Governments. However, with a view to providing a meaningful role for the political parties, the two Governments will, during the course of their negotiations:

- ensure regular meetings at which the political parties will be briefed and, as appropriate, consulted on progress in the negotiations, and at which they would be able to put forward their views on Strand Three issues under discussion;
- meet the political parties at their request for further discussion of Strand Three issues. The outcome of Strand Three will be considered by all the participants alongside the outcome of the other two strands.

22 In addition to plenary sessions of the negotiations, some practical arrangements will be needed for liaison between the different elements of these complex negotiations. While the management of each strand is for its participants, a Business Committee composed of representatives of the two Governments and of the political parties, chaired by the independent Chairperson of Strand Two or, otherwise, by any person agreed by the participants, will be established to coordinate the progress and the procedures of the negotiations. The Business Committee would not deal with the substance of the negotiations but would address unresolved procedural issues. It could also determine the modalities for dealing with any issue which does not fall exclusively within any of the three strands.

23 The negotiations will proceed on the principle that nothing will be finally agreed in any strand until everything is agreed in the negotiations as a whole. Subject to this principle, it would nevertheless be possible, solely on the basis of consensus among the participants, to proceed on the assumption of contingent agreement on any individual aspect of the negotiations.

- 24 The negotiations will operate on the basis of consensus. However, if in Strand One or Two it should prove impossible after determined efforts to achieve unanimity, the Chairperson may, without prejudice to the provisions of the previous paragraph, operate on the basis of sufficient consensus among the political parties to allow negotiations to proceed. (The rules for establishing sufficient consensus will be agreed in advance of negotiations by the participants and such rules will ensure that any departure from the rule of unanimity is within minimal limits and will, in all cases, ensure that any decision taken will be supported by a clear majority in both the unionist and nationalist communities in Northern Ireland). Additionally, as regards Strands Two and Three, both Governments would have to endorse a particular proposition for it to be deemed to have achieved sufficient consensus. The overall outcome across all three strands would also need to attract a sufficient consensus from the participants.

VENUE

- 25 Strand One negotiations will take place in Castle Buildings, Belfast. Strand Two negotiations will take place in Belfast, Dublin and London, at times agreed by the Business Committee. The two Governments will determine where Strand Three meetings will take place. The Business Committee shall determine the venue of its meetings.

VALIDATION

- 26 Both Governments respectively reaffirm their intention that the outcome of negotiations will be submitted for public approval by referendums in Ireland - North and South - before being submitted to their respective Parliaments for ratification and the earliest possible implementation.

7. ELECTION HELD ON 30 MAY 1996 OVERALL RESULT

Total Electorate: 1,166,104

Total Valid Poll: 752,388

% Turnout: 64.69

Party	Votes	% Votes
UUP	181,829	24.17%
SDLP	160,786	21.37%
DUP	141,413	18.80%
Sinn Féin	116,377	15.47%
Alliance	49,176	6.54%
UKUP	27,774	3.69%
PUP	26,082	3.47%
UDP	16,715	2.22%
NIWC	7,731	1.03%
Labour	6,425	0.85%
Others	17,990	2.39%

8. REPORT OF THE INTERNATIONAL BODY

22 January 1996

I. INTRODUCTION

- 1 On 28 November 1995, the British and Irish Governments issued a Communiqué which announced the launching in Northern Ireland of a " 'twin track' process to make progress in parallel on the decommissioning issue and on all-party negotiations."
- 2 One track was "to invite the parties to intensive preparatory talks with a remit to reach widespread agreement on the basis, participation, structure, format and agenda to bring all parties together for substantive negotiations aimed at a political settlement based on consent". This has become known as the political track.
- 3 The other track concerned the decommissioning of arms and was set forth as follows in the Communiqué:

"5. In parallel, the two Governments have agreed to establish an International Body to provide an independent assessment of the decommissioning issue.

6. Recognising the widely expressed desire to see all arms removed from Irish politics, the two Governments will ask the International Body to report on the arrangements necessary for the removal from the political equation of arms silenced by virtue of the welcome decisions taken last

Summer and Autumn by those organisations that previously supported the use of arms for political purposes.

7. In particular, the two Governments will ask the Body to: - identify and advise on a suitable and acceptable method for full and verifiable decommissioning; and - report whether there is a clear commitment on the part of those in possession of such arms to work constructively to achieve that.

8. It will be for the International Body to determine its own procedures. The two Governments expect it to consult widely, to invite relevant parties to submit their analysis of matters relevant to the decommissioning issue and, in reaching its conclusions within its remit, to consider such evidence on its merits".

- 4 We are that Body. This is our report. We have no stake in Northern Ireland other than an interest in seeing an end to the conflict and in the ability of its people to live in peace. Our role is to bring an independent perspective to the issue. We are motivated solely by our wish to help. This assessment represents our best and our independent judgement. We are unanimous in our views. There are no differences of opinion among us.
- 5 To provide us with sufficient information to meet our remit, we held two series of meetings in Belfast, Dublin and London: the first, 15 through 18 December 1995; the second, 11 through 22 January 1996. In addition, we held an organisational meeting in New York on 9 December 1995.
- 6 In the course of our meetings we heard orally and in writing from dozens of government officials, political leaders, church officials and representatives of other organisations and institutions. We received hundreds of letters and telephone

calls from members of the public and met with many others. We thank all for their submissions. Contributions from those who suffered losses during the time of troubles but are strongly committed to the peace process were especially moving. All the submissions have been carefully reviewed and considered.

II. DISCUSSION

- 7 Our examination of the issues and of the facts, and the perspectives brought to us by those who briefed us or who made written representations to us, convince us that while there is no simple solution to the conflict in Northern Ireland, the factors on which a process for peace must be based are already known. We can indicate the way we believe these factors should be addressed so that decommissioning of arms and all-party negotiations can proceed, but only resolute action by the parties themselves will produce progress.
- 8 That noted, we are aware of the enormous contribution already made by individuals and groups in advancing the process of peace in Northern Ireland to its current stage. The tireless and courageous efforts of Prime Minister John Major and Taoiseach John Bruton (and before him Albert Reynolds) have been essential to the peace process. They have been joined by other political leaders, institutions, organisations and individuals in the promotion of peace.
- 9 We considered our task in the light of our responsibility to all of the people of Northern Ireland; the need for the people to be reassured that their democratic and moral expectations can be realised; and in the spirit of serious efforts made by the British and Irish Governments to advance the peace process.

- 10 For nearly a year and a half, the guns have been silent in Northern Ireland. The people want that silence to continue. They want lasting peace in a just society in which paramilitary violence plays no part. That was the dominant theme expressed in the many letters and calls we received from those in the North and South, Unionist and Nationalist, Catholic and Protestant, Loyalist and Republican.
- 11 Notwithstanding reprehensible "punishment" killings and beatings, the sustained observance of the cease-fires should not be devalued. It is a significant factor which must be given due weight in assessing the commitment of the paramilitaries to "work constructively to achieve" full and verifiable decommissioning.
- 12 Since the cease-fires, the political debate has focused largely on the differences that have prevented the commencement of all-party negotiations intended to achieve an agreed political settlement. This circumstance has obscured the widespread agreement that exists -- so widespread that it tends to be taken for granted. In fact, members of both traditions may be less far apart on the resolution of their differences than they believe.
- 13 No one should underestimate the value of the consensus for peace, and the fact that no significant group is actively seeking to end it.
- 14 In paragraph five of the Communiqué we were asked "to provide an independent assessment of the decommissioning issue." It is a serious issue. It is also a symptom of a larger problem: the absence of trust. Common to many of our meetings were arguments, steeped in history, as to why the other side cannot be trusted. As a consequence, even well-intentioned acts are often viewed with suspicion and hostility.

- 15 But a resolution of the decommissioning issue -- or any other issue -- will not be found if the parties resort to their vast inventories of historical recrimination. Or, as it was put to us several times, what is really needed is the decommissioning of mind-sets in Northern Ireland.
- 16 We have asked ourselves how those who have suffered during the many years of internal strife can accept the fact that the establishment of a lasting peace will call for reconciliation with those they hold responsible for their loss and pain. Surely the continued suffering and bereavement of individuals and of families should never be forgotten. But if the focus remains on the past, the past will become the future, and that is something no one can desire.
- 17 Everyone with whom we spoke agrees in principle with the need to decommission. There are differences on the timing and context -- indeed, those differences led to the creation of this Body -- but they should not obscure the nearly universal support which exists for the total and verifiable disarmament of all paramilitary organisations. That must continue to be a principal objective.
- 18 However the issue of decommissioning is resolved, that alone will not lead directly to all-party negotiations. Much work remains on the many issues involved in the political track. The parties should address those issues with urgency.

