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AN ROINN GNÓTHAÍ EACHTRACHA
DEPARTMENT OF FOREIGN AFFAIRS

BAILE ATHA CLIATH 2

(27)

25 January, 1994

Dr. Martin Mansergh,
Department of the Taoiseach,
Government Buildings.

Mr. Nolan

Mr. Corbett

*Have you any obs
on this pt?*

Dear Martin,

*By 31
1/94*

Forum for Peace and Reconciliation

We have been giving some thought, as requested, to the issues likely to arise in relation to the Forum envisaged in the Joint Declaration. At this preliminary stage it is perhaps easier to flag some problems than to point to clear solutions.

The proposed Forum will require the Government to decide a number of strategic questions on its purpose and format. Secondly there will be a number of sensitive, if rather more clear-cut issues, for political decision - for example the Chairmanship.

Thirdly, there will be a wide range of administrative decisions relating to budget, staffing, etc.

In terms of strategic decisions, the most basic is to decide the precise objective to be sought from the Forum.

Its main original purpose was clearly to offer a peaceful alternative strategy to Sinn Fein and an immediate political outlet upon a cessation of violence, where it might take part in shaping an agreed nationalist position on the future of the island, as a preparation for negotiations involving both Governments and all parties. The report of such a body, if agreed by Sinn Fein and clearly based on a peaceful process, would in itself be an important demonstration - for example for the British to invoke vis-a-vis the Unionists - that Sinn Fein

should be accepted as a democratic party. This original purpose still seems the main benefit the Forum has to offer.

However, any exclusively nationalist mandate for the Forum would attract Opposition criticism and perhaps boycott. It would also contradict the balanced approach taken by the Government in the Declaration, and undo much of what has been achieved in that way. The mandate will therefore have to be open to all parties.

If a Forum is convened the most likely response is that the DUP will refuse loudly, the UUP will decline politely, possibly with some gesture in the form of personal submissions or suchlike, and Alliance will accept, since given their weak political base, the media coverage and the opportunity to act as "stand-in" for unionism and as moral arbiters between unionism and nationalism will be a very tempting proposition.

If the Forum affords a disproportionate influence - essentially in media terms - for Alliance it seems to me inevitable that this will eventually serve those parties in this jurisdiction whose policies are closest to the Alliance agenda rather than the Government.

This in turn raises the question of the role of the Forum in relation to future negotiations. If it is essentially a preparatory mechanism, will the Forum be a vehicle for Opposition parties to demand participation in such negotiations? If the report(s) of the Forum are in the form of majority/minority reports, will this in any way complicate the Government position in later negotiations?

There is, in short, an unresolved overlap between actual negotiations about the future of the island and the model of the Forum involving debate between the two traditions in Ireland (even the pro-union position is represented only by Alliance, who

will give most of the theoretical difficulties but few of the practical benefits of dealing with the real unionists).

Put more simply, if the Forum does not fulfil its purpose in relation to Sinn Fein, is it not more useful to concentrate our efforts on getting the representatives of the two traditions engaged as soon as possible in actual negotiations involving both Governments, rather than a theoretical and perhaps unrepresentative exercise in the Forum? I feel the suggestion that the Forum should be convened without Sinn Fein, if they fail to renounce violence, should be treated very warily for this reason.

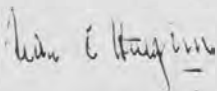
If Sinn Fein make the commitment to peaceful politics, it will hopefully prove possible, with skilful management and drafting, to achieve the objective of agreed Forum report(s) which, like the Declaration itself, offer a sustainable compromise to both traditions. The advisory role of the Forum will enable the Government to exercise discretion as to which recommendations it adopts as policy, subject perhaps to some controversy. The danger to be avoided is "falling between the stools" of being neither a satisfactory internal dialogue among nationalists nor a representative engagement between the two traditions, but instead becoming a liability in terms of public credibility and the promotion of understanding.

Another "strategic" consideration is whether the Forum is to be permanent or not. Is it a "task-force" preparing for negotiations, or a standing body for North-South harmonisation. The latter task is probably best carried out in the long-term in some operational or executive North-South structure specifically mandated for that purpose. Perhaps the way to handle this issue would be to set a target date for reports, and leave it open to the Government to use its discretion as convenor to decide on the future of the Forum in the light of circumstances at that point.

