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CONFIDENTIAL

13 October, 1992.

Mr. Joe Brosnan,
Secretary,
Department of Justice.

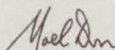
Northern Ireland Talks

Dear Joe,

I am taking the liberty of sending you herewith on a personal basis a paper which offers some reflections on the present state of the talks and suggests what might be a possible way forward.

I appreciate that you are preoccupied with other constitutional matters at present and that, for this and other reasons, the time may not be propitious. However, it did seem worth trying to reflect on how we might get out of the present deadlock in the talks - even if, for a variety of reasons, it may not be feasible to implement the approach suggested at the present time.

Yours sincerely,



Noel Dorr

The Northern Ireland Talks - can they
go anywhere?

1. This paper offers a personal view of the current state of the Talks and a proposal for an approach which might be more productive.

Present position

2. We believe privately that the Talks are going nowhere. So no doubt do the Unionists. They say nothing can be done until we make a commitment in more definite terms to change the Constitution. We will not give that - at least not until we see serious proposals from them. Even then we may want to retain the option of looking at the final package before deciding on constitutional change.
3. More fundamentally we do not see how anything can really emerge while the British maintain their present, supposedly "neutral" approach. They say they can accept whatever Unionists and Nationalists agree on. But the Northern parties are unlikely to agree so long as the British remain passive. And the British are not neutral - they have come down on the Unionist side on the constitutional issue, thus abandoning the careful ambiguity of Article 1 of the 1985 Agreement. They are now trying to draw everyone into discussion of a series of "principles". This is an effort to describe the outer shape of an eventual Agreement without building the strong inter-governmental core of agreement which would

sustain it, and which only they and we together can create.

4. This is not a promising situation. But neither is it in our interest to let the current deadlock, which will inevitably lead to failure, continue for a variety of reasons:-

- (a) There will be recrimination and blame after any breakdown. An effort will be made to depict Articles 2 and 3 as the barrier to progress in this island.
- (b) Since 1985, the British and Irish Governments have been seen, domestically and internationally, as having made common cause through the Agreement and the Unionists have been seen as the intransigent element. Now the Unionists and the British will appear to be on the same side in opposition to the Irish Government on the constitutional issue.
- (c) In this atmosphere, it will not be easy to restore a "two-Government approach"; nor will it be easy to get the British to push through over the heads of the Unionists the more "Nationalist" agenda which we want and which Unionists at the table refused to accept.
- (d) Historically the responsibility for working out serious settlement proposals will always rest - unfairly or not - with the Irish Government. For 25 years the Northern Ireland parties have been incapable of doing so alone; and for 70 years, (and arguably much longer) the British Government has shown that it does not have the answer.
- (e) However awkward and difficult the present process is, it is in one respect what we have always professed to want - Unionists and Nationalists sitting at a table to negotiate the future of the island with Britain more or less explicitly expressing its willingness to implement whatever we can agree together.

5. For these reasons it is still worth making a serious effort to break out of the present stalemate and move the Talks forward. At best we may actually achieve something; at worst in case of breakdown we will be seen to have tried very seriously to do so.

What can be done?

6. A first step should be an effort to get out of the present impasse about constitutional change without compromising our principles. A draft for a possible statement by one of our Ministers which seeks to do this is attached (Annex A). (An alternative might be a carefully drafted statement by the Taoiseach in the Dail or elsewhere which could then become a point of reference for our delegation in the Talks.)
7. Second, we must accept that the present formation where all delegations sit around the table and we and the Unionists constantly butt heads together in the presence of the British and Sir Ninian is not likely to be productive - although it should, if possible, be kept in being. We need a different procedure if there is ever to be a serious negotiation.

Private Channels?

8. One possibility might be to open a channel for private, highly confidential, contacts - say through an official and without commitment - between the Taoiseach and the UUP. This would probably have to be Molyneaux (who has stayed aloof so far) rather than Empey or McGimpsey, who would be easier to deal with but probably not substantial enough figures in the party. (At some point it might be even possible to open similar contact with the UDUP)

through Robinson?) However it has to be said that this would be a difficult and dangerous procedure and that Molyneaux's own commitment to the talks process is hardly enough to make it a productive approach.