III. RECOMMENDATIONS: PRINCIPLES OF DEMOCRACY AND NON-VIOLENCE

- 19 To reach an agreed political settlement and to take the gun out of Irish politics, there must be commitment and adherence to fundamental principles of democracy and

- non-violence. Participants in all-party negotiations should affirm their commitment to such principles.
- 20 Accordingly, we recommend that the parties to such negotiations affirm their total and absolute commitment:
- a To democratic and exclusively peaceful means of resolving political issues;
 - b To the total disarmament of all paramilitary organisations;
 - c To agree that such disarmament must be verifiable to the satisfaction of an independent commission;
 - d To renounce for themselves, and to oppose any effort by others, to use force, or threaten to use force, to influence the course or the outcome of all-party negotiations;
 - e To agree to abide by the terms of any agreement reached in all-party negotiations and to resort to democratic and exclusively peaceful methods in trying to alter any aspect of that outcome with which they may disagree; and,
 - f To urge that "punishment" killings and beatings stop and to take effective steps to prevent such actions.
- 21 We join the Governments, religious leaders and many others in condemning "punishment" killings and beatings. They contribute to the fear that those who have used violence to pursue political objectives in the past will do so again in the future. Such actions have no place in a lawful society.
- 22 Those who demand decommissioning prior to all-party negotiations do so out of concern that the paramilitaries will use force, or threaten to use force, to influence the

negotiations, or to change any aspect of the outcome of negotiations with which they disagree. Given the history of Northern Ireland, this is not an unreasonable concern. The principles we recommend address those concerns directly.

- 23 These commitments, when made and honoured, would remove the threat of force before, during and after all-party negotiations. They would focus all concerned on what is ultimately essential if the gun is to be taken out of Irish politics: an agreed political settlement and the total and verifiable disarmament of all paramilitary organisations. That should encourage the belief that the peace process will truly be an exercise in democracy, not one influenced by the threat of violence.

IV. COMMITMENT TO DECOMMISSIONING

- 24 The second of the specific questions in paragraph seven of the Communique asks us "to report whether there is a clear commitment on the part of those in possession of such arms to work constructively to achieve" full and verifiable decommissioning.
- 25 We have concluded that there is a clear commitment on the part of those in possession of such arms to work constructively to achieve full and verifiable decommissioning as part of the process of all-party negotiations; but that commitment does not include decommissioning prior to such negotiations.
- 26 After careful consideration, on the basis of intensive discussions with the Governments, the political parties, religious leaders, the security forces, and many others, we have concluded that the paramilitary organisations will not

decommission any arms prior to all-party negotiations. That was the unanimous and emphatically expressed view of the representatives of the political parties close to paramilitary organisations on both sides. It was also the view of the vast majority of the organisations and individuals who made oral and written submissions. It is not that they are all opposed to prior decommissioning. To the contrary, many favour it. But they are convinced that it will not happen. That is the reality with which all concerned must deal.

- 27 Competing views were advanced on prior decommissioning. One was that decommissioning of arms must occur prior to all-party negotiations. We were told that the clearest demonstration of adherence to democratic principles, and of a permanent end to the use of violence, is the safe removal and disposal of paramilitary arms, and that at this time only a start to decommissioning will provide the confidence necessary for all-party negotiations to commence. In this view, all parties were aware of the need for prior decommissioning before the cease-fires were announced and should not now be able to avoid that requirement.
- 28 In the competing view we were told that decommissioning of arms prior to all-party negotiations was not requested before the announcement of the cease-fires, and that had it been, there would have been no cease-fires; that those who entered into cease-fires did so in the belief they would lead immediately to all-party negotiations; and that the request for prior decommissioning, seriously pursued for the first time months after the cease-fires were declared, is merely a tactic to delay or deny such negotiations. In this view, the cease-fires having been maintained for nearly a year and a half, all-party negotiations should begin immediately with no further requirements.

- 29 We believe that each side of this argument reflects a core of reasonable concern which deserves to be understood and addressed by the other side.
- 30 Those who insist on prior decommissioning need to be reassured that the commitment to peaceful and democratic means by those formerly supportive of politically motivated violence is genuine and irreversible, and that the threat or use of such violence will not be invoked to influence the process of negotiations or to change any agreed settlement.
- 31 Those who have been persuaded to abandon violence for the peaceful political path need to be reassured that a meaningful and inclusive process of negotiation is genuinely being offered to address the legitimate concerns of their traditions and the need for new political arrangements with which all can identify.
- 32 Clearly, new approaches must be explored to overcome this impasse. That is the purpose of the six principles we recommend. They invoke a comprehensive commitment to democracy and non-violence that is intended to reassure all parties to the negotiations.

V. DECOMMISSIONING DURING ALL-PARTY NEGOTIATIONS

- 33 One side has insisted that some decommissioning of arms must take place before all-party negotiations can begin. The other side has insisted that no decommissioning can take place until the end of the process, after an agreed settlement has been reached. This has resulted in the current impasse.
- 34 The parties should consider an approach under which some decommissioning would take place during the process of all-

party negotiations, rather than before or after as the parties now urge. Such an approach represents a compromise. If the peace process is to move forward, the current impasse must be overcome. While both sides have been adamant in their positions, both have repeatedly expressed the desire to move forward. This approach provides them that opportunity.

- 35 In addition, it offers the parties an opportunity to use the process of decommissioning to build confidence one step at a time during negotiations. As progress is made on political issues, even modest mutual steps on decommissioning could help create the atmosphere needed for further steps in a progressive pattern of mounting trust and confidence.

VI. RECOMMENDATIONS: GUIDELINES ON THE MODALITIES OF DECOMMISSIONING

- 36 The first of the specific questions in paragraph seven of the Communiqué asks us "to identify and advise on a suitable and acceptable method for full and verifiable decommissioning".
- 37 We recommend the following guidelines on the modalities of decommissioning. These recommendations are realistic in light of the nature and scale of the arsenals in question, estimates of which were provided to us by the Governments and their security forces. We believe these estimates to be accurate.
- 38 Decommissioning should receive a high priority in all-party negotiations. The details of decommissioning, including supporting confidence-building measures, timing and sequencing, have to be determined by the parties themselves.

The decommissioning process should suggest neither victory nor defeat.

- 39 The cease-fires and the peace process are products not of surrender but rather of a willingness to address differences through political means. This essential fact should be reflected clearly in the modalities of the decommissioning process, which should not require that any party be seen to surrender.

The decommissioning process should take place to the satisfaction of an independent commission.

- 40 The decommissioning process should take place to the satisfaction of an independent commission acceptable to all parties. The commission would be appointed by the British and Irish Governments on the basis of consultations with the other parties to the negotiating process.
- 41 The Commission should be able to operate independently in both jurisdictions, and should enjoy appropriate legal status and immunity.
- 42 In addition to having available to it independent sources of legal and technical advice and adequate field resources to receive and audit armaments and to observe and verify the decommissioning process, the commission should be able to call upon the resources and the relevant technical expertise of the British and Irish Armies, when it is appropriate.

The decommissioning process should result in the complete destruction of armaments in a manner that contributes to public safety.

- 43 The decommissioning process should result in the complete destruction of the armaments. Procedures for destruction would include the cutting up or chipping of small arms and other weapons, the controlled explosion of ammunition and explosives, and other forms of conventional munitions disposal.
- 44 The decommissioning process could encompass a variety of methods, subject to negotiation, including:
- the transfer of armaments to the commission or to the designated representatives of either Government, for subsequent destruction;
 - the provision of information to the commission or to designated representatives of either Government, leading to the discovery of armaments for subsequent destruction; and,
 - the depositing of armaments for collection and subsequent destruction, by the commission or by representatives of either Government. Parties should also have the option of destroying their weapons themselves.
- 45 Priority should be accorded throughout to ensuring that armaments are safely handled and stored, and are not misappropriated.

The decommissioning process should be fully verifiable.

- 46 Whatever the options chosen for the destruction of armaments, including the destruction of weapons by the parties themselves, verification must occur to the satisfaction of the commission.

- 47 The commission would record information required to monitor the process effectively. The commission should have available to it the relevant data of the Garda Síochána and the Royal Ulster Constabulary. It would report periodically to relevant parties on progress achieved in the decommissioning process.

The decommissioning process should not expose individuals to prosecution.

- 48 Individuals involved in the decommissioning process should not be prosecuted for the possession of those armaments; amnesties should be established in law in both jurisdictions. Armaments made available for decommissioning, whether directly or indirectly, should be exempt under law from forensic examination, and information obtained as a result of the decommissioning process should be inadmissible as evidence in courts of law in either jurisdiction.
- 49 Groups in possession of illegal armaments should be free to organise their participation in the decommissioning process as they judge appropriate, e.g. groups may designate particular individuals to deposit armaments on their behalf.

The decommissioning process should be mutual.

- 50 Decommissioning would take place on the basis of the mutual commitment and participation of the paramilitary organisations. This offers the parties another opportunity to use the process of decommissioning to build confidence one step at a time during negotiations.

VII. FURTHER CONFIDENCE-BUILDING

- 51 It is important for all participants to take steps to build confidence throughout the peace process. In the course of our discussions, many urged that certain actions other than decommissioning be taken to build confidence. We make no recommendations on them since they are outside our remit, but we believe it appropriate to comment on some since success in the peace process cannot be achieved solely by reference to the decommissioning of arms.
- 52 Support for the use of violence is incompatible with participation in the democratic process. The early termination of paramilitary activities, including surveillance and targeting, would demonstrate a commitment to peaceful methods and so build trust among other parties and alleviate the fears and anxieties of the general population. So, too, would the provision of information on the status of missing persons, and the return of those who have been forced to leave their communities under threat.
- 53 Continued action by the Governments on prisoners would bolster trust. So would early implementation of the proposed review of emergency legislation, consistent with the evolving security situation.
- 54 Different views were expressed as to the weapons to be decommissioned. In the Communiqué, the Governments made clear their view that our remit is limited to those weapons held by paramilitary organisations. We accept and share that view. There is no equivalence between such weapons and those held by security forces. However, in the context of building mutual confidence, we welcome the commitment of the Governments, as stated in paragraph nine of the Communiqué, "to continue to take responsive

measures, advised by their respective security authorities, as the threat reduces".

