

* Mr Daniells copy destroyed 17.9.96 & *

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FROM: TONY BEETON
TALKS PLANNING UNIT
1 MARCH 1994

DESK IMMEDIATE

- cc Mr Bell -B
- Mr Watkins -B
- Mr Brooker -B
- Mr Daniell O/R
- Mr Maccabe -B
- Mr Archer -B
- Mr Dew -B

MR THOMAS -B

THE ENVELOPE

I attach a copy of a new draft version of the framework document which you asked me to work up on a contingency basis before tomorrow's meeting of the Liaison Group in Dublin.

2. At this stage we cannot be sure whether the Irish will table a paper of their own or not. I understand that if they do not you feel it might be useful to discuss the shape of such a paper with the Irish side and participants in the meeting might find it useful to have our Envelope tucked in their back pockets to guide the discussion.

3. I should be grateful if Mr Dew could ensure that he has a number of spares with him in case colleagues have not been able to retrieve this from their Blis systems in time.

signed ACB

TONY BEETON
TALKS PLANNING UNIT

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notes for a joint illustrative working paper on the Framework for a possible outcome of the Talks acceptable to all parties

I. STATUS OF PAPER

1. British and Irish officials were instructed at the IGC on 10 September 1993 to draft a joint illustrative working paper, sans commitment on either side and ad referendum to Ministers, to seek and identify as a basis for discussion aspects of a possible outcome, consistent with the statement of 26 March 1991, likely to prove acceptable to all parties to the Talks. The paper and its conclusions to be discussed in the first instance at a subsequent meeting of the IGC.
2. Complementary bilateral discussions between the British and Northern Ireland political parties have continued during this period with the same aims.
3. The following joint paper represents the outcome of discussions within the Liaison Group.

II. FOUNDATIONS

4. The United Kingdom and the Republic of Ireland are neighbours with a uniquely close relationship. They are partners in the European Union, sharers in history and of geography. The peoples and Governments of both countries have been deeply affected by the continuing conflict in Northern Ireland and are equally determined to find a solution.
5. The Governments agreed in 1980 that the best prospect of achieving peace, reconciliation and stability and of improving relations between the peoples of their two countries was through an address to the totality of relationships within these islands. The Inter-Governmental Council was established with this purpose.

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6. In 1985 the Governments signed the Anglo-Irish Agreement recognising and reaffirming:-

- 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;
- 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;
- 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;
- that a condition of genuine reconciliation and dialogue between unionists and nationalists is mutual recognition and acceptance of each other's rights;
- their respect for the identities of the two communities in Northern Ireland, and the right of each to pursue its aspirations by peaceful and constitutional means;
- 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 process of government.

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10. The 26 March 1991 Statement which established the ground rules for the three-stranded political talks accepted that the discussions must focus on three main relationships: those within Northern Ireland, including the relationship between any new institutions there and the Westminster Parliament; among the people of the island of Ireland; and between the two Governments. It was common ground between all the parties that hope of achieving a new and more broadly based agreement rested on finding a way to give adequate expression to the totality of these relationships.

8. The Governments' common approach to the Talks has been consistent throughout with these different foundations, and their assessment of the basis for agreement rests on adherence to the following propositions:-

- that the people living in Ireland, North and South, without coercion, without violence, should be free to determine their own future;
- that this freedom can be expressed in the development of new structures for the governing of Northern Ireland, for relationships between North and South, and for relationships between our two islands;
- that no agreement can be reached in respect of any change in the present status of Northern Ireland without the freely expressed consent of a majority of the people of Northern Ireland;
- that the freedom, to give consent unless and until persuaded otherwise by democratic political means only;
- that commitment to the principle of consent must, at the right time and in the right circumstances, be expressed in fundamental law;

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- that in the event of a permanent end to violence a place would be made and structures developed to bring in from the cold those who have lived in the shadow of their own terrorism.

9. The Downing Street Declaration provided the most recent opportunity for the two Governments to rededicate themselves to the fundamental principles which have guided their own joint efforts to find solutions to the problems in Northern Ireland. Essentially these are:

- democracy
- consent
- the absence of violence

10. In the Declaration the two Governments accepted that Irish unity would be achieved only by those who favour it persuading those who do not, peacefully and without coercion or violence. The British Government agreed 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. The Irish Government considered that it would be wrong to attempt to impose a united Ireland, in the absence of freely given consent of a majority of the people of Northern Ireland.

11. Against this background, both Governments wish to continue to work with democratically mandated parties, committed exclusively to peaceful methods, to reach agreement - by negotiations and dialogue conducted so as to respect differences and heal divisions - in which the legitimate interests and aspirations of all the people of the island of Ireland are peacefully accommodated and the key relationships relevant to Northern Ireland resolved. They are both ready to take steps which will help this process of finding agreement.

12. Both governments reaffirm their continuing belief in the validity of the analysis of the three key relationships, and that the three stranded approach to Talks should remain the basis for further progress. They accept, however, that further round table talks on all three strands may not take place in precisely the same format as 1992.

III. FRAMEWORK FOR A NEW AGREEMENT

a) The Constitutional Position

13. The two Governments have a shared understanding of the constitutional issues which is based on the principles contained in the Downing Street Declaration.

14. Both Governments accept that Northern Ireland is part of the United Kingdom because that is presently the wish of a majority of its people, and that it would be wrong to change that status without the consent of such a majority.

15. The British Government reiterates that it has no selfish strategic or economic interest in Northern Ireland. It agrees that it is for the people 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. It reaffirms as a binding obligation that it will introduce the necessary legislation to give effect to this, or equally to any measure of agreement on the future relationships in Ireland which the people living in Ireland may themselves freely so determine without external impediment.