A joint approach by the two Governments

9. What is really needed to move the talks forward is a joint approach by the two Governments developed privately between them which sets a clear structure for a new Agreement and which is presented jointly to all parties to the Talks in Strand 2. This would be an exercise by the two Governments jointly of their responsibilities as the Governments with sovereignty over the whole of both islands. As the two signatories of the 1985 Agreement they would now be setting out between them a core framework for the "successor" Agreement which they are prepared to sign - subject to the acquiescence of the Northern Ireland parties. These parties meeting with the two Governments in Strand 2 would then still have scope for negotiation of many details of North/South cooperation; and in Strand 1 they would have even wider scope to negotiate local institutions. But the basic framework would first have been set by the two Governments who have, or claim, "sovereignty" over Northern Ireland (depending on one's view of Articles 2 and 3).
10. An opening for such an approach has now been created by a UDUP proposal at the close of business in the Committee on Friday last 9 October. Paisley first challenged the British delegation to produce draft Heads of an Agreement (recalling that Mayhew had said that this could be done by November); Alderdice (Alliance) said this was a good idea but it should be done by both Governments; Robinson

then proposed that each delegation should submit draft 'Heads of an Agreement' to Sir Ninian who could use them to prepare a composite document for discussion in the Committee. The British seemed somewhat taken aback but agreed, like everyone else, to consider the idea and return to it next week.

11. This development, I suggest, allows us to press the British now to join with us in drafting an outline framework which would set the parameters for an eventual Agreement. It is true that the British have show little inclination so far to engage in this way. Even when discussing the draft paper on 'Principles for a new Agreement' in Strand 3, the Secretary of State has been unwilling, as he saw it, to trespass on the territory of Strand 2. What is proposed here, however, is not an interference by Strand 3 in Strand 2 but a joint proposal submitted by the two Governments in Strand 2 itself (which is, incidentally, the one place where all the participants are present).

12. This approach would have to go well beyond the present effort in Strand 3 to negotiate 'Principles for new Agreement' (on which the NI parties are to be briefed in the Liaison Group). In particular it would have to address the constitutional issue in the sense of establishing between the two sovereign Governments just what, if anything, is to replace Article 1 of the existing Agreement. Only the two Governments can decide this and only when they have decided does it make sense to go back to the wider framework. If they can agree then an Agreement is at least possible. If they cannot agree then there will ultimately be no Agreement. They would probably also have to establish broadly what kind

of institutions both Governments think should complement the constitutional accommodation. If we did this we would, in fact, then be offering jointly to Strand 2 draft "Heads of Agreement" (as Alderdice had suggested) and doing so in a way which should encourage and not preempt further negotiations around the table involving all parties.

13. It is true that this would bring forward the constitutional issue to an extent which we have not wanted so far. But, granted the Unionist (and British) positions there will be no Agreement without constitutional change; and we will not be willing to propose constitutional change to the electorate unless there is adequate balance not just on institutions but within the constitutional issue itself. That can be negotiated only with the British Government.

14. The argument of this paper is that it is time to begin this now in private; and that unless and until we do so, the wider talks will not go anywhere. We should, therefore, press the British Government very strongly on this point, in a sustained way, and at various levels; and take as much time as necessary for this even if it means asking explicitly for some 'time out' from Strand 2 to allow for a series of Strand 3 meetings. Mr. O'Donovan has suggested that we should take time to get the 'Principles' (now being worked on in Strand 3) right. I agree. But I suggest that in talking with the British we should go well beyond what the 'Principles' envisage and stress the inherent illogicality of having the two Governments propose 'Principles for a new Agreement' if they have not themselves reached an accommodation on the one fundamental point on which they have exclusive

competence - what is to take the place of 'Article I' of the 1985 Agreement.

