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Speech by the Taoiseach Mr. Bertie Ahern, TD on the Approval of the Multi-Party Agreement in Belfast on Good Friday, 10 April and on the Second Reading of the 19th Amendment to the Constitution Bill, Seanad Eireann, Wednesday, 22 April 1998 at 4pm approx.

CHECK AGAINST DELIVERY

Assessment of Agreement

I am laying before the House a settlement for peace in Northern Ireland. The political agreement concluded between all the participating parties on Good Friday, 10 April represents a major breakthrough in terms of consolidating peace and ending 30 years of conflict. The Agreement is historic in the true sense of the word. It not only supersedes previous initiatives, but it replaces both the legislation and the settlement of 1920 and 1921. In its place is an agreement capable for the first time of winning the support of both traditions in the North, and the support of North and South, as well as enhancing co-operation throughout these islands.

It is the culmination of many years' effort devoted to the peace process and of the three strand talks which began in 1991. Both have come together in one agreement. Many people have contributed to this achievement and shown real statesmanship. I would like to salute the political courage and leadership shown by John Hume and Gerry Adams and their close colleagues, also the priests who brought parties together. The Ulster Unionist leadership under David Trimble have made an indispensable and courageous contribution by their participation in negotiating and concluding this Agreement. Dr. John Alderdice of Alliance, the Loyalist leaders, the Women's Coalition and Labour in Northern Ireland also played a valuable role in supporting accommodation and bridging difference. The commitment of the British Prime Minister, Tony Blair, who put his full weight and presence behind the negotiations, was obviously of huge importance, as was the courage and perseverance of his Secretary of State Mo Mowlam, and her Deputy, Paul Murphy. I would also like to pay tribute to the essential groundwork of his predecessor John Major. I would like to pay tribute to my predecessors, Charles Haughey, who was Taoiseach when the process started, Albert Reynolds who concluded the Downing Street Declaration, and who made the first historic breakthrough towards ending violence, Deputy John Bruton who helped set the parameters and ground rules that started the talks in their most recent phase since June 1996, and Deputy Dick Spring who under successive Governments oversaw the preparation of the immensely valuable Framework Document, and Minister

Andrews, as well as Minister Liz O'Donnell, deserve our warmest thanks for the leadership they gave the Irish Government team in the talks, as do the other Ministers and Ministers of State who attended on a regular basis since 1996. The Attorney-General, David Byrne provided a vital input into key parts of the Agreement. The inter-departmental team of officials and advisers also deserve our gratitude for helping to pull the Strands of the Agreement together, as indeed do the officials attached to the British side and to the different party teams as well as the staff working with the Talks Chairmen. I would like to congratulate Senator George Mitchell and his colleagues, former Prime Minister Harri Holkeri and General John de Chastelain on their great achievement, and thank them for their wisdom and patience.

I have already conveyed my warm thanks to President Bill Clinton, whose support and encouragement for all the participants was a key element in this process. The US Ambassador, Jean Kennedy-Smith, has also played a quite special and historic role. I also want to thank EU Commission President Santer and Regional Commissioner Wulf-Mathies for all the generous material support they have given to peace and reconstruction in Northern Ireland and the border areas.

Our immediate task is to have the Agreement approved on both sides of the border. This will represent a concurrent act of self-determination by the people of Ireland as a whole for the first time since 1918. Such a vote will remove any false vestige of democratic self-justification for further acts of violence from any quarter, Republican or Loyalist. All remaining paramilitary groups should cease armed activity forthwith.

The whole basis of the settlement is the recognition that we have to live together on this island, and for that we need peace, stability and reconciliation. Neither tradition has the means to impose its will on the other. An accommodation is essential for the well-being and prosperity of all. Inevitably, this will involve for everyone changes in our ways of thinking, greater tolerance and generosity, and a more sympathetic understanding of the needs of others. We have to foster confidence in all sections of the community.

Constitutional Issues

This Agreement is first and foremost a balanced constitutional settlement, that provides a peaceful method of resolving fundamental differences in the future while creating a basis for practical partnership and co-operation now. Real balance, which we have sought since 1992, has been achieved, with fundamental and important changes in both British and Irish constitutional law. We are reformulating Articles 2 and 3, not abolishing them.