- 55 We share the hope, expressed by many on all sides, that policing in Northern Ireland can be normalised as soon as the security situation permits. A review of the situation with respect to legally registered weapons and the use of plastic bullets, and continued progress toward more balanced representation in the police force would contribute to the building of trust.
- 56 Several oral and written submissions raised the idea of an elected body. We note the reference in paragraph three of the Communiqué to "whether and how an elected body could play a part". Elections held in accordance with democratic principles express and reflect the popular will. If it were broadly acceptable, with an appropriate mandate, and within the three-strand structure, an elective process could contribute to the building of confidence.
- 57 Finally, the importance of further progress in the social and economic development of Northern Ireland and its communities was emphasised time and again in our meetings, in the context of building confidence and establishing a lasting peace.

VIII. CONCLUDING REMARKS

- 58 Last week we stood in Belfast and looked at a thirty foot high wall and at barriers topped with iron and barbed wire. The wall, which has ironically come to be known as the "peace line", is a tangible symbol of the division of the people of Northern Ireland into two hostile communities. To the outsider both are warm and generous. Between themselves they are fearful and antagonistic.

- 59 Yet, it is now clear beyond doubt that the vast majority of the people of both traditions want to turn away from the bitter past. There is a powerful desire for peace in Northern Ireland. It is that desire which creates the present opportunity.
- 60 This is a critical time in the history of Northern Ireland. The peace-process will move forward or this society could slip back to the horror of the past quarter century.
- 61 Rigid adherence by the parties to their past positions will simply continue the stalemate which has already lasted too long. In a society as deeply divided as Northern Ireland, reaching across the "peace line" requires a willingness to take risks for peace.
- 62 The risk may seem high but the reward is great: a future of peace, equality and prosperity for all the people of Northern Ireland.

George J. Mitchell
John de Chastelain
Harri Holkeri

22 January 1996

9. ANGLO - IRISH AGREEMENT 1985

The Government of Ireland and the Government of the United Kingdom:

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

Recognising 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;

Recognising 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;

Reaffirming 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;

Recognising that a condition of genuine reconciliation and dialogue between unionists and nationalists is mutual recognition and acceptance of each other's rights;

Recognising and respecting the identities of the two communities in Northern Ireland, and the right of each to pursue its aspirations by peaceful and constitutional means;

Reaffirming 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;

Have accordingly agreed as follows:

A

STATUS OF NORTHERN IRELAND

ARTICLE I

The two Governments

(a) affirm that any change in the status of Northern Ireland would only come about with the consent of a majority of the people of Northern Ireland;

(b) recognise that the present wish of a majority of the people of Northern Ireland is for no change in the status of Northern Ireland;

(c) declare 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, they will introduce and support in the respective Parliaments legislation to give effect to that wish.

B

THE INTERGOVERNMENTAL CONFERENCE

ARTICLE 2

- (a) There is hereby established, within the framework of the Anglo-Irish Intergovernmental Council set up after the meeting between the two Heads of Government on 6 November 1981, an Intergovernmental Conference (hereinafter referred to as "the Conference"), concerned with Northern Ireland and with relations between the two parts of the island of Ireland, to deal, as set out in this Agreement, on a regular basis with
- (i) political matters;
 - (ii) security and related matters;
 - (iii) legal matters, including the administration of justice;
 - (iv) the promotion of cross-border co-operation.
- (b) The United Kingdom Government accept that the Irish Government will put forward views and proposals on matters relating to Northern Ireland within the field of activity of the Conference in so far as those matters are not the responsibility of a devolved administration in Northern Ireland. In the interest of promoting peace and stability, determined efforts shall be made through the Conference to resolve any differences. The Conference will be mainly concerned with Northern Ireland; but some of the matters under consideration will involve cooperative action in both parts of the island of Ireland, and possibly also in

Great Britain. Some of the proposals considered in respect of Northern Ireland may also be found to have application by the Irish Government. There is no derogation from the sovereignty of either the Irish Government or the United Kingdom Government, and each retains responsibility for the decisions and administration of government within its own jurisdiction.

ARTICLE 3

The Conference shall meet at Ministerial or official level, as required. The business of the Conference will thus receive attention at the highest level. Regular and frequent Ministerial meetings shall be held; and in particular special meetings shall be convened at the request of either side. Officials may meet in subordinate groups. Membership of the Conference and of sub-groups shall be small and flexible. When the Conference meets at Ministerial level an Irish Minister designated as the Permanent Irish Ministerial Representative and the Secretary of State for Northern Ireland shall be joint Chairmen. Within the framework of the Conference other Irish and British Ministers may hold or attend meetings as appropriate: when legal matters are under consideration the Attorneys General may attend. Ministers may be accompanied by their officials and their professional advisers: for example, when questions of security policy or security co-operation are being discussed, they may be accompanied by the Commissioner of the Garda Síochána and the Chief Constable of the Royal Ulster Constabulary; or when questions of economic or social policy, or co-operation are being discussed, they may be accompanied by officials of the relevant Departments. A Secretariat shall be established by the two Governments to service the Conference on a continuing basis in the discharge of its functions as set out in this Agreement.

ARTICLE 4

- (a) In relation to matters coming within its field of activity, the Conference shall be a framework within which the Irish Government and the United Kingdom Government work together
 - (i) for the accommodation of the rights and identities of the two traditions which exist in Northern Ireland; and
 - (ii) for peace, stability and prosperity throughout the island of Ireland by promoting reconciliation, respect for human rights, co-operation against terrorism and the development of economic, social and cultural co-operation.

- (b) It is the declared policy of the United Kingdom Government that responsibility in respect of certain matters within the powers of the Secretary of State for Northern Ireland should be devolved within Northern Ireland on a basis which would secure widespread acceptance throughout the community. The Irish Government support that policy.

- (c) Both Governments recognise that devolution can be achieved only with the co-operation of constitutional representatives within Northern Ireland of both traditions there. The Conference shall be a framework within which the Irish Government may put forward views and proposals on the modalities of bringing about devolution in Northern Ireland, in so far as they relate to the interests of the minority community.

C

POLITICAL MATTERS

ARTICLE 5

- (a) The Conference shall concern itself with measures to recognise and accommodate the rights and identities of the two traditions in Northern Ireland, to protect human rights and to prevent discrimination. Matters to be considered in this area include measures to foster the cultural heritage of both traditions, changes in electoral arrangements, the use of flags and emblems, the avoidance of economic and social discrimination and the advantages and disadvantages of a Bill of Rights in some form in Northern Ireland.
- (b) The discussion of these matters shall be mainly concerned with Northern Ireland, but the possible application of any measures pursuant to this Article by the Irish Government in their jurisdiction shall not be excluded.
- (c) If it should prove impossible to achieve and sustain devolution on a basis which secures widespread acceptance in Northern Ireland, the Conference shall be a framework within which the Irish Government may, where the interests of the minority community are significantly or especially affected, put forward views on proposals for major legislation and on major policy issues, which are within the purview of the Northern Ireland Departments and which remain the responsibility of the Secretary of State for Northern Ireland.

ARTICLE 6

The Conference shall be a framework within which the Irish Government may put forward views and proposals on the role and composition of bodies appointed by the Secretary of State for Northern Ireland or by Departments subject to his direction and control including

the Standing Advisory Commission on Human Rights;

the Fair Employment Agency;

the Equal Opportunities Commission;

the Police Authority for Northern Ireland;

the Police Complaints Board.

D

SECURITY AND RELATED MATTERS

ARTICLE 7

- (a) The Conference shall consider
 - (i) security policy;
 - (ii) relations between the security forces and the community;
 - (iii) prisons policy.
- (b) The Conference shall consider the security situation at its regular meetings and thus provide an opportunity to address policy issues, serious incidents and forthcoming events.
- (c) The two Governments agree that there is a need for a programme of special measures in Northern Ireland to improve relations between the security forces and the community, with the object in particular of making the security forces more readily accepted by the nationalist community. Such a programme shall be developed, for the Conference's consideration, and may include the establishment of local consultative machinery, training in community relations, crime prevention schemes involving the community, improvements in arrangements for handling complaints, and action to increase the proportion of members of the minority in the Royal Ulster Constabulary. Elements of the programme may be considered by the Irish Government suitable for application within their jurisdiction.
- (d) The Conference may consider policy issues relating to prisons. Individual cases may be raised as appropriate, so that information can be provided or inquiries instituted.

E

LEGAL MATTERS, INCLUDING THE ADMINISTRATION OF JUSTICE

ARTICLE 8

The Conference shall deal with issues of concern to both countries relating to the enforcement of the criminal law. In particular it shall consider whether there are areas of the criminal law applying in the North and in the South respectively which might with benefit be harmonised. The two Governments agree on the importance of public confidence in the administration of justice. The Conference shall seek, with the help of advice from experts as appropriate, measures which would give substantial expression to this aim, considering inter alia the possibility of mixed courts in both jurisdictions for the trial of certain offences. The Conference shall also be concerned with policy aspects of extradition and extra-territorial jurisdiction as between North and South.