Can we get the British to agree:

15. It may be said that this 'two-Government approach' would be fine but that the British have shown no willingness so far to engage in this way; and that, until they change their approach, we may as well slog on in the present talks until they founder. We may hope that at some later stage the British Government, having learned from experience, will be more ready together with us to face what is really needed to address the situation.
16. This seems to me to be excessively pessimistic in regard to how far we might succeed with the British at the present stage and, in a sense, too optimistic as to the prospects for working out a common strategy with them at any early stage after the present Talks break down in recrimination.
17. Historically, we have always tended to attribute coherent, if not sinister, motives to 'the British'. In recent years, however, as we have got more 'into' their system than before we have come to realise that they are not monolithic and that if we work to a strategy which shows them a way forward, we can sometimes get them to accept it, however unpromising the situation at the start. (Certainly the present situation is no more unpromising than that in the years before the Anglo-Irish Agreement and immediately following the hunger strikes when Mrs. Thatcher was Prime Minister, Airey Neave had been killed; and she was convinced that any initiative could only make things worse.)

18. The key in any approach to the British is to have our own basic approach clearly thought out; to show them how they can live with it; and above all to work on them and not to take their first word as their last. The truth is that they have no answer to the problem of Northern Ireland except to soldier on. If we have a serious, coherent strategy which shows them a way forward which they can live with, and if we work on them patiently, we can have some real hope that they will in due course join with us in what offers some promise of achieving a settlement they can live with.

A 'fundamental equation'

19. It is vital in all of this, however, that we know our own mind and work to a thought out strategy. It will help further if this can be simplified to a fundamental proposition or 'equation' on which we can anchor our approach. In the lead-up to the Anglo-Irish Agreement, for example, this in effect took the shape of 'Dublin in (via the Conference), balanced by as formal a recognition as the Irish side can give of the status of Northern Ireland (via Article I)'.

20. At the present time we could perhaps anchor our policy on the following proposition 'recognition in the Irish Constitution of the principle of 'consent' as a condition for Irish unity in return for a radically new deal for Nationalists in Northern Ireland'.

The principle of 'consent'

21. One side of this 'equation' would be our agreement to ask the electorate to write in the principle of 'consent' into the constitution (in some way) for the first time. This principle was endorsed in Sunningdale and again in

the Anglo-Irish Agreement; and the Government are publicly committed to it through their acceptance of the Agreement. But it has never so far been given constitutional status in Ireland; and because it has not, there is a considerable gap between the explicit commitment of the Government (and Opposition) and the constitutional position.

22. This is something now in our gift which could be an important element in a new agreement in two respects: (a) it would modify the 'constitutional imperative' of Articles 2 and 3 so far as Unionists are concerned by making it explicit in the Constitution, as distinct from a declaration, that majority consent would be required for Irish unity; and (b) the modification of those Articles could permit us to accept certain things in the way of statements or of institutions which may be constitutionally impossible for us at present.

A 'new deal' for Nationalists

23. The other side of the 'equation' would have to be 'a new deal' for Northern nationalists. We would need to get across to the British that this would have to be a radically new deal. It would have to cover four fundamental points:-

- (i) An adequate constitutional accommodation for the Nationalist aspiration;
- (ii) An adequate institutional structure (i.e. internal Northern Ireland and North/South) to allow expression to their identity and to guarantee their rights;
- (iii) A change in the area of symbols sufficient to make them feel at ease with the situation in

which they will have to live.

- (iv) A willingness, if necessary to Northern Nationalists, to look up at possibly radical structural reform in the area of security/policing [e.g. (a) distinction between civilized community police and gendarmerie function; or (b) division of policing into six separate county forces].

24. These are the core ideas but they would clearly have to be developed in a more coherent form for use in a strategic approach to the British. Item (i), the constitutional accommodation, is one which can only be negotiated with the British. So at this stage is item (iv) but the Northern Ireland parties would have to be brought in on the issue. It is essentially and inherently a matter for the two Governments. Items (ii) and (iii) should be broached with the British but thereafter they can also be a subject for negotiation in the wider framework.

The constitutional accommodation

25. On the first of these points, (accommodation on the constitutional issue) which is the particular focus of the present paper, there are two ideas worth looking at in considering how to balance in some way for Nationalists the proposed addition of the principle of 'consent' to our Constitution.