If the Government had declined to enter into discussions on our constitutional position, there would have been no multi-party negotiations, no agreement, and, I am afraid, no peace. We took the same view as the Secretary of State Dr. Mowlam, that the status quo is not acceptable, and therefore some movement was required on all sides, including ourselves.

The purpose of the changes is to reinforce the principle that in Ireland, North and South, it is the people who are sovereign, and who have shared ownership of the territory of Ireland. Any British territorial claim of sovereignty, made without reference to consent, going back to the Government of Ireland Act, 1920, the Act of Union or for that matter to 1170, will be superseded in the British Act, and becomes irrelevant for the future. The principle of consent is paramount. From now on, everything will hinge on that. This represents a substantial change. Moreover, consent is now for the first time formally recognised to be a two way process. The importance of this cannot be emphasised enough.

The foundation stone of this State, as well as of the peace process, the right to national self-determination in its full political, social and cultural meaning, remains untouched in Article 1, to which de Valera attached most importance, and would not let go even in the context of a united Ireland.

The reformulation of Articles 2 and 3 and 29 reflects modern, progressive Republican thought that is truly pluralist, and keeps faith with the inclusive tradition of Irish nationalism, stemming from Wolfe Tone and the United Irishmen. The nation is defined in terms of people, but people related to a specific territory, the island of Ireland. Henceforth, we do not insist on press-ganging those who are determined that they are not a part of the nation. As a consequence of that, we no longer say, or appear to say, that the territory is ours, not theirs, but rather that it is shared by all of us.

For the first time, we firmly anchor in the Constitution and, very importantly, in international law, the Irish nationality and citizenship rights of everyone born on the island, who wants to avail of them. There is no question of anyone being made an alien in their own country. The nation is not territorially disembodied. It is defined in clear terms as a 32-county entity. The State remains as it was interpreted to be in the McGimpsey judgement in 1990, a 26-county one. On a different level, we also recognise for the first time the Irish diaspora, who played their own notable part in the peace process.

A nation normally has, other things being equal, a right to statehood. Our position as reiterated here in the proposed Articles 2 and 3 is that the 32 county Irish nation has a right to statehood, but we recognise that, for that to come about, the consent principle must first be satisfied. The firm will of the Irish nation to unity is expressed in the language of the 1967 Constitutional Review Committee, but it can only be achieved by consent, North and South. The words 'in harmony and friendship' apply to the process of seeking unity. Whereas under the present Articles 2, 3 and 29, Northern Ireland and the unity of Ireland are treated as issues to be settled between the British and Irish Governments on their own, without necessarily any reference to the wishes of the people in Northern Ireland, and therefore demonstrably lack effectiveness, the new Articles provide a realistic mechanism for bringing about Irish unity by agreement between the people of Ireland, North and South.

The consent principle reflects the political reality that we have all long accepted for all practical purposes. As far back as August 1921, de Valera declared that 'we do not contemplate the use of force', and in 1957 he told the Fianna Fáil Ard Fheis that a forced unity would ruin national life for generations. What is contained at present in the Irish Constitution was inserted in 1937 as a protest against the Boundary Agreement of 1925 and as a reassertion of the essential unity of Ireland, in circumstances where Northern Nationalists had been entirely abandoned to the mercy of an unsympathetic and often hostile Stormont Government. In the opinion of many lawyers, it is questionable whether Articles 2 and 3 ever had much standing in international law, given the 1925 Agreement was registered at the League of Nations, but they were certainly a challenge to the legitimacy of Northern Ireland. In the present negotiations it would have been illogical to seek fundamental changes, in order to secure a new, fair and equitable political dispensation, if we were still determined to deny the result of any democratic legitimacy. If we want civilised relations on this island, and the ultimate coming together of the people of Ireland, we do not need, nor is there benefit from, any claim of right to include the people of Northern Ireland in a united Ireland against the will of a majority there. But equally, Unionists now increasingly accept that the consent of Nationalists is needed, for stable government in Northern Ireland.