F

CROSS-BORDER CO-OPERATION ON SECURITY, ECONOMIC, SOCIAL AND CULTURAL MATTERS

ARTICLE 9

- (a) With a view to enhancing cross-border co-operation on security matters, the Conference shall set in hand a programme of work to be undertaken by the Commissioner of the Garda Síochána and the Chief Constable of the Royal Ulster Constabulary and, where appropriate, groups of officials, in such areas as threat assessments, exchange of information, liaison structures, technical co-operation, training of personnel, and operational resources.
- (b) The Conference shall have no operational responsibilities; responsibility for police operations shall remain with the heads of the respective police forces, the Commissioner of the Garda Síochána maintaining his links with the Minister for Justice and the Chief Constable of the Royal Ulster Constabulary his links with the Secretary of State for Northern Ireland.

ARTICLE 10

- (a) The two Governments shall co-operate to promote the economic and social development of those areas of both parts of Ireland which have suffered most severely from the consequences of the instability of recent years, and shall consider the possibility of securing international support for this work.
- (b) If it should prove impossible to achieve and sustain devolution on a basis which secures widespread acceptance in Northern Ireland, the Conference shall be a framework for the promotion of cooperation between the two parts of Ireland concerning crossborder aspects of economic, social and cultural matters in relation to which the Secretary of State for Northern Ireland continues to exercise authority.
- (c) If responsibility is devolved in respect of certain matters in the economic, social or cultural areas currently within the responsibility of the Secretary of State for Northern Ireland, machinery will need to be established by the responsible authorities in the North and South for practical co-operation in respect of cross-border aspects of these issues.

G

ARRANGEMENTS FOR REVIEW

ARTICLE 11

At the end of three years from signature of this Agreement, or earlier if requested by either Government, the working of the Conference shall be reviewed by the two Governments to see whether any changes in the scope and nature of its activities are desirable.

H

INTERPARLIAMENTARY RELATIONS

ARTICLE 12

It will be for Parliamentary decision in Dublin and in Westminster whether to establish an Anglo-Irish Parliamentary body of the kind adumbrated in the Anglo-Irish Studies Report of November 1981. The two Governments agree that they would give support as appropriate to such a body, if it were to be established.

I

FINAL CLAUSES

ARTICLE 13

This Agreement shall enter into force on the date on which the two Governments exchange notifications of their acceptance of this Agreement.

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

Done in two originals at Hillsborough

on the 15th day of November 1985

For the Government
of Ireland

For the Government
of the United Kingdom

Gearoid Mac Gearailt

Margaret Thatcher

10. JOINT DECLARATION 1993

- 1 The Taoiseach, Mr. Albert Reynolds, TD, and the Prime Minister, the Rt. Hon. John Major, MP, 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 and now reaffirms, including

Northern Ireland's statutory constitutional guarantee. 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.

- 3 They also consider that the development of Europe will, of itself, require new approaches to serve interests common to both parts of the island of Ireland, and to Ireland and the United Kingdom as partners in the European Union.
- 4 The Prime Minister, on behalf of the British Government, reaffirms that they will uphold the democratic wish of a greater number of the people of Northern Ireland on the issue of whether they prefer to support the Union or a sovereign united Ireland. On this basis, he reiterates, on behalf of the British Government, that they have no selfish strategic or economic interest in Northern Ireland. 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, facilitate 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 united Ireland achieved by peaceful means on the following basis. 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 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 equally to any measure of agreement on future relationships in Ireland which the people living in Ireland may themselves freely so determine without external impediment. 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.

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. 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, including:

- the right of free political thought;
- the right of 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, regardless of class, creed, sex or colour.

These would be reflected in any future political and constitutional arrangements emerging from a new and more broadly based agreement.

- 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 suspicion 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 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.

- 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 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.

- 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.

- 10 The British and Irish Governments reiterate that the achievement of peace must involve a permanent end to the use of, or support for, paramilitary violence. They confirm that, in these circumstances, democratically mandated parties which establish a commitment to exclusively peaceful methods and which have shown that they abide by the democratic process, are free to participate fully in democratic politics and to join in dialogue in due course between the Governments and the political parties on the way ahead.

- 11 The Irish Government would make their own arrangements within their jurisdiction to enable democratic parties to consult together and share in dialogue about the political future. The Taoiseach's intention is that these arrangements could include the establishment, in consultation with other parties, of a Forum for Peace and Reconciliation to make recommendations on ways in which agreement and trust between both traditions in Ireland can be promoted and established.

- 12 The Taoiseach and the Prime Minister are determined to build on the fervent wish of both their peoples to see old fears and animosities replaced by a climate of peace. They believe the framework they have set out offers the people of Ireland, North and South, whatever their tradition, the basis to agree that from now on their differences can be negotiated and resolved exclusively by peaceful political means. They appeal to all concerned to grasp the opportunity for a new departure. That step would compromise no position or principle, nor prejudice the future for either community. On the contrary, it would be an incomparable gain for all. It would break decisively the cycle of violence and the intolerable suffering it entails for the people of these islands, particularly for both communities in Northern Ireland. It would allow the process of economic and social co-operation

on the island to realise its full potential for prosperity and mutual understanding. It would transform the prospects for building on the progress already made in the Talks process, involving the two Governments and the constitutional parties in Northern Ireland. The Taoiseach and the Prime Minister believe that these arrangements offer an opportunity to lay the foundations for a more peaceful and harmonious future, devoid of the violence and bitter divisions which have scarred the past generation. They commit themselves and their Governments to continue to work together, unremittingly, towards that objective.

11. A NEW FRAMEWORK FOR AGREEMENT 1995 (JOINT FRAMEWORK DOCUMENT)

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

- 1 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 together, is to remove the causes of conflict, to overcome the legacy of history and to heal the divisions which have resulted.
- 2 Both Governments recognise that there is much for deep regret on all sides in the long and often tragic history of Anglo-Irish relations, and of relations in Ireland. They believe it is now time to lay aside, with dignity and forbearance, the mistakes of the past. A collective effort is needed to create, through 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 towards this goal, offering the people of Ireland, North and South, whatever their tradition, the basis to agree that from now on their differences can be negotiated and resolved exclusively by peaceful political means.
- 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 suffering and waste and served only to reinforce the barriers of fear and hatred, impeding the search for agreement.

- 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 perpetuating peace with freedom and justice.
- 5 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.
- 6 Both Governments are conscious of the widespread desire, throughout both islands and more widely, to see negotiations underway 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 how agreement might be reached on relationships within the island of Ireland and between the peoples of these islands.
- 7 In this Framework Document both Governments therefore describe a shared understanding reached between them on the parameters of a possible outcome to the Talks process, consistent with the Joint Declaration and the statement of 26 March 1991. Through this they hope to give impetus and direction to the process and to show that a fair and

honourable accommodation can be envisaged across all the relationships, which would enable people to work constructively for their mutual benefit, without compromising the essential principles or the long-term aspirations or interests of either tradition or of either community.

- 8 Both Governments are aware that the approach in this document presents challenges to strongly-held positions on all sides. However, a new beginning in relationships means addressing fundamental issues in a new way and inevitably requires significant movement from all sides. This document is not a rigid blueprint to be imposed but both Governments believe it sets out a realistic and balanced framework for agreement which could be achieved, with flexibility and goodwill on all sides, in comprehensive negotiations with the relevant political parties in Northern Ireland. In this spirit, both Governments offer this document for consideration and accordingly strongly commend it to the parties, the people in the island of Ireland and more widely.

- 9 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 political parties in Northern Ireland and commanding the widest possible support.

- 10 They take as guiding principles for their co-operation in search of this agreement:
 - (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;
- (iii) 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-handedly afford both communities in Northern Ireland parity of esteem and treatment, including equality of opportunity and advantage.

11 They acknowledge that in Northern Ireland, unlike the situation which prevails elsewhere throughout both islands, there is a fundamental absence of consensus about constitutional issues. There are deep divisions between the members of the two main traditions living there over their respective senses of identity and allegiance, their views on the present status of Northern Ireland and their vision of future relationships in Ireland and between the two islands. However, the two Governments also recognise that the large majority of people, in both parts of Ireland, are at one in their commitment to the democratic process and in their desire to resolve political differences by peaceful means.

12 In their search for political agreement, based on consent, the two Governments are determined to address in a fresh way all of the relationships involved. Their aim is to overcome the legacy of division by reconciling the rights of both traditions in the fullest and most equitable manner. They will continue to work towards and encourage the achievement of agreement, so as to realise the goal set out in the statement of 26 March 1991 of "a new beginning for relationships within

Northern Ireland, within the island of Ireland and between the peoples of these islands”.