Change in British legislation on 'the guarantee'

26. One would involve legislation in Britain. The British side are committed by Article 1(c) of the 1985 Agreement to implement Irish unity if a majority in Northern

Ireland consent. But this commitment has never been enshrined in legislation. This should now be done so as to modify the existing British 'guarantee'. The ideal would be to work for a situation where both we (in the Constitution) and the UK (through new legislation) formally 'guarantee' Unionists against their fears and assure Nationalists about their aspiration in exactly similar terms. One way to do this would be to work for an Agreement such that either the whole Agreement or Article 1 could be given constitutional endorsement in Ireland and legislative endorsement in Britain.

27. We should try to move the British side from 'neutrality' to some kind of welcome - however modified by conditions - for Irish unity if it were to be the wish of a majority. Some development of present British positions on this point which would be part of a new Agreement endorsed in legislation might conceivably help, if only as an excuse, to get the IRA, or a large part of it, to lay down their arms.

28. It would not be easy to get the British to agree to do this. However, the following effort at a draft wording (for inclusion in a more general text) may show that it is at least possible:-

Her Majesty's Government reiterate that Britain has now no strategic, political or economic interest in Northern Ireland. Its sole interest is to encourage peace and reconciliation within Northern Ireland and within the island of Ireland; and close and friendly relations between the peoples of both islands.

Her Majesty's Government declare, therefore, that they would gladly accept and give effect to any new arrangements to bring North and South in Ireland closer together politically and economically provided that such arrangements were freely negotiated and agreed to by the people of the North

and by the people of the South. If the outcome of such a future negotiation were to be a decision by the people of the North and by the people of the South, freely taken by a majority vote in each area, to come together in greater unity, then Her Majesty's Government on behalf of the British people would welcome this, subject only to the requirement for consent freely sought and freely given.

The 'status' of Northern Ireland

29. A second idea which might be worth considering would be to look for ways to develop further the idea of Northern Ireland as an entity or polity in its own right with its own constitutional status and rules rather than simply having it remain a territory in dispute which is part either of the 'United Kingdom' or of 'Ireland' (according to one's constitutional viewpoint). This would go somewhat in the direction of making it what used to be called a Corpus Separatum. Northern Ireland would still adhere to the United Kingdom and be under the Crown for so long as a majority in the area so wish but it would be seen to do so in a somewhat more 'autonomous' way than at present.

30. It would not be feasible to take this idea too far. But it could be kept in mind as a guiding concept in working out a package which, in our view, must create new institutions for Northern Ireland, new and substantial North/South links, a Bill of Rights or equivalent, new security policing structures and probably a new British-Irish link. If the ideas set out above were accepted the package would also be based on a joint 'guarantee' through what might be called the 'constitutionalization' by Dublin (the Constitution) and London (Westminster legislation) of the concepts in Article 1 of the 1985 Agreement (unity only by consent and implementation of unity when and if there is consent).

31. Taken together, all of this would stop well short of 'self-determination' (or independence) for Northern Ireland; and because of the (new) provision on 'consent' in our Constitution it should not be seen by Unionists as a 'halfway house' to a united Ireland. But it could be the occasion to establish a new status for Northern Ireland. This would make it more explicitly an area with its own internal structures and external institutionalised links to London and Dublin, with conditions set for any future change in status and guaranteed solemnly by both Governments and peoples. It would be desirable also - though it might not be easy to get agreement on this - to build in some provision for a European linkage by way of a European (EC) 'guarantee' or endorsement of the position and status of Northern Ireland as it emerged in any new Agreement. It would also be possible perhaps to envisage inclusion of a representative of the European Court of Human Rights (or the European Court of Justice?) on any Human Rights/Bill of Rights monitoring structure or ideally as a member of the 'Panel' if this were to be agreed.

A specific time frame?

32. There is a third idea in relation to a new Agreement which would perhaps be more controversial. It is that we should focus now, not on seeking a once-and-for-all solution but a settlement for a specific number of years.
33. At first sight it might be argued that this would create uncertainty. But the uncertainty already exists. A settlement stated to be for a specific period of years (say 25 or 30) would at least bring some definition to the situation for the period ahead (even though Unionists

would no doubt want to cite Carson's scornful rejection in 1914 of 'a sentence of death with a stay of execution for six years').