The first Hume-Adams Statement of April 1993 stated that while the Irish people have the right to self-determination, they are divided on its exercise. Article 1 of the new British-Irish Agreement, which will be binding internationally, recognises that it is for the people of Ireland alone, by agreement, between the two parts but without external impediment, to exercise that right of self-determination. In the context of a new and fair dispensation,

where jurisdiction is to be founded, as stated in Article 1 of the new British-Irish Agreement, in rigorous equality, we are prepared to recognise the legitimacy of the people of Northern Ireland's right to choose whether to belong to the United Kingdom or a united Ireland. As the late Paddy McGrory, Belfast solicitor in the Gibraltar Three case, wrote to Gerry Adams in May 1994, there is a crucial difference between consent imposed by the British and consent freely accepted as a condition for unity by the Irish people themselves, as expressed in an act of collective and concurrent self-determination.

The new position is more in keeping with our dignity as a people, and if the people of Northern Ireland have the freedom to choose, a majority may indeed some time in the future decide to become part of a united Ireland. None of us can pre-empt what decisions will be taken by people in the future, and it is they, not us, who will decide if the present agreement is to be a transition to a united Ireland or the basis for a continuation of the Union. For our part, we can work to make such unity as attractive a proposition as possible, by developing our economy, and improving our society in every way, including its pluralism, and its respect for the diversity of identities and traditions on the island.

The proposed new Article 3, taken in conjunction with the changes to take place in British constitutional legislation, with the new British-Irish Agreement and with elements of the Multi-Party Agreement accepted by the pro-Union political parties in Northern Ireland, marks a change of immense positive significance for the aspiration towards Irish unity, in that it establishes a legal mechanism whereby the reunification of Ireland can in fact come about, without the interference of any person outside the island of Ireland. In this respect, the new Article 3 represents a considerable improvement over the existing Articles 2 and 3 which provide no such mechanism.

The mechanism that will now be established under the new Article 3 is the consent of a majority of people, democratically expressed, in both parts of the island and thus reflects the agreed approach to self-determination and consent, set out in the Downing Street Declaration of 15 December, 1993. The implication of the acceptance of this proposed provision of the constitution by the British Government, as well as by Northern Ireland parties supporting the Union, the Ulster Unionist Party and the two Loyalist parties and the Alliance Party, is the recognition, not only of the separate existence of Northern Ireland for as long as a majority of its people wish it to continue, but also of the right of Northern Ireland to become part of a united Ireland if a majority of the people of Northern Ireland so declare. The achievement of a united Ireland is made entirely conditional on decisions made by people on the island of Ireland, and it

would no longer, for example, be possible as a legal proposition for a majority of the electorate in the United Kingdom or for a majority of the United Kingdom Parliament to block a United Ireland if a majority of the people of Northern Ireland wanted it. This is an important change in the existing situation and as a matter of law the British Government will now be bound by a solemn treaty obligation, as well as by its own legislation, once the agreed changes in that are made, to give effect to the wishes of the people of Northern Ireland should they decide in the future that they wish to become part of a united Ireland.

It is proposed to insert a new second section into Article 3. This will enable the creation of institutions with executive powers and functions that are shared between the two jurisdictions in the island of Ireland and will enable them to exercise powers and functions in respect of all or any part of the island. There is a complementarity between this provision and the new provision which is proposed to be Article 29.7.2°. The focus in the proposed new Article 3.2 is to enable the exercise of executive power in the island as whole, notwithstanding the limiting provisions in proposed Article 3.1 on the exercise of jurisdiction outside the area of the State, whereas the proposal in Article 29.7.2° has as its focus permitting all-Ireland institutions to operate in the South, notwithstanding the existing constitutional provisions conferring legislative, executive and judicial powers exclusively on the organs of government established under the Constitution. It has to be borne in mind that the North-South Ministerial Council and its related implementation bodies will operate in both parts of the island, and people in the South will have to accept that these bodies will be exercising functions which heretofore would have been reserved to institutions established under the Constitution.

The proposed new Article 3.2, in conjunction with Article 29.7.2°, will for the first time permit the exercise of governmental functions by all-Ireland bodies - something which is not envisaged under the existing Article 3, which contemplates no all-Ireland arrangements short of eventual unification.

