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Secret

TANAISTE AND MINISTER FOR FOREIGN AFFAIRS
AIDE - MEMOIRE

For the Information of the Government
September 7th 1994

*circulate to
T.M. note at
to day
to M.
7/9/94*

The Tanaiste and Minister for Foreign Affairs wishes his colleagues to note:

- (i) certain progress that has been made in Liaison Group discussions leading to the preparation of a Framework Document for inter-Party talks in Northern Ireland;
- (ii) that approval of the final document will in due course involve consideration of changes in Articles 2 and 3 of the Constitution, and will take place before a Summit meeting in early autumn, probably October.

1. Discussions have continued on the development of a Framework Document, aimed at assisting the development of an overall settlement of the Northern Ireland question. The Document is intended to express the shared understanding of the two Governments on the broad lines of an accommodation. It would provide a common platform for the two Governments in the search for renewed political dialogue, but the text, as such, would not be for renegotiation with the parties. Discussions on the Framework Document are intended to be finalised in time for a Summit in the early autumn.
2. The discussions have been based on the need to build on the principles contained in the Joint Declaration (including in particular the principles of self-determination and consent), and have centred on four broad headings:
 - internal arrangements within Northern Ireland;
 - structures to facilitate dynamic cooperation between North and South;
 - relations between the two Governments, including preparations for a new, comprehensive Anglo-Irish Agreement;
 - changes in the constitutional position in both jurisdictions.
3. In regard to internal arrangements, it has been broadly agreed that new structures will be a matter for negotiation and agreement between the Parties within Northern Ireland, subject to certain criteria, such as cross-community support. No specific model is prescribed. (References in some media reports to an 85-seat Assembly, etc., do not relate to the Document, but reflect the assumption that internal structures might be on the lines discussed in the 1992 Talks).

4. In regard to North-South cooperation, while no final agreement has yet been reached, the Irish side has put forward the position that such structures must be designed to cater adequately for present and future political, social, and economic inter-connections on the island of Ireland. The structures must be designed so as to ensure their dynamic potential, and will be mandated by legislation in both sovereign Parliaments. They will carry out executive, harmonising, or consultative functions, as appropriate. Following the work of the inter-Departmental Committee established on the instructions of the Government, the Irish side to the negotiations has discussed a range of possible functions that could be carried out by the North-South body or bodies and we have argued for a strong European dimension. The range of activities could include agriculture, industrial development, trade, tourism, transport, fisheries, environment, energy, communications health, social welfare, education, broadcasting, the arts and culture. A formal submission on these issues will be presented to the British side shortly, after political clearance.
5. In regard to East-West structures, both Governments envisage a new Agreement between them, dedicated to fostering cooperation, reconciliation and agreement in Ireland at all levels. The Inter-Governmental Conference will be maintained, and provision may be made for associating the representatives of agreed political structures in Northern Ireland with the Conference. All new arrangements would be complemented and underpinned by an Instrument of Rights, binding and enforceable in Northern Ireland, and possibly with application in this jurisdiction also. Provision is also made for the possibility of a Charter or Covenant, adopted on behalf of the people of Ireland, which would enshrine a solemn dedication to the protection of rights and to mutual respect between the two traditions.
6. Discussion is continuing about the balanced constitutional changes that might be proposed as part of the overall agreement. The British side is prepared to introduce legislative change which would reflect underlying principles of the Joint Declaration in British constitutional law. This could take the form either of changes to existing legislation (including the Government of Ireland Act) or of appropriate new legislation. For our part we have put forward changes in Articles 2 and 3 of the Constitution, the intention of which would be to remove the claim of territorial jurisdiction as of right from the Constitution, and to enshrine the principle of consent and a commitment to exclusively peaceful and constitutional means in relation to the re-unification of Ireland. In this area too, intensive discussion is continuing, with both sides maintaining strong positions.
7. The Tanaiste and Minister for Foreign Affairs intends that any final agreement on a Framework Document would be submitted to Government for consideration prior to adoption at a Summit. The Government will also have to consider at that stage, whether, and in what way, the Document should be published.