34. A settlement for a specific period would also fit well with the position in practice of much of Irish nationalism (particularly in the South) which might be summed up crudely as 'we want to hold to the hope of Irish unity but we don't want to have to face it yet'.
35. If an agreement or settlement were for a specific number of years and if we were also to write in the principle of 'consent' into the Constitution, then the agreement might provide for a consultation of the electorate in Northern Ireland after say a thirty-year period with a further twenty year extension if they said no. Under such an agreement Unionists need not feel any longer "menaced" by Articles 2 and 3; the Irish Government would be freer to accept certain institutional provisions which may be constitutionally barred at present; and Irish Nationalists, particularly in Northern Ireland could feel that their "aspiration", though deferred, remained valid.

Conclusion

36. The basic idea of this paper is that however unpromising the situation we should not abandon the present talks or accept that they are doomed to failure. Instead we should work privately and quickly to develop a coherent policy approach and then pull out the stops to persuade the British Government to join with us in presenting to the talks a serious framework for an agreement offered under responsibility of the two Governments but with some further scope for a negotiation in detail. This

framework should address the constitutional issue in the sense of working out what the two Governments could agree on as Article I of any new Agreement. The note goes on to offer some further elements which might feature in such an agreement.

37. In an effort to show that this is at least possible, a very rough sketch of an agreement on these lines is attached. Clearly it is for purely internal purposes but at least it may show that the task of drafting an agreement on the lines mentioned is not a completely impossible one. (In any case some of the formulations used in the draft might be useful in another context at a later stage).

N. Dorr
Secretary
9 October, 1992

Annex A

Draft for possible further statement by Irish Delegation

~~(see covering note)~~

- "(1) The Irish Government delegation are aware that the two Unionist delegations have said that they will not enter into any agreement unless there is a commitment to change in relation to Articles 2 and 3 of the Irish Constitution.
- (2) The Irish Government have already made it clear that they do not rule out constitutional change, including change in our jurisdiction, ensuing from the present negotiations.
- (3) They have also made it clear, however, that any change in the Irish Constitution requires the approval of the electorate voting in a referendum; and they have said that if the present negotiations achieve the basis for a new beginning and a fair and honourable accommodation between the traditions in Ireland the Government could approach the electorate with the hope of a positive response.
- (4) The Irish Government delegation will continue to negotiate in good faith with a view to achieving a new agreement that would lead to peace throughout Ireland and reconciliation between the two traditions in our island.
- (5) If such an agreement, involving the consent of all the parties at the table, results from the present talks, the Irish Government will be willing to commend it for approval to the Oireachtas and - to the degree that Constitutional change may be required - to the people, for approval in a referendum."

CONFIDENTIAL

12 OCTOBER, 1992.

ND

ROUGH OUTLINE DRAFT FOR A POSSIBLE AGREEMENT

I

Introduction

1. The Government of the United Kingdom and the Government of Ireland, after negotiations in which representatives of the four democratic political parties in Northern Ireland (UUP, UDUP, SDLP and Alliance) participated fully, have drawn up the present Agreement. The Agreement is subject to ratification as provided in Section II below.
2. The Agreement is to be read as an integral whole and each of its parts is to be taken in conjunction with all of the others.
3. The Agreement may be cited as ["The British Irish Agreement 1992"?].

II

Ratification and entry into effect

4. This Agreement shall come into force when it has been democratically approved and ratified in each of the three jurisdictions. Ratification in Northern Ireland will be by referendum; in Ireland by legislation and referendum

amending the Irish Constitution so as to give constitutional approval to the Agreement; and in the United Kingdom Parliament by the enactment of legislation to give statutory force to the Agreement.

