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IMMEDIATE

For : David Donoghue  
5 November, 1992

From : A/Sec O hUiginn

1. We had discussions today with British officials on ways in which an intermission might be arranged. We stressed that in present circumstances all issues would be strictly ad referendum to Ministers. We indicated however that we felt it would be helpful to use the circumstances of the general election to achieve a "soft landing" for the Talks until early next year and that this might be related to the precedent established in Strand One for the British election earlier this year.
2. The British hoped this approach would be accepted by the Unionists but said they had no way of knowing whether this would be so until soundings were made by them tonight and by our Ministers tomorrow. They attached great importance to any such move being accompanied by a detailed statement (their draft sent by Mr. O'Donovan yesterday) and hoped we could work on this.
3. We said we assumed there would have to be some statement by the participants or Sir Ninian, but expressed reservations on their draft. While much of it was composed of agreed language we felt delegations might be concerned that the sum of ~~these aspects~~<sup>excepts</sup> might give an incomplete or unbalanced picture of the state of the negotiations. We pointed out the Irish Government had not been party to Strand One and Ministers should not be asked to identify themselves with an extensive statement, dealing disproportionately with internal Northern Ireland aspects, without careful consideration. We urged that a short procedural statement might be the best approach if, as we hoped, parties might agree to suspend, as opposed to ending, the Talks. The British text has been amended, and structured in such a way that part of it could serve as a short procedural statement, if that is the preference of Ministers. *Options would be (a) end after par 2 (b) end after par 11. Para 12-22 would not be acceptable and can be ignored for all practical purposes.*

## DRAFT FOR A POSSIBLE AGREED STATEMENT - 5 NOVEMBER 1992

1. The Talks participants at a Plenary meeting on - November took account of the fact that a general election is to take place in one of the two jurisdictions. They considered that in these circumstances the talks should be suspended for a limited period, following the precedent established in the case of the British general election earlier this year. They agreed to resume the process of dialogue early in the New Year, on the basis of the statement of March 26th 1991. This would be on the understanding that the two Governments, taking account of discussions in the meantime with the Northern Ireland party leaders, will have agreed a further interval between meetings of the Anglo-Irish Conference to enable dialogue to resume on the same basis as heretofore. They believe that the resumed Talks should seek to build upon and complete the progress made in discussions to date.
  
2. The Talks participants wish to record their deep gratitude to Sir Ninian Stephen for his dedicated role in chairing Strand 2 of the Talks from 6 July onwards and, in the later stages, presiding over the discussion of issues ranging across all three strands of the Talks. They appreciate and welcome his readiness to chair the resumed negotiations. They also thank the Australian Government for agreeing to make Sir Ninian available for this task and providing a senior official to support him in his role.

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3. The Talks have seen substantive and detailed engagement on issues of the first importance. In Strand One the Northern Ireland parties, together with the British Government, have reached provisional agreement on common themes and on principles which should underlie any new political institutions on Northern Ireland and have examined possible structures which might reflect them. In Strand Two delegations have discussed fundamental aspects of relationships within the island of Ireland and of the realities underlying them, including questions of identity and allegiance and constitutional issues. They have examined the scope for enhanced co-operation

within the island of Ireland in the social, economic, security and other fields. They have considered the nature of the structures which might best serve as a vehicle for such cooperation and the conditions necessary for their successful operation. In Strand Three the two Governments, in liaison with the other participants, have addressed possible principles for a new and more broadly-based agreement and possible intergovernmental arrangements.

4. The political dialogue which has taken place in this framework so far has been unprecedented and very valuable. It has addressed both the issues which unite the two traditions in Ireland and those which divide them. It has established common ground in many areas.
5. All of the participants are motivated by a profound concern to help resolve the differences which have led to so much human tragedy and material loss. They are deeply conscious of the yearning of all their peoples for peace and remain determined that the Talks process should make the maximum possible contribution to this goal.
6. It is a fundamental principle for all participants that, in accordance with democratic principles, constitutional and political differences should be resolved exclusively by peaceful means. They collectively reaffirm their total abhorrence of and opposition to all forms of terrorism, from whatever source they may come or whatever cause they purport to serve. They agree that all such activity must be dealt with in accordance with the rule of law and through its impartial and effective enforcement by the relevant authorities. They believe that any new arrangements should be conducive to ending terrorism, maintaining and advancing effective security co-operation, promoting justice and achieving lasting peace and stability.

3

7. They accept and affirm that there are at least two distinct communal identities within Northern Ireland reflecting the two major traditions in the island of Ireland. Each must be given respect and recognition by the other so that they can be appropriately accommodated in any new political structures, taking account of the wider framework of relationships within these islands. Each individual and community has the right to define their own identity; and that right and identity should be respected. They reaffirm that any new political institutions should be such as to give expression to the identity and validity of each main tradition. They are all committed to encouraging a healing process in which differences will be respected and divisions healed by agreement.
8. The participants consider that any comprehensive agreement resulting from the resumed Talks should reflect a shared understanding of the constitutional issues which achieves a balanced accommodation of the differing positions of the two main traditions in relation to them. It is accepted that in the resumed negotiations it will be open to all delegations to raise, and to seek to achieve change, in regard to all constitutional issues of concern to them. They acknowledge the importance of these issues for both traditions and the need for further work to reconcile the sincere and deeply held views of both sides.
9. The discussions have confirmed the analysis underlying the 26 March statement that for Northern Ireland the internal and external relationships are interlinked and that, in order to be stable and acceptable, a political accommodation is required which gives adequate expression to the totality of relationships described in that statement.
10. The statement of 26 March recorded that all parties accepted that nothing would be finally agreed in any of the three Strands of the Talks until everything was agreed in the Talks as a whole, and that confidentiality would be maintained to that end.