16. The British Government also acknowledges that a significant minority of the people of Northern Ireland wish for, either immediately or at some time in the future, a united Ireland and that they have the right to pursue that aspiration, on the basis

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of equal esteem, peacefully and democratically without impediment. Until and unless Northern Ireland ceases to be part of the United Kingdom the British Government will ensure efficient, effective and even-handed administration there.

17. The Irish Government considers that 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. It accepts 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.

18. The Irish Government confirms that, in the event of an overall settlement, it will put forward and support proposals for change to the Irish Constitution to reflect these understandings. It envisages that these proposals would provide for ...

19. The British Government similarly undertakes to introduce and support changes in United Kingdom constitutional legislation to reflect the same understandings.

b) Relationships within Northern Ireland

20. Both Governments agree that the principles of equality of opportunity, equity of treatment and parity of esteem for all their citizens must be upheld and applied. Any new arrangements for the administration of Northern Ireland will be founded equally on these principles.

21. The two Governments support the policy of transferring, within Northern Ireland, executive and legislative responsibilities over a wide range of subjects, with scope for further transfers, to locally accountable political institutions - provided such institutions command assent across the whole community and provide

opportunities for representatives of both communities and other groupings which attain sufficient electoral support to participate fully in the structures and process of government in a society in which all may live in peace.

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

c) Relationships between North and South

23. Both Governments envisage that new institutions would be created in the context of a comprehensive new agreement which would enable representatives of the communities, North and South, to develop new, amicable and constructive relationships. These institutions should have clear identity and purpose and would be mandated by appropriate legislation to discharge or oversee an agreed range of executive functions.

24. The Governments are accordingly prepared, in the context of an agreement, to promote legislation in their respective parliaments to establish a new institutional framework to bring together representatives of the Irish Government and of new agreed political institutions in Northern Ireland. Both Governments envisage that the framework would include a joint administrative support unit staffed by members of the Northern Ireland and Irish Civil Services.

25. The Governments agree that this North-South framework must operate in such a way so as to help heal divisions and promote reconciliation among the communities on the island of Ireland, provide a forum for acknowledging the respective identities and requirements of the two traditions, express and enlarge the mutual acceptance of the validity of those traditions, and promote understanding and agreement among the people and institutions in both parts of the island.

26. There would be regular and frequent meetings within the new framework to consider issues of concern and to provide practical and effective co-operation and co-ordination for mutual benefit in the areas designated, and in particular for developing an integrated approach to the European Union (in consultation with the British Government where appropriate). Decisions within the framework would be by agreement between the two sides, appropriately mandated. The discharge of their mandates would be subject to regular parliamentary scrutiny, including by a Parliamentary Forum which could be established by agreement between elected representatives North and South.

d) Relationships between the two Governments

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

28. The Governments envisage that they would maintain a standing Intergovernmental Conference under a new Agreement involving, but not always only attended by the Secretary of State for Northern Ireland and an appropriate representative of the Irish Government. It would continue to be supported by a permanent secretariat staffed by British and Irish civil servants. The Secretariat would continue to provide a channel of communication between the Governments on matters within the remit of the Conference. It could also liaise with the joint administrative support unit established to support the new institutional framework described above. The work of the Conference (and the Secretariat) should be the subject of periodic review.

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29. The Governments also envisage that representatives of agreed political institutions in Northern Ireland may have formal association with the work of the Conference - for example by receiving notice of matters to be discussed, by the right to express their views, by attendance at parts of the Conference by invitation from the Governments, and by receiving reports from the Governments - in a manner to be agreed by both Governments after consultation with them.

30. The two Governments envisage that matters for which responsibility is transferred to new political institutions in Northern Ireland should be excluded from consideration by the Conference, except to the extent that they are brought to the attention of the Governments by the proposed new framework or that the continuing responsibilities of the Secretary of State for Northern Ireland are relevant.

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

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

3. The two Governments believe that there should continue to be such inter parliamentary liaison as the Parliament at Westminster and the Oireachtas decide upon.

25 February 1994

e) Endorsement

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

cc PS/Secretary of State (L&S) - 3
PS/Michael Ancrum (L&S) - 2
PS/Sir John Wheeler (L&S) - 2

Mr Watkins - 2
Mr Wood (L&S) - 3
Mr Brooker - 2
Mr Daniels - 2
Mr Macsabe - 2
Mr Quinn - 2
Mr Kyle - 2
Mr Caine - 2
NSA, Dublin - 3
Mr Archer, RFD - 2

Mr Thomas - 2

MEETING OF LIAISON GROUP: LONDON, 24 FEBRUARY 1994

SUMMARY

The meeting revealed differences over what kind of paper the two sides were supposed to be producing. The British side suggested that the group should aim to build on previous discussions, but modified to take account of the agreements set out in the Joint Declaration; the Irish side thought a new approach was required, making clear that its starting point was the Joint Declaration. The Irish side thought the main task was for the two Governments to reach agreement on matters within their responsibility, and point the way towards agreement in areas where the agreement of the other parties was required; the British side thought that the entire settlement would need to be acceptable to the parties as well as the governments, and the two governments should be aiming to identify possible areas of convergence. Regarding Strand II, the Irish side suggested that the two governments should agree on which subjects should be decided by North/South institutions on an all-Ireland basis, while it could be for the bodies to agree with Dublin on the precise structure of such institutions; the British side suggested that the two governments should agree on the subjects to be decided by North/South institutions on an all-Ireland basis, while it could be for the bodies to agree with Dublin on the precise structure of such institutions.