Time constraints do not permit, in either House, a full outline of the provisions in the Multi-Party Agreement. In the Dáil yesterday, I concentrated on the Strand I and Strand 2 arrangements, in addition, of course, to the constitutional issues. Today, in this House, I want to focus on Strand Three and on the other, vitally important sections of the Agreement. But before I do so, let me touch on one innovative element, in the Northern Ireland context, in Strands One and Two.

One of the most positive new developments to emerge in recent years in Northern Ireland are the new voices of reason - voices of women, of community groups, of the business sector. These people have views - sensible views - they want their views heard and they want peace. Their contribution to making this Agreement work has perhaps not been as widely recognised as it deserves to be.

We in the Republic have long recognised the importance of social inclusion. We have given this institutional expression in the form of national agreements which have worked very well for us - and also through the National Economic and Social Forum. When the Northern Ireland Women's Coalition - who have been like a refreshing breath of fresh air in Northern Ireland politics - recently sought the support of my Government for the inclusion in the Agreement of a consultative forum to give a stronger voice to civil society, I was pleased to give that support.

I am delighted that this provision has been included in the Agreement and I am convinced that this new body - by giving community stakeholders a voice - will strengthen democracy in Northern Ireland society. This far sighted provision has, I believe, the potential to empower those men and women working in various fields on the ground and simultaneously, to feed into democratic institutions valuable informed opinions. It can help, I believe, to foster a consensual and co-operative approach and to inject a dynamic into the new institutions in all three strands. The forum will operate as a consultative mechanism on economic, social and cultural issues. It will be made up of representatives drawn from the business, the voluntary and trades union sectors and such others as may be agreed and it will have appropriate administrative support.

In Strand Two, the Agreement provides that consideration will be given to the establishment of an independent consultative forum, to be appointed by the two Administrations, also representative of civil society, comprising the social partners and other members with expertise in social, cultural, economic and other issues. Such a body, I believe, holds out the same prospect for acting as a source of creative initiatives and I very much hope that it will be agreed finally to establish this proposed forum.

The key to the Agreement is that it addresses all three relationships. Those within Northern Ireland, between North and South and between these two islands. The Irish Government have always recognised the importance of addressing the relationship between these two islands. We believe that the

Agreement fully achieves our goals in this regard. It involves essentially the establishment of two new institutions. The first of these is the British-Irish Council to bring together representatives of the British and Irish Governments, devolved institutions in Northern Ireland, Scotland and Wales, when established, and, if appropriate, elsewhere in the United Kingdom, together with representatives of the Isle of Man and the Channel Islands. Its role will be to promote the harmonious and mutually beneficial development of the totality of relationships among the peoples of these islands. The Council will meet in different formats: at summit level, twice per year; in specific sectoral formats on a regular basis, with each side represented by the appropriate Ministers; and in an appropriate format to consider cross-sectoral matters. A range of issues have been identified as being suitable for early discussion in the Council including transport links, agricultural issues, environmental issues, cultural issues, health issues, education issues and approaches to EU issues. The role of the Council will be largely consultative although it will be open to the Council to agree common policies or common actions. The Government see the Council as offering a very useful forum in which to consider a very useful range of East-West issue without detracting from the centrality and independence of the North-South Council. We will take every opportunity to explore its full potential to the mutual benefit of the people of these two islands.

The second element of the Strand 3 arrangements will be the establishment of a new British-Irish Intergovernmental Conference which will subsume both the Anglo-Irish Intergovernmental Council and the Inter-Governmental Conference established under the 1985 Agreement. It will cover all matters of bi-lateral interest, but will have a special focus on Northern Ireland issues. The main differences from current arrangements are that many of the issues now considered by the Anglo-Irish Conference will have been devolved, and that Northern Ireland representatives will be involved in meetings of the new conference. These arrangements are in line with our long held view that, once arrangements for devolution were agreed, new Intergovernmental arrangements would also be necessary.

Rights, Safeguards and equality - and a new democratic voice

Yesterday in the Dáil I outlined some of the balances which will ensure that consensus will operate in the context of a new Northern Ireland Assembly - I focused in the main on institutional aspects.