I have not dealt with the proposal for a loyalist forum. Although Peter Robinson and John Hume have made noises in favour, and the loyalist paramilitaries might like it, I think the UUP would find it very difficult to participate, again raising questions of representativity and credibility.

I attach a first "check-list" of the kind of points that will arise in relation to the Forum. Perhaps the next stage might be a more formal inter-departmental structure to develop the options under these headings, in the light of any political guidelines we may be give on overall strategy.

Yours sincerely,



Sean O hUiginn
Assistant Secretary

Forum for Peace and Reconciliation

1. The purpose of the Forum, as set out in the Joint Declaration is "to make recommendations on ways in which agreement and trust between both traditions in Ireland can be promoted and established".
2. The Taoiseach, speaking in the Dail on 17th December, set out a number of general principles relating to it:
 - The Forum would be advisory and consultative (i. e. not an embryonic alternative authority to the Irish Government).
 - Its duration is open ("for as long as necessary").
 - It will deal with the "steps required to remove the barriers of distrust which at present divide the people of Ireland and also stand in the way of the exercise by them of self-determination on a basis of equality" and made recommendations on how "respect for the rights and identities of both traditions in Ireland can be promoted and established".
 - It will be open to democratically mandated political parties in Ireland, which abide exclusively by the democratic process, are committed to peaceful means, and respect the lawful institutions of the State.
 - It would be organised on similar principles to the New Ireland Forum.
3. By analogy with the New Ireland Forum a range of political decisions will arise concerning the organisation and methods of the Forum:

- (a) Participation: Presumably the Irish Government as Convenor would issue invitations to all democratic parties in Ireland above a certain threshold of support. Independents were not included in the New Ireland Forum. The Government would have to decide either on a broadly proportionate approach, as in the New Ireland Forum (FF 9, FG 8, Labour 5, SDLP 5) or a "flat" participation of X per party as in the Brooke Talks. In the New Ireland Forum both Labour and the SDLP were allowed a slight over-representation.
- (b) Chairmanship: An independent Chairman would presumably be necessary. His or her identity could be a significant factor in determining the response of the pro-union parties, and the direction of the Forum generally.
- (c) Secretariat: A Secretariat seconded from relevant Departments and/or recruited on a temporary basis would probably require at least as many people as the New Ireland Forum (20 in all: 9 secretariat staff, 11 press and administrative staff).
- (d) Terms of Reference and Rules of Procedure: The terms of reference might amplify the Taoiseach's Dail statement to develop a mandate of broad goals for the Forum and specific objectives in term of reports, etc. It might include indications of various agenda headings (economic, social, political, etc.) for consideration, and possibly proposals for corresponding sub-committees. The Rules of Procedure would presumably enshrine a simple set of rules to be agreed by participants and applied by the Chairman. Since a majority voting system would be unacceptable there would be provisions for consensus (including minority/majority reports) in terms of the Forum's conclusions. The overall terms of reference might contain discreet safeguards to ensure the Forum did not

stray into the legislative or executive sphere. However it would be open to the Government, by adopting and implementing certain proposals, to give the Forum a direct influence in these areas, subject to the Governments discretion.

- (e) Timing: There is potential contradiction between the concept of the Forum as a permanent body stimulating North/South understanding (a role which in the long term might be better entrusted to some more operational institution) and the concept of the Forum as a kind of task-force to make a specific report. This might be handled by assigning a timetable for initial reports (say six months? The New Ireland Forum over-ran its seven-month target by five months). The Government could retain discretion whether and to what extent to continue the Forum afterwards. It is likely, that in line with the New Ireland Forum, provision would have to be made for submissions from the public.

- (f) Venue: Dublin Castle? There would presumably be strong unionist objections to any session being held in Northern Ireland.

- (g) Administrative arrangements: It would be necessary to decide (i) a budget for the Forum, including the question of expenses for participants; (ii) secondment of staff to the Secretariat of the Forum; and (iii) Provisions for commissioning outside studies. A range of procedural issues such as privilege of participants, balance between public and private sessions, media rules, security provisions etc. would also have to be agreed.