- 13 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 strands, including:
 - (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 most effectively and appropriately be dealt with at that level;
 - (b) North/South institutions (paragraphs 24-38) - with clear identity and purpose, to enable representatives of democratic institutions, North and South, to enter into new, co-operative and constructive relationships; to promote agreement among the people of the island of Ireland; to carry out on a democratically accountable basis delegated executive, harmonising and consultative functions over a range of designated matters to be agreed; and to serve to acknowledge and reconcile the rights, identities and aspirations of the two major traditions;
 - (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 ISSUES

- 14 Both Governments 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 Governments agree that such an accommodation will involve an agreed new approach to the traditional constitutional doctrines on both sides. This would be aimed at enhancing and codifying the fullest attainable measure of consent across both traditions in Ireland and fostering the growth of consensus between them.
- 16 In their approach to Northern Ireland they will apply the principle of self-determination by the people of Ireland on the basis set out in the Joint Declaration: the British Government recognise that it is for the people of Ireland alone, by agreement between the two parts respectively and without external impediment, to exercise their right of self-determination on the basis of consent, freely and concurrently given, North and South, to bring about a united Ireland, if that is their wish; the Irish Government accept 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.
- 17 New arrangements should be in accordance with the commitments in the Anglo-Irish Agreement and in the Joint Declaration. They should acknowledge that it would be

wrong to make any change in the status of Northern Ireland save with the consent of a majority of the people of Northern Ireland. If in future a majority of the people there wish for and formally consent to the establishment of a united Ireland, the two Governments will introduce and support legislation to give effect to that wish.

- 18 Both Governments recognise that Northern Ireland's current constitutional status reflects and relies upon the present wish of a majority of its people. They also acknowledge that at present a substantial minority of its people wish for a united Ireland. Reaffirming the commitment to encourage, facilitate and enable the achievement of agreement over a period among all the people who inhabit the island, they acknowledge that the option of a sovereign united Ireland does not command the consent of the unionist tradition, nor 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 reality of diverse aspirations, to reconcile as fully as possible the rights of both traditions, and to promote co-operation between them, so as to foster the process of developing agreement and consensus between all the people of Ireland.
- 19 They agree that future arrangements relating to Northern Ireland, and Northern Ireland's wider relationships, should respect the full and equal legitimacy and worth of the identity, sense of allegiance, aspiration and ethos of both the unionist and nationalist communities there. Consequently, both Governments commit themselves to the principle that institutions and arrangements in Northern Ireland and North/South institutions should afford both communities secure and satisfactory political, administrative and symbolic expression and protection. In particular, they commit

themselves to entrenched provisions guaranteeing equitable and effective political participation for whichever community finds itself in a minority position by reference to the Northern Ireland framework, or the wider Irish framework, as the case may be, consequent upon the operation of the principle of consent.

- 20 The British Government reaffirm that they will uphold the democratic wish of a greater number of the people of Northern Ireland on the issue of whether they prefer to support the Union or a sovereign united Ireland. On this basis, they reiterate that they have no selfish strategic or economic interest in Northern Ireland. For as long as the democratic wish of the people of Northern Ireland is for no change in its present status, the British Government pledge that their jurisdiction there will be exercised with rigorous impartiality on behalf of all the people of Northern Ireland in their diversity. It will be founded on the principles outlined in the previous paragraph with emphasis on full respect for, and equality of, civil, political, social and cultural rights and freedom from discrimination for all citizens, on parity of esteem, and on just and equal treatment for the identity, ethos and aspirations of both communities. The British Government will discharge their responsibilities in a way which does not prejudice the freedom of the people of Northern Ireland to determine, by peaceful and democratic means, its future constitutional status, whether in remaining a part of the United Kingdom or in forming part of a united Ireland. They will be equally cognizant of either option and open to its democratic realisation, and will not impede the latter option, their primary interest being to see peace, stability and reconciliation established by agreement among the people who inhabit the island. This new approach for Northern Ireland, based on the continuing willingness to accept the will of a majority of the people there, will be

enshrined in British constitutional legislation embodying the principles and commitments in the Joint Declaration and this Framework Document, either by amendment of the Government of Ireland Act 1920 or by its replacement by appropriate new legislation, and appropriate new provisions entrenched by agreement.

- 21 As part of an agreement confirming the foregoing understanding between the two Governments on constitutional issues, the Irish Government will introduce and support proposals for change in the Irish Constitution to implement the commitments in the Joint Declaration. These changes in the Irish Constitution will fully reflect the principle of consent in Northern Ireland and demonstrably be such that no territorial claim of right to jurisdiction over Northern Ireland contrary to the will of a majority of its people is asserted, while maintaining the existing birthright of everyone born in either jurisdiction in Ireland to be part, as of right, of the Irish nation. They will enable a new Agreement to be ratified which will include, as part of a new and equitable dispensation for Northern Ireland embodying the principles and commitments in the Joint Declaration and this Framework Document, recognition by both Governments of the legitimacy of whatever choice is freely exercised by a majority of the people of Northern Ireland with regard to its constitutional status, whether they prefer to continue to support the Union or a sovereign united Ireland.

STRUCTURES IN NORTHERN IRELAND

- 22 Both Governments recognise that new political structures within Northern Ireland must depend on the co-operation of elected representatives there. They confirm that cross-community agreement is an essential requirement for the

establishment and operation of such structures. They strongly favour and will support provision for cross community consensus in relation to decisions affecting the basic rights, concerns and fundamental interests of both communities, for example on the lines adumbrated in Strand I discussions in the 1992 round-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 political parties in Northern Ireland who would be called upon to operate them.

NORTH/SOUTH INSTITUTIONS

- 24 Both Governments consider that new institutions should be created to cater adequately for present and future political, social and economic inter-connections on the island of Ireland, enabling representatives of the main traditions, North and South, to enter agreed dynamic, new, co-operative and constructive relationships.
- 25 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 Parliaments. This body would bring together these Heads of Department representing the Irish Government and new democratic institutions in Northern Ireland, to discharge or oversee delegated executive, 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 South, subsequently agree to designate. It is envisaged that, in determining functions to be discharged or overseen by the North/South body, whether by executive action, harmonisation or consultation, account will be taken of:

- i the common interest in a given matter on the part of both parts of the island; or
- ii the mutual advantage of addressing a matter together; or
- iii the mutual benefit which may derive from it being administered by the North/South body; or
- iv the achievement of economies of scale and the avoidance of 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 that the legislation should provide for a clear institutional identity and purpose for the North/South body. It would also establish the body's 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 an all-island or cross-border basis.

- 26 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 body. Across all designated matters and in accordance with the delegated 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 island in respect of the challenges and opportunities of the European Union. In respect of matters designated at the executive level, which would include all EC programmes and initiatives to be implemented on a cross-border or island-wide basis in Ireland, the body itself would be responsible, subject to the Treaty obligations of each Government, for the implementation and management of EC policies and programmes on a joint basis. This 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 individual projects could be implemented either jointly or separately.

- 27 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-Ireland or cross-border basis;
 - to oversee the work of subsidiary bodies.
- 28 The two Governments envisage that legislation in the sovereign Parliaments should designate those functions which should, from the outset, be discharged or overseen by the North/South body; and they will seek agreement on these, as on other features of North/South arrangements, in discussion with the relevant political parties in Northern Ireland. It would also be open to the North/South body to recommend to the respective administrations and legislatures for their consideration that new functions should be

designated to be discharged or overseen by that body; and to recommend that matters already designated should be moved on the scale between consultation, harmonisation and executive action. Within those responsibilities transferred to new institutions in Northern Ireland, the British Government have no limits of their own to impose on the nature and extent of functions which could be agreed for designation at the outset or, subsequently, between the Irish Government and the Northern Ireland administration. Both Governments expect that significant responsibilities, including meaningful functions at executive level, will be a feature of such agreement. The British Government believe that, in principle, any function devolved to the institutions in Northern Ireland could be so designated, subject to any necessary savings in respect of the British Government's powers and duties, for example to ensure compliance with EU and international obligations. The Irish Government also expect to designate a comparable range of functions.

- 29 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 broad categories:

consultative: the North/South body would be a forum where the two sides would consult on any aspect of designated matters on which either side wished to hold consultations. Both sides would share a duty to exchange information and to consult about existing and future policy, though there would be no formal requirement that agreement would be reached or that policy would be harmonised or implemented jointly, but the development of mutual understanding or common or agreed positions would be the general goal;

harmonising: in respect of these designated responsibilities there would be, in addition to the duty to exchange information and to consult on the formulation of policy, an obligation on both sides to use their best endeavours to reach agreement on a common policy and to make determined efforts to overcome any obstacles in the 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.

- 30 In this light, both Governments are continuing to give consideration to the range of functions that might, with the agreement of the parties, be designated at the outset and accordingly they will be ready to make proposals in that regard in future discussions with the relevant Northern Ireland parties.
- 31 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;
 - 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:

aspects of -

- agriculture and fisheries;
- industrial development;
- consumer affairs;
- transport;
- energy;
- trade;
- health;
- social welfare;
- education; and
- economic policy.

- 33 By way of example, the category of agriculture and fisheries might include agricultural and fisheries research, training and advisory services, and animal welfare; health might include co-operative ventures in medical, paramedical and nursing training, cross-border provision of hospital services and major emergency/accident planning; and education might include mutual recognition of teacher qualifications, co-operative ventures in higher education, in teacher training, in education for mutual understanding and in education for specialised needs.
- 34 The Governments also expect that a wide range of functions would be designated at the consultative level.
- 35 Both Governments envisage that all decisions within the body would be by agreement between the two sides. The Heads of Department on each 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 body's functions would be subject to regular scrutiny in agreed political institutions in Northern Ireland and the Oireachtas respectively.
- 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 matters of mutual interest.
- 37 Both Governments envisage that the framework would include administrative support staffed jointly by members of the Northern Ireland Civil Service and the Irish Civil Service. They also envisage that both administrations will need to arrange finance for the North/South body and its agencies on the basis that these constitute a necessary public function.
- 38 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, 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 economies.

