



An Chartlann Náisiúnta
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Annex H
Rev of 14/10
(Paras 1-11 broadly acceptable
on both sides)

Status of Paper

1. British and Irish officials were instructed at the meeting of the Anglo-Irish Intergovernmental Conference on 10 September to use their best endeavours to draft a joint illustrative working paper, without commitment on either side and ad referendum to Ministers, whose object was to seek to identify, as a basis for discussion, aspects of a possible outcome, consistent with the agreed statement of 26 March 1991, likely to prove acceptable to all parties to talks. They were also instructed to submit their conclusions for discussion at the next meeting of the Intergovernmental Conference on 27 October.

2. The Secretary of State informed the Conference that Michael Ancram would be continuing, within the same time frame, his bilateral discussions with the NI political parties.

3. The following joint paper represents the outcome of discussions within the Liaison Group for consideration by Ministers in the Conference. It is accepted on both sides that this joint paper and the discussions related to it will not be the subject of discussion, still less negotiation with the NI parties unless both Governments agree beforehand whether and how this should be done.

General Principles

4. The British and Irish Governments are partners together in a unique relationship. They are each other's closest neighbour. They are both members of the European Community.

5. Both Governments are both deeply affected by continuing conflict in Northern Ireland, and the legacy of their difficult historical relationship. They share a deep concern to find a solution to this tragic problem. They are committed ~~(in these talks)~~ to the search for

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a new beginning for relationships within Northern Ireland, within the island of Ireland and between the peoples of these islands. [They accordingly look forward to further developing the partnership that already closely links both countries in ways that take account of the views of the main constitutional parties in Northern Ireland and the wishes of its people.]

6. The two 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 to address the totality of relationships within these islands. The Anglo-Irish Intergovernmental Council was established in 1981 with this purpose in view.

established a structure
7. In the Anglo-Irish Agreement, signed in 1985, the two Governments ~~set out a basis~~ *agreed*, within the framework of the Anglo-Irish Intergovernmental Council, for dealing on a regular basis with a range of issues concerned with Northern Ireland and with relations between the two parts of the island of Ireland.

[8. The Agreement reflects their common desire to work together to achieve the aims of promoting peace and stability in Northern Ireland; helping to reconcile the two major traditions in Ireland; creating a new climate of friendship and co-operation between the people of the two countries; and improving co-operation in combating terrorism.]

9. The preamble to the Agreement sets out a number of principles which the two Governments hold in common and on which the Agreement is based:

- recognition of the major interest of both our countries and, above all, of the people of Northern Ireland in diminishing the divisions there and achieving lasting peace and stability;

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

10. The Agreement established an Intergovernmental Conference in which the Irish Government puts forward views and proposals concerning stated aspects of Northern Ireland affairs; in which the promotion of cross-border co-operation is discussed; and in which determined efforts are made to resolve any differences between the two Governments. Both Governments agree that these elements of the present Agreement, and the way in which it gives institutional expression to a legitimate concern and role for the Irish Government in relation to Northern Ireland, must be fully provided for in any new and more broadly based agreement.

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11. Both Governments re-affirm their full commitment to all the provisions of the Agreement and to its shared understandings and purposes set out in the preamble and in the Agreement itself as well as in the Hillsborough Communique of 15 November 1985. As its signatories, they are also prepared to consider a new and more broadly based agreement or structure if such an agreement can be arrived at through direct discussion and negotiation between all the parties concerned. They agree that any new agreement should enhance the structures of co-operation established between the two Governments under the Agreement.

12. Both Governments also accept that the Nationalist and Unionist identities are equally valid, and that the principles of equality of opportunity, equity of treatment and parity of esteem for all their citizens must be upheld and applied. They will continue to work to ensure that, within their respective jurisdictions, these principles will be fully upheld.

13. Against this background, both Governments wish to continue to work with the parties to reach agreement by peaceful negotiation and dialogue in ways in which differences are respected; divisions healed; the legitimate interests and aspirations of all the people of the island of Ireland peacefully accommodated; and the key relationships relevant to Northern Ireland resolved. They are both ready to take steps which will help the process of finding agreement.

Devolution

14. Both Governments continue to 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 main communities and other groupings which attain sufficient electoral support to participate fully in the structures and processes of Government in a society in which all may live in peace.

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15. Both Governments reaffirm that this policy should be carried forward through dialogue and negotiation involving the main Northern Ireland constitutional parties, as part of a process encompassing wider relationships including the relationship between new agreed political institutions within Northern Ireland and the Westminster Parliament, among the people of the island of Ireland, and between the Governments.

16. 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.