5. When the Agreement has been duly ratified and approved in each jurisdiction as provided in Article 4, it will be registered with the United Nations by both Governments as an International Treaty under Article 108 of the Charter.
6. The Agreement shall take effect on the day after completion in all three jurisdictions of the ratification process set out in Article 4. While it remains in effect, the Agreement shall supersede and replace the Anglo-Irish Agreement of November 1985.
7. The Agreement shall remain in effect for a period of thirty years from the date on which it comes into operation provided however that:
 - (1) the Agreement may be terminated on three months notice by joint decision of the two Governments acting with the assent of [any two] [all four] of the political parties in Northern Ireland referred to in Article I.
 - (2) the Agreement will cease to have effect if the two Governments, acting in conjunction, make a joint determination that the institutions provided for in Section V have not come into operation or that they have ceased to function effectively.

In either case the Anglo-Irish Agreement of 1985 shall again come into effect and both Governments will continue

to operate it fully.

8. If in any of the three jurisdictions there is a decision against ratification in the course of the ratification process set out in Article 4 above, then the present Agreement shall not come into effect and the signatories shall not be bound in any way by its terms. In that event, the Anglo-Irish Agreement of November 1985 shall remain in effect and will continue to be operated by the two Governments.

III

Declarations by each of the two Governments

9. As the sovereign Governments involved, the Government of the United Kingdom and the Government of Ireland have each made a declaration in relation to their policy in respect of Northern Ireland. These declarations are set out in Articles 10, 11, and in Articles 12 and 13 respectively. The two Governments have also joined with all four of the Northern Ireland political parties to the negotiation in a common declaration as set out in Articles 14 to 17 below.

Declaration by the Irish Government

10. The Irish Government, while committed to the principle of self determination, recognise that the people of Ireland differ in their cultural traditions and in their political outlook. It is for the Irish Government a matter for regret that these differences became the basis

for a political division in the island in the early part of this century. They fully accept, however, that this political division of the island of Ireland cannot now be ended without the free consent of a majority of the people of Northern Ireland. It remains the hope of the Irish Government that the diverse cultural and political traditions on the island will in the future find it possible, peacefully and by agreement, to come together in greater unity under political structures freely negotiated and agreed to by the people of the North and by the people of the South.

11. The Irish Government will introduce legislation to provide for an amendment of the Irish Constitution to permit ratification of the present Agreement including the present declaration.

Declaration by the British Government

12. Her Majesty's Government reiterate that Britain has now no selfish strategic, political or economic interest in Northern Ireland. Its sole interest is to encourage peace and reconciliation within Northern Ireland and within the island of Ireland; and close and friendly relations between the peoples of both islands.
13. Her Majesty's Government declare, therefore, that they would gladly accept and give effect to any new arrangements to bring North and South in Ireland closer together politically and economically provided that such arrangements were freely negotiated and agreed to by the people of the North and by the people of the South. If the outcome of such a future negotiation were to be a

decision by the people of the North and by the people of the South, freely taken by a majority vote in each area, to come together in greater unity, then Her Majesty's Government on behalf of the British people would welcome this, subject only to the requirement for consent freely sought and freely given.

IV

Declaration by all parties to the negotiations

14. We, the representatives of the two sovereign Governments and of the four democratic political parties in Northern Ireland, taking account of the preceding declarations by the Irish and the British Governments respectively, solemnly commit ourselves to a new and determined effort to bring peace to the island of Ireland. Past efforts to overcome the legacy of a troubled history have failed. Now is the time to make a new beginning.

15. We intend this Agreement between us to mark a decisive break with the past and an end to conflict and dissension. We acknowledge that all of us have made mistakes in the past. We pledge ourselves now to work for a growth of trust and confidence between our peoples on a basis of generosity and understanding by each, of the other's traditions and aspirations. In doing so it shall be our aim to build on the many things which all who live in the island of Ireland have in common and on what is best in the shared history of the peoples of Britain and Ireland so as to construct a new political settlement, built through agreement and with the free consent of the communities concerned.

16. There are different aspirations, strongly held, in Northern Ireland today which reflect historical differences in outlook and sense of identity between the two main traditions in the island of Ireland. One section of the community seeks to maintain the status of Northern Ireland within the United Kingdom; the other looks to the achievement in the future, by agreement, of a sovereign, united Ireland.