EAST-WEST STRUCTURES

- 39 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 co-operation, reconciliation and agreement in Ireland at all levels.
- 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 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 Ireland and of laying the foundations for a peaceful and harmonious future based on mutual trust and understanding between them.
- 42 The Conference will provide a continuing institutional expression for the Irish Government's recognised concern and role in relation to Northern Ireland. The Irish Government will put forward views and proposals on issues falling within the ambit of the new Conference or involving both Governments, and determined efforts will be made to resolve any differences between the two Governments. The Conference will be the principal instrument for an intensification of the co-operation and partnership between both Governments, with particular reference to the principles contained in the Joint Declaration, in this Framework Document and in the new Agreement, on a wide range of issues concerned with Northern Ireland and with the relations

between the two parts of the island of Ireland. It will facilitate the promotion of lasting peace, stability, justice and reconciliation among the people of the island of Ireland and maintenance of effective security co-operation between the two Governments.

- 43 Both Governments believe that there should also be provision in the Agreement for developing co-operation between the two Governments and both islands on a range of "East-West" issues and bilateral matters of mutual interest not covered by other specific arrangements, either through the Anglo-Irish Intergovernmental Council, the Conference or otherwise.
- 44 Both Governments accept that issues of law and order in Northern Ireland are closely intertwined with the issues of political consensus. For so long as these matters are not devolved, it will be for the Governments to consider ways in which a climate of peace, new institutions and the growth of political agreement may offer new possibilities and opportunities for enhancing community identification with policing in Northern Ireland, while maintaining the most effective possible deployment of the resources of each Government in their common determination to combat crime 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 extent that the continuing responsibilities of the Secretary of State for Northern Ireland are relevant, or that cross-border aspects of transferred issues are not otherwise provided for, or in the circumstances described in the following paragraph.

- 46 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 part of the overall accommodation, is not properly functioning within the 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 its own jurisdiction.
- 47 In the event that devolved institutions in Northern Ireland ceased to operate, and direct rule from Westminster was reintroduced, the British Government agree that other arrangements would be made to implement the commitment to promote co-operation at all levels between the people, North and South, representing both traditions in Ireland, as agreed by the two Governments in the Joint Declaration, and to ensure that the co-operation that had been developed through the North/South body be maintained.
- 48 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 coordination between both Governments and the new North/South institutions, where the wider role of the two Governments is particularly relevant to the work of those institutions, for example in a coordinated approach on EU issues. It would be for consideration by both Governments, in consultation with the relevant parties in the North, or with the institutions after they have been established, whether to achieve this through formal or ad hoc arrangements.

PROTECTION OF RIGHTS

- 50 There is a large body of support, transcending the political divide, for the comprehensive protection and guarantee of fundamental human rights. Acknowledging this, both Governments envisage that the arrangements set out in this Framework Document will be complemented and underpinned by an explicit undertaking in the Agreement on the part of each Government, equally, to ensure in its jurisdiction in the island of Ireland, in accordance with its constitutional arrangements, the systematic and effective protection of common specified civil, political, social and cultural rights. They will discuss and seek agreement with the relevant political parties in Northern Ireland as to what rights should be so specified and how they might best be further protected, having regard to each Government's

overall responsibilities including its international obligations. Each Government will introduce appropriate legislation in its jurisdiction to give effect to any such measure of agreement.

51 In addition, both Governments would encourage democratic representatives from both jurisdictions in Ireland to adopt a Charter or Covenant, which might reflect and endorse agreed measures for the protection of the fundamental rights of everyone living in Ireland. It could also pledge a commitment to mutual respect and to the civil rights and religious liberties of both communities, including:

- 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, regardless of class, creed, gender or colour.

52 This Charter or Covenant might also contain a commitment to the principle of consent in the relationships between the two traditions in Ireland. It could incorporate also an enduring commitment on behalf of all the people of the island to guarantee and protect the rights, interests, ethos and dignity of the unionist community in any all-Ireland framework that might be developed with consent in the future, to at least the same extent as provided for the nationalist community in the context of Northern Ireland under the structures and provisions of the new Agreement.

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 repudiation of all recourse to violence between them for any political end or purpose.

CONCLUSION

- 54 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 ahead.
- 55 Both Governments intend that the outcome of these negotiations will be submitted for democratic ratification through referendums, North and South.
- 56 Both Governments believe that the present climate of peace, which owes much to the imagination, courage and steadfastness of all those who have suffered from violence, offers the best prospect for the Governments and the parties in Northern Ireland to work to secure agreement and consent to a new political accommodation. To accomplish that would be an inestimable prize for all, and especially for people living in Northern Ireland, who have so much to gain from such an accommodation, in which the divisions of the past are laid aside for ever and differences are resolved by exclusively political means. Both Governments believe that a new political dispensation, such as they set out in this

Framework Document, achieved through agreement and reconciliation and founded on the principle of consent, would achieve that objective and transform relationships in Northern Ireland, in the island of Ireland and between both islands.

- 57 With agreement, co-operation to the mutual benefit of all living in Ireland could develop without impediment, attaining its full potential for stimulating economic growth and prosperity. New arrangements could return power, authority and responsibility to locally-elected representatives in Northern Ireland on a basis acceptable to both sides of the community, enabling them to work together for the common welfare and interests of all the community. The diversity of identities and allegiances could be regarded by all as a source of mutual enrichment, rather than a threat to either side. The divisive issue of sovereignty might cease to be symbolic of the domination of one community over another. It would instead be for decision under agreed ground-rules, fair and balanced towards both aspirations, through a process of democratic persuasion governed by the principle of consent rather than by threat, fear or coercion. In such circumstances the Governments hope that the relationship between the traditions in Northern Ireland could become a positive bond of further understanding, co-operation and amity, rather than a source of contention, between the wider British and Irish democracies.
- 58 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.

12. A FRAMEWORK FOR ACCOUNTABLE GOVERNMENT IN NORTHERN IRELAND 1995

INTRODUCTION

- 1 This Part sets out the Government's understanding of potentially acceptable elements for improving local accountability in Northern Ireland, as part of a comprehensive political settlement embracing relationships within Northern Ireland, between Northern Ireland and the Republic of Ireland, and between the two Governments.
- 2 The British and Irish Governments committed themselves in the Joint Declaration to seeking, 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. The two Governments recognised that such structures would 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.
- 3 It is the Government's aim to see the creation in Northern Ireland of local institutions of government that are directly accountable to the people - all the people - and to which they can give their wholehearted commitment and support. With this in mind, and taking account of Northern Ireland's position as part of the United Kingdom and its relationship with the Republic of Ireland, it is possible to identify certain characteristics which should underlie any new political institutions in Northern Ireland. Such institutions should be:

- based on democratic principles and reflecting the wishes of the electorate;

- widely acceptable, in particular in the sense of providing an appropriate and equitable role for both sides of the community, such that both the main parts of the Northern Ireland community should be able to identify with them and feel that their representatives had a meaningful function to perform;

- stable and durable in the sense of not being dependent on a particular election result or political deal. The system should, as far as possible, be self-sustaining;

- capable of development, in response to changing political realities, with the agreement of all concerned;

- workable, in the sense of being as straightforward to operate as possible;

- such as to avoid any entrenchment of the main community division and to encourage the development of a society in which both main traditions would be respected;

- such as to provide all the constitutional political parties with the opportunity to achieve a role at each level of responsibility, and to have a position proportional to their electoral strength in broad terms;

- able to function effectively, efficiently and decisively within clearly defined areas of responsibility;

- innovative, in the sense of learning from and not merely modelled on any previous arrangements;

- established within a defined relationship with UK institutions;
 - competent to manage any relationship between Northern Ireland and the Republic of Ireland developed in political Talks;
 - capable of securing public endorsement;
 - consistent with the maximum possible delegation of authority;
 - such as to ensure the greatest possible degree of Parliamentary scrutiny of and public accountability for the exercise of powers of government within Northern Ireland.
- 4 The Government believe that there would also be strong support for the propositions that each individual and community in Northern Ireland has the right to define their own identity; that that right and identity should be respected; and that any new political institutions should be such as to give expression to the identity and validity of each main tradition.

POSSIBLE ARRANGEMENTS: OUTLINE

- 5 Based on its discussions with the Northern Ireland parties and bearing in mind the preferred characteristics mentioned above, the Government believe that there would be a broad measure of agreement for an outline framework for new political institutions in Northern Ireland to include:
- Province-wide executive responsibilities;
 - a single unicameral Assembly of about 90 members elected for a fixed 4 or 5 year term;

- elections to the Assembly by a form of proportional representation;

- a separate Panel, probably of 3 people elected within Northern Ireland, to complement the working of the Assembly. The Panel could be elected from a single Northern Ireland constituency by a system of proportional representation;

- a system of Assembly Committees, constituted broadly in proportion to party strengths in the Assembly, to oversee the work of the Northern Ireland Departments and other functions;

- legislative and executive responsibility over as wide a range of subjects as in 1973. If there were agreement it would be open to the Government to consider with the new institutions the scope for further transfers. Certain functions, including matters relating to the Crown, foreign affairs and defence, would remain at Westminster. It would be for consideration whether new institutions were given full legislative responsibility from day one or whether such responsibility would be assumed progressively;

- a system of detailed checks and balances intended to sustain confidence in the institutions. These might include powers for the Panel to nominate Assembly Committee Chairmen and Deputy Chairmen, to scrutinise and if necessary block legislation, and to arbitrate on public expenditure disputes; and a Code of Practice to specify the relationships between the Assembly, its Committees, Committee Chairmen and Departments;

- mechanisms to ensure adequate compliance with the UK's EU and other international obligations.