North/South Institutions

17. Both Governments envisage that new institutions might be created, in the context of a comprehensive new agreement, which would enable representatives of the various communities, North and South, to enter into new, amicable and constructive relationships. The two Governments would hope that those new relationships would be based on mutual respect and trust, would progressively reduce the feelings of distrust which have characterised relationships in the past, and would lead to greater and closer friendship among the people living on the island of Ireland.

18. Both Governments are accordingly prepared, in the context of such an agreement, to promote the necessary legislation in their respective Parliaments to establish a new institutional framework to bring together representatives of the Irish Government and representatives of new agreed political institutions in Northern Ireland.

19. Both Governments reaffirm their view that such an agreement should be sought through dialogue and negotiation involving the main Northern Ireland constitutional parties as part of a wider process.

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Both Governments believe that the legislation should provide, within the framework, for:

- (i) clear institutional identity and purpose, and
- (ii) the ability, within defined parameters, to discharge or oversee mandated executive functions.

21. Both Governments envisage that the framework would include a joint administrative support unit, staffed by members of the Northern Ireland Civil Service and the Irish Civil Service.

22. Both Governments envisage regular and frequent meetings within the new framework to consider issues of concern; co-ordinate approaches to the EC (where appropriate, in consultation with the British Government) and cross-border projects; consider and recommend co-operative action and the establishment of cross-border or all Ireland executive agencies by the respective legislatures.

23. They also expect that the framework would have or be able, subject to democratic approval, to discharge or oversee suitable cross-border executive functions. There would also be a programme of reviews within the framework into the scope for enhancing communication, co-operation and service delivery within the island of Ireland.

24. Both Governments also envisage that all decisions within the framework would be by agreement between the two sides, appropriately mandated, and that there would also be input from representatives of the UK Government and Parliament as appropriate.

25. Both Governments envisage that this 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 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.

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26. Both Governments also 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.

Intergovernmental relations

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

28. They also envisage that they would agree to maintain arrangements whereby there is a standing Intergovernmental Conference involving, but not always only attended by the Secretary of State for Northern Ireland and an appropriate representative of the Irish Government. It would be supported by a permanent secretariat staffed by UK and Irish Civil Servants (see para 33 below).

29. Both Governments envisage that representatives of agreed political institutions in Northern Ireland should have formal rights to know in advance what is to be discussed in the Conference, to express views to either Government and to receive progress reports from Governments. These representatives should attend parts of the meetings of the Conference at the invitation of both Governments.

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 the continuing responsibilities of the Secretary of State for Northern Ireland are

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relevant or matters are brought to the attention of both Governments by the proposed new framework. It would, therefore, remain open to the Irish Government to put forward views and proposals on matters relating to Northern Ireland which remain the direct responsibility of the British Government.

31. Both Governments also envisage that the Conference should 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 administration of government within its own jurisdiction.

33. Both Governments also envisage a standing Secretariat, jointly staffed by Civil Servants from the United Kingdom and the Irish Republic, to support the Conference and provide a channel of communication between the two Governments on matters within the remit of the Conference. The Secretariat could liaise with the joint administrative support unit established to support the new institutional framework (and other new North/South institutions) described above. Both Governments also believe that the working of the Conference (and Secretariat) should be the subject of periodic review.

34. Both Governments also believe that there should be such continued Interparliamentary liaison as the Westminster Parliament and Oireachtas decided upon.

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Constitutional Issues

35. Both Governments have a shared understanding of the constitutional issues which they believe reflects a balanced accommodation of the differing positions of the two main traditions. This includes the elements described in the following paragraphs.

36. Both Governments accept that Northern Ireland is part of the United Kingdom, in accordance with the present wishes of a majority of its people and that it would be wrong to change that status without the consent of such a majority.

37. The British Government affirms that it has no selfish strategic or economic interest in retaining Northern Ireland within the United Kingdom against the wishes of its people.

38. The British Government 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 from a basis of parity of esteem, by peaceful and democratic means and without impediment.

39. Both Governments are agreed 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, both Governments will introduce and support in their respective Parliaments legislation to give effect to that wish.

40. The British Government will work to ensure efficient, effective and even handed government in Northern Ireland unless and until it may cease to be part of the United Kingdom in the circumstances envisaged in the preceding paragraph.

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41. Against this background, the Irish Government declares that, if there is an agreed outcome from the process of dialogue established by the statement of 26 March 1991 consistent with these principles, it will put forward proposals for the amendment of Articles 2 and 3 of the Irish Constitution to reflect the understandings in this document and seek the necessary support for their implementation. It envisages that the amendments would provide...

42. The British Government similarly declares it will take the necessary steps to initiate and support changes in UK constitutional legislation to reflect the same understanding.

Endorsement

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