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**FROM: GEORGE FERGUSSON**  
8 April 1998

cc see distribution list below

PS/Secretary of State (B&L)

**BRITISH IRISH AGREEMENT: CIRCULATION OF DRAFT**

The Prime Minister and the Secretary of State told Mr Trimble earlier today that a draft of the British Irish Agreement would be circulated to the parties this evening.

I attach a draft of the Agreement, agreed with Irish officials, and a covering note emphasising that the final text of the British Irish Agreement will reflect the text of the Multi-Party Agreement. (Given that this is very much a Strand Three document, it is appropriate that it is circulated in the name of the two Governments. We would provide the Independent Chairmen with copies.)

If the Secretary of State is content, we shall circulate the text as soon as the Irish confirm that they are happy with the arrangements.

(signed)

**GEORGE FERGUSSON**

cc PS/Mr Murphy  
PS/PUS  
Mr Thomas  
Mr Jeffrey  
Mr Bell  
Mr Hill  
Mr Brooker  
Mr Howard  
Mr Ferguson  
Mr Whysall  
Ms Bharucha

Mr Holmes, No 10

FCO via RID:  
Mr Richards  
Legal Adviser  
Mr Chamberlain  
Mr Berman  
Mr Brett

Miss Wheldon, HOLAB

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To the participating parties

**DRAFT BRITISH IRISH AGREEMENT**

The two Governments have agreed the attached draft British Irish Agreement, which is circulated to the parties for their information.

The references to institutions and constitutional changes in the Agreement are intended to reflect the provisions of the Multi-Party Agreement and are subject to any changes which may be made in the text of the Multi-Party Agreement.

It is envisaged that the text of the British Irish Agreement will be annexed to the text of the Multi-Party Agreement; and that the text of the Multi-Party Agreement will also appear as an annex to the British Irish Agreement.

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D R A F T

**AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED  
KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE  
GOVERNMENT OF IRELAND**

The British and Irish Governments:

Welcoming the strong commitment to the Agreement concluded on X April 1998 by themselves and other participants in the multi-party negotiations and set out in Annex 1 to this Agreement (hereinafter “the Multi-Party Agreement”);

Considering that the Multi-Party Agreement offers an opportunity for a new beginning in relationships within Northern Ireland, within the island of Ireland and between the peoples of these islands;

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

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;

Reaffirming their commitment to the principles of partnership, equality and mutual respect and to the protection of civil, political, social, economic and cultural rights in their respective jurisdictions;

Have agreed as follows:

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Article 1

The two Governments:

- (i) recognise the legitimacy of whatever choice is freely exercised by a majority of people of Northern Ireland with regard to its status, whether they prefer to continue to support the Union with Great Britain or a sovereign united Ireland;
- (ii) recognise that it is for the people of the island 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, accepting that this right must be achieved and exercised with and subject to the agreement and consent of a majority of the people of Northern Ireland;
- (iii) acknowledge that while a substantial section of the people in Northern Ireland share the legitimate wish of a majority of the people of the island of Ireland for a united Ireland, the present wish of a majority of the people of Northern Ireland, freely exercised and legitimate, is to maintain the Union and accordingly, that Northern Ireland's status as part of the United Kingdom reflects and relies upon that wish; and that it would be wrong to make any change in the status of Northern Ireland save with the consent of a majority of its people;
- (iv) affirm that, if in the future, the people of the island of Ireland exercise their right of self-determination on the basis set out in sections (i) and (ii) above to bring about a united Ireland, it will be a binding obligation on both Governments to introduce and support in the respective Parliaments legislation to give effect to that wish;
- (v) affirm that whatever choice is freely exercised by a majority of the people of Northern Ireland, the power of the sovereign government with jurisdiction there shall be exercised with rigorous impartiality on behalf of all the people in the diversity of their identities and traditions and shall be founded on the principles of full respect for, and equality of, civil, political, social and cultural rights, of freedom from discrimination for all citizens, and of parity of esteem and of just and equal treatment for the identity, ethos and aspirations of both communities;
- (vi) recognise the birthright of all the people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship is accepted by both Governments and would not be affected by any future change in the status of Northern Ireland.

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Article 2

The two Governments affirm their solemn commitment to support, and where appropriate implement, the provisions of the Multi-Party Agreement. In particular there shall be established in accordance with the provisions of the Multi-Party Agreement immediately on the entry into force of this agreement, the following institutions:

*[This section will list Strand Two and Strand Three institutions. This will be in full accordance with whatever is set out in the Multi-Party Agreement.]*

Article 3

(1) This Agreement shall replace the Agreement between the British and Irish Governments done at Hillsborough on 15th November 1985 which shall cease to have effect on entry into force of this Agreement in accordance with Article 4 below.

(2) The Intergovernmental Conference established by Article 2 of the aforementioned Agreement done on 15th November 1985 shall cease to exist on entry into force of this Agreement in accordance with Article 4 below.

Article 4

(1) It shall be a requirement for entry into force of this Agreement that:

- (a) British legislation shall have been enacted for the purpose of implementing the provisions of Annex [x] to the Multi-Party Agreement;
- (b) the amendments to the Constitution of Ireland set out in Annex [x] to the Multi-Party Agreement shall have been approved by Referendum in accordance with its the provisions.
- (c) such legislation shall have been enacted as may be required to establish the institutions referred to in Article 2.

(2) Each Government shall notify the other in writing of the completion, so far as it is concerned, of the requirements for entry into force of this Agreement. This Agreement shall enter in force on the date of the receipt of the later of the two notifications.

(3) Immediately on entry into force of this Agreement, the Irish Government shall ensure that the amendments to the Constitution of Ireland set out in Annex [X] to the Multi-Party Agreement take effect.

In witness thereof the undersigned, being duly authorised thereto by the respective Governments, have signed this agreement.

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Done in two originals at Belfast on the xth day of April 1998.

For the Government of the  
United Kingdom of Great  
Britain and Northern Ireland

For the Government  
of Ireland

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**ANNEX 1**

The Agreement Concluded in Belfast on xth April 1998  
by the Participants in the Multi-Party Negotiations

**ANNEX 2**

Declaration on the Provisions of Paragraph (iv) of Article 1  
In Relationship to Citizenship

The British and Irish Governments declare that it is their joint understanding that the term "the people of Northern Ireland" in paragraph (vi) of Article 1 of this Agreement means, for the purposes of giving effect to this provision, all persons born in Northern Ireland and having, at the time of their birth, at least one parent who is a British citizen, an Irish citizen or is otherwise entitled to reside in Northern Ireland without any restriction on their period of residence.

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