POSSIBLE ARRANGEMENTS: DETAIL

TRANSFERRED MATTERS: EXECUTIVE RESPONSIBILITIES

- 6 Executive responsibilities in the transferred field would be discharged through Northern Ireland Departments, subject to the powers and roles of the Assembly and Panel. The Chairman of the relevant Assembly Departmental Committee would be the Head of Department. These Committees would be established from among the members of the Assembly on a basis providing an appropriate, fair and significant role for representatives of all main traditions in Northern Ireland. Departmental estimates, policies and actions would be subject to scrutiny by the relevant Committee, which would have the power to compel attendance and call for papers. The Assembly would debate reports from, and call for the minutes of, each Committee.

ASSEMBLY COMMITTEES: APPOINTMENT

- 7 The Chairmanships and Deputy Chairmanships of Assembly Committees would be allocated from among the members of the Assembly by the Assembly, acting by weighted majority, on the nomination of the Panel, acting by consensus. This procedure might operate as follows:

- the Panel, acting unanimously and after consultation with the Assembly party leaders, would draw up a list of nominations broadly reflecting proportional party strengths in the Assembly, and having regard to the likely ability of nominees to command the confidence of the Assembly;

- the Assembly would vote on the list of nominations as a whole, approval requiring a weighted majority of Assembly members;

- if the nominations were not approved, the Panel would draw up a revised list of nominations. The fact that a particular nomination had been rejected as part of a list would not prevent it being proposed again on a revised list;

- if a vacancy occurred during the life of the Assembly, this procedure would be repeated, with the Panel (after consultation with the Assembly party leaders) making a nomination for Assembly approval, by weighted majority, for each such vacancy;

- appointments would be held for the whole term of the Assembly, subject only to dismissal on the proposal of the Panel, acting unanimously, and with the approval, by weighted majority, of both the relevant Committee and the Assembly as a whole.

TRANSFERRED MATTERS: LEGISLATION

- 8 The Northern Ireland Assembly would be the legislature in respect of transferred matters in Northern Ireland, subject to the powers and role of the Panel. All legislation would require the support of at least a majority of both the relevant Committee and the full Assembly. Legislation would be dealt with by majority decision unless a Business Committee (see paragraph 16) decided that the proposal was contentious, thus requiring weighted majority approval (at a level to be determined), or unless a petition to that effect secured a certain threshold support (at a level to be determined). Examples of measures which might be deemed contentious might include some financial measures or those with constitutional implications or significant implications for community relations.

FINANCIAL ARRANGEMENTS

- 9 During future talks the participants would need to consider how the quantum of public expenditure would continue to be determined in the event of devolution, sources of funding, the role of the Secretary of State in any new arrangements, and the degree of discretion available to a local administration to allocate resources according to its own priorities. The Government would be ready to table ideas for consideration.

NON-TRANSFERRED MATTERS

- 10 The Secretary of State would remain accountable to the Westminster Parliament for matters not transferred. These might include matters relating to law and order, including firearms and explosives, (but see paragraphs 13 and 14), as well as the criminal law. The Secretary of State would also have a continuing responsibility for securing public expenditure for Northern Ireland and would be Co-Chairman of the Intergovernmental Conference established under a new Agreement. The Talks participants would need to give further consideration to the relationship in the longer term between new political institutions and the Westminster Parliament, and the role of the Secretary of State. The Government would be prepared to table ideas to assist discussions.
- 11 Under its terms of reference the Northern Ireland Affairs Select Committee at Westminster would no longer be entitled to scrutinise any matters for which new political institutions became accountable.

RIGHTS

- 12 Protection for specified civil, political, social and cultural rights would be reinforced in respect of a range of matters including those for which the new political institutions would have responsibility, on a basis arrived at in consultation with the parties. The means of such protection would accord with the constitutional arrangements of the United Kingdom, and could build on existing safeguards. The aim will be to ensure that under any political settlement legislation and executive action will operate fairly and impartially so as to ensure the protection of these agreed rights and to inspire the confidence of everyone in Northern Ireland.

LAW AND ORDER

- 13 The Government wish to see the maintenance and development of a police service in Northern Ireland that is effective, operationally independent and accountable to the community which it serves. It must be capable of maintaining law and order, and of responding to any renewed terrorist threat should that prove necessary. Subject to these requirements, the Government are open to the consideration of proposals designed to enhance the extent to which the community at large in Northern Ireland can identify with and give full support to the police service.
- 14 The role of the new local institutions in policing and security matters will depend on a large extent on the level of the terrorist threat. So long as the threat is such that the active support of the armed services is necessary and emergency legislation is required, the Government's direct responsibility

for these matters will continue, although there could be a consultative role for the local institutions. As that threat diminishes, so the likelihood increases that responsibility for policing matters, principally funding and the setting and monitoring of police objectives, could be transferred to the appropriate Assembly Committee.

ASSEMBLY

- 15 The Assembly would be presided over by a Speaker, elected by weighted majority.
- 16 Non-departmental committees of the Assembly would include a Business Committee to co-ordinate Assembly business; a General Purposes Committee (to include the Chairmen of Departmental Committees) to assist in co-ordinating the interests of the relevant committees on issues crossing departmental boundaries; a Public Accounts Committee; and other committees to act as a focus for the Assembly interest in particular areas such as non-transferred matters, cultural expression and diversity.
- 17 A Code of Practice would be drawn up to specify the respective roles, responsibilities and decision-making powers of Departments, Committee Chairmen, Assembly Committees and the Assembly at large. The Code would be reflected in the Standing Orders of the Assembly, which would be subject to weighted majority approval. The Code and Standing Orders would have a particular regard to means of promoting cross-community consensus and securing an appropriate, fair and significant role for representatives of all main traditions.

PANEL

- 18 The Panel, whose role would complement the work of the Assembly, might undertake important consultative, monitoring, referral and representational functions. Decisions would be taken by consensus. Procedures would be devised for what, if anything, should happen were consensus not to be reached. The Panel could have a general duty to liaise, formally and informally, with the Assembly and the Secretary of State, and to give advice.
- 19 The Panel's role, powers, rights, duties and responsibilities would need to be carefully specified, including in legislation where appropriate, and could include:
- a role in the nomination of Chairmen and Deputy Chairmen of Assembly Committees (see paragraph 7);
 - the consideration of proposed legislation specifically referred to it under Assembly procedures (with power to accept, reject, give an opinion or propose amendments);
 - the ability to refer any proposed legislation for appropriate judicial consideration, e.g. of whether it might be discriminatory or ultra-vires;
 - liaising with the Secretary of State on the overall level of public expenditure allocated to Northern Ireland Departments;
 - arbitrating public expenditure allocation disputes between Departments, where these had not been resolved by the Finance Committee;

- the approval of designated public appointments in respect of transferred matters;
 - advising the Secretary of State on appointments within his responsibility;
 - the consideration of actions or proposals referred to it under Assembly procedures (with the power to give an opinion on or to make recommendations on such actions, and to refer them for any appropriate judicial consideration);
 - preparation for the Assembly and the Secretary of State of regular (annual) reports on the activities of the Panel and their view of the operation of the new political institutions.
- 20 The Panel could have an important representational and promotional role, with a special commitment to the economic development of Northern Ireland through participation in joint promotional activities in collaboration with other interests.
 - 21 The Panel would secure its share of resources from the Secretary of State independently from the rest of the transferred block, in order to ensure that it had financial independence and its sources were sufficient to carry out the full range of its statutory functions.
 - 22 Arrangements for replacing Panel members who could not continue to discharge their duties would need to be considered.

CHECKS AND BALANCES

- 23 The preceding paragraphs contain a number of checks and balances intended to give reassurance that new institutions would command the confidence of both main sections of the Northern Ireland community without prejudicing workability. In summary they are:
- elections to an Assembly by a system of proportional representation;
 - separate elections to a Panel, also be a system of proportional representation;
 - a balance of responsibility between the Assembly, Assembly Committees and the Panel (which could intervene on legislation or executive actions);
 - Panel decisions to be unanimous;
 - Assembly Committees established to give an appropriate, fair and significant role for all main traditions in Northern Ireland;
 - Heads of Department/Chairmen of Committees (and Deputy Chairmen) to be approved by joint action involving the Assembly and Panel and to require weighted majority approval in the Assembly; legislation to require majority support both in the relevant Committee and the Assembly, with provision for contentious legislation to require weighted majority approval.
- 24 The preceding paragraphs also contain ideas on the use of weighted majority voting in the Assembly as a means of ensuring cross-party support for:

- the appointment (or dismissal) of the Chairmen or Deputy Chairmen of Assembly Committees (paragraph 7);
 - contentious legislation (paragraph 8);

 - the election of the Assembly Speaker (paragraph 15);

 - Assembly Standing Orders on the roles, responsibilities and decision-making powers of Departments, Committee Chairmen, Assembly Committees and the Assembly at large (paragraph 17).
- 25 Weighted majority voting might also be used in the Assembly Committees to ensure that minorities were not continually outvoted. The weighted majority required in these different circumstances would ultimately be for agreement by the parties in the Assembly but could be in the order of 65% to 75%.
- 26 Minimum threshold votes also offer a mechanism for protecting minority rights. Paragraph 8 suggests that if a petition in the Assembly secured a specified threshold of support it could require a particular piece of contentious legislation to be dealt with by weighted majority voting. The procedures in the Assembly might also be devised in such a way as to allow draft legislation or other actions or proposals to be referred to the Panel if they secured a threshold vote (paragraph 19). Again, the precise quota required in each circumstance would be for determination by the parties in the Assembly but might be in the range of 25% to 35%.