4



11. These Talks have been of historic importance. They have given each of the parties involved - the two sovereign Governments and the four Northern Ireland parties - the opportunity to develop a very full understanding of the positions of every other party. They have not as yet resulted in agreement on this deep-seated and long-standing problem. But they have brought the parties together in discussion of fundamental issues, and have given to each a clearer and fuller understanding of the requirements which must be accommodated in any political settlement. The participants remain convinced that the Talks have the potential to lead to such a comprehensive settlement. They are convinced that the process must be kept in being and the effort to achieve a settlement pursued for the sake of the people of Northern Ireland, of the whole island of Ireland and of these islands.
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Strand 1

12. Northern Ireland should as far as practicable be governed through institutions accountable to people who live there, under arrangements which afford the opportunity for democratically elected representatives from all sides of the community to play a full part. The British Government is of course accountable through Parliament at Westminster, but in the particular circumstances of Northern Ireland these arrangements are not ideal for many local issues and there is scope for giving locally accountable representatives a fuller role to play.
13. Any such institutions should include an elected body with powers in respect of matters within its sphere of responsibility. The method of election should be proportional representation with a single transferable vote.
14. Any new political institutions in Northern Ireland should be:
- a. based on democratic principles and reflect the wishes of the electorate;

- b. 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 have a meaningful function to perform;
- c. stable and durable in the sense of not being dependent on a particular election result or political deal. The system should, so far as possible, be self sustaining;
- d. capable of development, in response to changing political realities, with the agreement of all concerned;
- e. workable, in the sense of being as straightforward to operate as possible;
- f. 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;
- g. such as to provide all 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;
- h. able to function effectively, efficiently and decisively within clearly defined areas of responsibility;
- i. innovative, in the sense of learning from and not merely modelled on any previous arrangements;
- j. established within a defined relationship with UK institutions;
- k. competent to manage any relationship developed in Strand 2 of the Talks;

- l. capable of developing a direct relationship with EC institutions;
  - m. capable of developing relationships with any developed institutions in Great Britain present or future;
  - n. capable of securing public endorsement;
  - o. consistent with the maximum possible delegation of authority;
  - p. 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.
15. Any new political and other structures for Northern Ireland should acknowledge and, as far as possible, give expression to the cultural, religious and political diversity of the people there.
16. Greater formal protection for civil and human rights would be desirable. Further consideration needs to be given to the form of such protection.

Strands 2 and 3

17. Talks participants agree that good and harmonious relations between the two parts of the island of Ireland should be furthered. Practical co-operation in their mutual interest should be encouraged. They agree on the need for structured arrangements to facilitate the desired communication and co-operation. They have identified a wide range of matters as fruitful areas for enhanced co-operation.
18. They accept that agreement on any such structured arrangements, the resolution of outstanding issues on new political institutions in Northern Ireland, and the resolution of outstanding constitutional issues, are inter-dependent.



Subject to that, any such structural arrangements should be designed to enhance the economic and social well-being of people in both parts of the island of Ireland, foster understanding and trust between the two traditions, and recognise and express their identities. They should go beyond facilitation of ad hoc contacts, and should provide structures for communication and co-operation. The nature and extent of the functions to be exercised in these structures, and the level of representation, would be determined according to the subject matter. Decisions would be taken only by consensus. There would need to be accountability for decisions taken and funds expended. Such structures should have capacity for dynamic development by agreement. Further consideration needs to be given to a range of important issues, including the nature of the authority exercised within such structures; the means of ensuring financial and political accountability; and the relationship between the inter-parliamentary element of such arrangements and the structures which are established to promote contact and co-operation between those exercising executive responsibilities in the two parts of Ireland.

19. If further discussions achieved the basis of 'a new beginning' in the relationship between the two traditions in Ireland, and if agreement on a fair and honourable accommodation between them were to entail any constitutional consequences, then the Irish Government declares that it could approach the Irish electorate to endorse proposed constitutional changes with the hope and prospect of a positive response.
20. If further discussions are successful, they will require a new agreement between the two sovereign Governments. This should be more broadly based, reflecting the totality of relationships, and with a formal input for new political institutions in Northern Ireland.

21. All the Talks participants agree on the importance of maintaining and advancing effective security co-operation, and of securing and sustaining the full confidence of all members of the community towards the security forces. Further study is needed as to how to achieve these goals. This should include consideration of the input from elected representatives in Northern Ireland.

Endorsement

22. The widest possible public endorsement should be sought for any comprehensive accommodation resulting from further Talks, both in Northern Ireland and more widely as appropriate.