17. In seeking to address this conflict of aspirations and of identities we commit ourselves solemnly to the principle that the consent of the governed is fundamental to the achievement of just and stable political institutions in any society; and we believe that stability and well-being will not be found in any political system which is refused allegiance or rejected on grounds of identity by a significant minority of those governed under it.

18. This principle applies both within Northern Ireland and in relation to the aspiration of one section of the community for a future united Ireland.

19. Within Northern Ireland there must be full and guaranteed rights and freedoms at the level of the individual citizen; the institutions and structures of society must be responsive to those who live under them; and each of the main traditions within the community must feel that its sense of identity and its outlook are satisfactorily accommodated and allowed full expression in those institutions and structures.

20. Similar considerations must apply insofar as the aspiration to a future sovereign united Ireland is concerned. It is clear that it could be achieved only by agreement and with the full consent of the Unionist community in Northern Ireland; and that in any future united Ireland that community would be entitled to require full and guaranteed individual freedoms and rights and full accommodation and satisfactory expression for its identity as a community.
21. In making this Agreement we do not seek to resolve once and for all the issue between the two legitimate aspirations in Northern Ireland. We have decided rather to agree between us now on a settlement for a specific period of years so as to allow time for reconciliation, healing and the growth of trust between the different traditions within the community; and to establish institutions and structures which will facilitate cooperation and promote confidence and trust.
22. As elected Governments and party representatives, we are confident that we speak between us for the overwhelming majority of the people in each of the three jurisdictions we represent in committing ourselves to these aims. We call solemnly on all persons of goodwill in both islands to join us in this task; and we look with confidence to the wider international community to support us in achieving it.
23. A first, vital step is an end to violence. Speaking as we do with the authority of elected representatives on behalf of the people of all three jurisdictions, we call solemnly on all of those who have taken up arms whether to advance their political aims or, as they see it, to

defend their community, its values and its way of life, to lay down their arms now and work with us for a peaceful way forward.

v

Constitutional status

24. The status of Northern Ireland for the thirty-year period of validity of this Agreement shall be that of a territory freely associated with Great Britain, within the United Kingdom, under the Crown. This status will be given statutory authority by the enactment of appropriate legislation by Parliament in the United Kingdom and constitutional approval in Ireland by amendment of the Irish Constitution so as to endorse the present Agreement.
25. At the end of that thirty-year period, the electorate in Northern Ireland will be consulted to ascertain whether they would wish the status of Northern Ireland to remain unchanged for a further period of twenty years or whether they would wish to see that status changed so as to provide for a closer and more direct political relationship between North and South in Ireland going beyond that provided for in the present Agreement.
26. During the period of validity of this Agreement, Northern Ireland will be governed under the provisions set out in the immediately following section of the Agreement. These provisions, taken together, may henceforth be cited as 'The Constitution of Northern Ireland'.

Institutional Arrangements - The Constitution of Northern Ireland

27. [It is envisaged that, at this point, the Agreement would make appropriate provision for whatever institutions may be worked out in the current negotiations - Strands One, Two and Three. These might include, among other things:-
- a) An Assembly on lines to be negotiated in Strand 1
 - b) A "Panel" or other institution with a supervising, monitoring and approving role in relation to the actions of any devolved administration in Northern Ireland. This body in addition to possible elected members, could have members appointed by the British and Irish Governments respectively and by a European body - either the European Court of Human Rights or the European Court of Justice.
 - c) A North/South Council of Ireland (with a Secretariat) which would have
 - (1) a coordination role in certain areas of activity North and South.
 - (2) A direct executive role in certain specified areas in which it would have full authority and responsibility for action.
 - d) Bill of Rights
 - e) Possibly a joint Court with membership drawn from North and South(?) This would deal with scheduled offences and with issues arising from the Bill of

Rights.

- f) Provisions on security - possibly restructuring of the police force in Northern Ireland and (possibly) North/South Commission (?)

- (g) A "residual" role for the Anglo-Irish Conference or some alternative British/Irish structure.

[These points are included here as a reminder only.]