RELATIONSHIPS WITH OTHER INSTITUTIONS

- 27 The New Framework for Agreement envisages that relevant members of the Assembly would play a significant role in

any new North/South institutions and could also have involvement in any new intergovernmental arrangements. Paragraphs 24 to 38 and 39 to 49 of that document refer. Annex B lists possible arrangements for co-ordination between institutions in Northern Ireland, between Northern Ireland and the Republic and between the two Governments.

RELATIONSHIPS WITH THE EUROPEAN UNION EUROPEAN UNION ASPECTS

- 28 New institutions in Northern Ireland would be responsible for implementing EC legislation and programmes in the transferred field. They would also be responsible for developing Northern Ireland's views on EU issues and representing them to the UK Government and in any new North/South Institutions. Further consideration would need to be given, with the British Government, to the arrangements which will be necessary for this purpose. These arrangements must respect the British Government's responsibility for the whole of the UK in the European Union and before the European Court of Justice.

ANNEX A

THE GOVERNMENT'S APPROACH TO A POLITICAL SETTLEMENT

- 1 The Government's primary interest is to see peace, stability and reconciliation established by agreement among all the people who inhabit the island of Ireland and it has committed itself, in the Joint Declaration, to working with the Irish Government to achieve such an agreement which will embrace the totality of relationships. The Government has defined its role as being to encourage, facilitate and enable the achievement of 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.

- 2 The Government believe that if there is to be lasting peace, stability and reconciliation any new arrangements for the governance of Northern Ireland must take account of various political realities. These include:
 - that any new arrangements for the governance of Northern Ireland must be acceptable to the people and give appropriate expression to the identity of each of the two main parts of the community. They should uphold and apply the principles of equality of opportunity, equity of treatment and parity of esteem already established by the Government;

 - that any political agreement must address all the relevant relationships, not only those between the two main parts of the community within Northern Ireland, including the relationship between any new political institutions there and the Westminster Parliament, but also those between Northern Ireland and the Republic and between the United Kingdom and Irish Governments;

- the compelling need for the people of Northern Ireland to be given a greater say over their own affairs and for that to be reflected in greater political power, authority and responsibility being transferred to locally elected representatives within a framework of agreed relationships;

- that there can be no going back to a system of government in Northern Ireland which has the allegiance of, and is operated by, only one part of the community; the present reality, in fact and in international law, of the Union of Great Britain and Northern Ireland, affirmed in the Northern Ireland Constitution Act 1973. It is the clear position, as set out in the 1973 Act and the Anglo-Irish Agreement, that the current constitutional status of Northern Ireland as part of the United Kingdom will not change, save with the consent of a majority of the people of Northern Ireland, clearly expressed. This guarantee is reaffirmed in the Joint Declaration;

- the widespread acknowledgement that Northern Ireland's constitutional status as part of the United Kingdom is unlikely to change for the foreseeable future;

- that a significant minority of the people of Northern Ireland aspire to a sovereign united Ireland achieved by peaceful means and consent;

- that the right of a section of the Northern Ireland community to aspire to a sovereign united Ireland, achieved by peaceful means and through agreement, is no less legitimate than the wish of a present majority to retain Northern Ireland's status within the United Kingdom;

- that any change in Northern Ireland's constitutional status as part of the United Kingdom should come about in accordance with the democratic wishes of the people of Northern Ireland, freely given and without coercion;

- that while any settlement is bound to require some compromise, success in obtaining an agreement should not in the Government's view require any of the participants to abandon their basic political principles or aspirations.

- 3 Bearing these realities in mind the Government is firmly of the view that the basis for a lasting settlement can only be achieved by dialogue between political representatives. It remains of the view, which has been supported by the main constitutional parties and the Irish Government since 1990, that the best chance of securing a comprehensive political accommodation lies through a process of dialogue involving the key political interests, is based on a comprehensive agenda, and addresses all three of the underlying relationships - those between the two main parts of the community in Northern Ireland, between the two parts of Ireland and between the two Sovereign States. The Government also remains of the view, which is accepted by the other participants, that agreement on one part of the process would in practice depend on agreement on the others.
- 4 The Government would therefore like to see further dialogue take place involving themselves, the Irish Government and all the main parties in Northern Ireland with a democratic mandate that have established a commitment to exclusively peaceful means. The fundamental interest of the British Government would be to secure an outcome broadly acceptable to the participants. Because it is essential that any outcome should attract widespread support the Government has undertaken to hold a referendum on any agreement that emerges from the Talks Process.
- 5 The ideas contained in Part I of this paper and the New Framework for Agreement represent an outline package which, in the Government's view, has the potential for

securing general agreement. For its part, the Government would accept an outcome from further Talks along the lines described in these papers. It would also, in principle, accept a range of other outcomes provided that any outcome was broadly acceptable to the other participants.

ANNEX B

AN OUTLINE OF A COMPREHENSIVE SETTLEMENT

- I Drawing on the ideas on local accountability in Part I and on the New Framework for Agreement it is possible to identify the main elements of where a possible settlement might be found. There might be public support for the following:

- new political institutions in Northern Ireland with a wide range of executive and legislative responsibilities. Such institutions would dispense executive responsibilities broadly in proportion to party strengths. There would be two main institutions, an elected Assembly and a separate, complementary body perhaps comprising 3 people - a Panel. There would be checks and balances within and between the Assembly and Panel, and a division of functions between them. There would be greater formal protection for civil rights;

- to cater for the North/South relationship there would be a new North/South body or bodies, an interparliamentary forum, an administrative support unit to service the body (or bodies) and the forum, and day-to-day North/South co-operation and communication between Departments, and between counterparts with relevant executive authority at the political level. The source of their authority would stem from the administrations in Belfast and Dublin. All decisions of the North/South body or bodies would be by agreement between the two sides. There would be appropriate political and financial accountability. The new North/South arrangements would be of sufficient strength and quality to further co-operation, mutual understanding and working together in the interests of both parts of the island;

- the Anglo-Irish Agreement would be replaced by a new and more broadly based agreement between the two Governments reflecting the totality of relationships, and with provision for bilateral liaison, through an Intergovernmental Council, there would be a formal Intergovernmental conference, with suitable rights of attendance and consultation for appropriate representatives of the new Northern Ireland political institutions. There would be a Secretariat to support the Conference and provide a channel of communication. The new agreement would be arrived at through direct discussions between the two Governments and the other Talks participants, and Northern Ireland political representatives would play a greater part in it than at present;

- there would be a shared understanding of the constitutional issues, which achieved a balanced accommodation of the differing positions of the two main traditions;

- the overall outcome would be subject to popular endorsement in the form of a referendum in Northern Ireland and an appropriate test of opinion in the Republic.

RELATIONSHIP BETWEEN THE DIFFERENT ELEMENTS OF AN OVERALL ACCOMMODATION

- 2 If a settlement is achieved which address all the relevant relationships there would need to be co-ordination between the various structures. The Government envisage that any acceptable overall accommodation could include linkages of the following kinds:

- liaison between representatives of new Northern Ireland institutions such as the Assembly and the Panel and the British Government over transferred matters with

implications for non-transferred responsibilities, and vice-versa;

- liaison between North/South institutions and the British Government over transferred matters with implications for the British Government's remaining responsibilities;

- ad hoc attendance by representatives of the British Government at new North/South institutions at their request (eg where the Northern Ireland side have raised matters of concern about non-transferred matters with their Republic of Ireland counterparts, which in turn have implications for the British Government);

- attendance by relevant Northern Ireland Heads of Department, and by Panel members, by invitation, at relevant parts of meetings of the successor to the Intergovernmental Conference;

- liaison outside the successor to the Intergovernmental Conference on non-transferred Northern Ireland matters between representatives of the new Northern Ireland institutions and members of the British and Irish Governments;

- attendance by representatives of the new Northern Ireland political institutions at meetings held under the Anglo-Irish Intergovernmental Council framework, where matters relevant to the new Northern Ireland institutions might arise.

3 This list is not exhaustive. The following possible further linking arrangements could be considered:

- permanent observer status for the British Government at meetings of the new North/South body, provided British

Government representatives were not involved in decision taking;

- an umbrella institution for the new Strand 2 and Strand 3 institutions. These would normally meet separately, but could come together for periodic co-ordination or review sessions.

- 4 The Government, for its part, would be ready to consider linking arrangements of this sort provided the key distinctions between transferred and non-transferred matters, and between Northern Ireland and wider matters, were preserved. Any agreed overall accommodation is unlikely to be able to hold its shape if these distinctions are set aside.