Today I want to take this opportunity to focus on some of the other major advances which this agreement will confer in the areas of rights, equality and social justice - including policing aspects.

We want to bring about a situation in which people living in Northern Ireland can enjoy life in the same way as those of us living in Dublin - or in London. That will involve a lot of changes. This agreement sets out to create the conditions to bring about that change.

The Agreement which we have negotiated is a broad based and far reaching one. In it, we recognise the central importance of the equality agenda. The Agreement includes a major section on human rights protection, social, economic and cultural issues, including the Irish language. We have made provisions to recognise all identities and to ensure equality, fairness and a voice for all.

The British Government will complete the incorporation of the European Convention on Human Rights into domestic legislation and my Government will bring forward measures to strengthen the Constitutional protection of human rights so as to ensure that human rights protection will be equivalent north and south of the border.

In addition, the two Governments have agreed the establishment of new Human Rights Commissions - in both jurisdictions. They will advise citizens on their rights and can bring court proceeding where they believe breaches of human rights have occurred.

The new Northern Human Rights Commission will be asked to advise on the scope of a new Bill of Rights which it is envisaged will include additional rights to those contained in the European Convention on Human Rights - and which will reflect the principles of parity of esteem.

There is to be a new statutory obligation on all public bodies in Northern Ireland to promote equality of opportunity.

Irish Language

For the first time there will be a legal recognition for the Irish language in the North. Resolute action will be taken by the British Government to promote the language and remove restrictions which would discourage or work against the promotion of the language. Financial support will also be given for Irish

language film and television production in Northern Ireland. The Irish language community will be consulted and the authorities will investigate any complaint which they receive from it. These initiatives represent an unprecedented advance for the Irish language in Northern Ireland.

Symbols

All of us know how divisive and emotive symbols can be. This is particularly true in the context of Northern Ireland. That is why - in the Agreement - we have agreed on the need to ensure that symbols and emblems are used in a manner which promotes mutual respect rather than division. Arrangements are to be made to monitor this issue and consider appropriate measures/ actions as would appear merited.

All in all, taken together, the developments I have just mentioned - and those I have mentioned are not exhaustive - represent potentially hugely significant progress in meeting the long standing - and just - needs of nationalists in terms of the principles of equality - but on a basis which threatens none and is fair to all.

Equality is so paramount that it is dealt with in the First Article of the Agreement. Let me quote from Article 1. which affirms that equality and impartiality.

"..... the power of the sovereign Government with jurisdiction there shall be exercised with rigorous impartiality on behalf of all the people in the diversity of their identities and traditions and shall be founded on the principles of full respect for, and equality of, civil, political, social and cultural rights, of freedom from discrimination for all citizens, and of parity of esteem and of just and equal treatment for the identity, ethos and aspirations of both communities"

Decommissioning

Progress on decommissioning will play a vital role in building up the trust, which will be vital to making the institutions and arrangements provided for in the Agreement work effectively for the good of all of the people of Ireland. Both Governments will take all of the necessary steps to facilitate the decommissioning process. We want to see decommissioning achieved as quickly as possible.

Policing

Under the new Agreement Northern Ireland will be different. A different more peaceful society requires a different policing response. The RUC will need to change - that has been recognised in the Multi-Party Agreement. Provision has been made for this. Perhaps one of the most visible changes will be the removal of military trappings - as in a peaceful environment a police service should routinely be unarmed - as ours is.

The parties have agreed the principles which must govern policing in post-agreement Northern Ireland.

the police service must be representative of the entire community

it must be professional and seen to be so

it must be effective and efficient, fair and impartial

it must be accountable

it must have public confidence

We have agreed too to establish an independent Commission with expert and international representation to make recommendations on appropriate future policing arrangements for Northern Ireland. Their remit will be to consult widely, including on the aspect of how to ensure widespread community support and to report by the summer of next year.

in order to ensure that the reformed police service will have the widespread confidence and support of the community it i.e. envisaged that the independent commission's proposals will cover important aspects such as the recruitment, training, culture, ethos of the service. they will focus also on the issue of symbols.

To conclude, for the first time in modern Irish history, working together, the various traditions on this island, have come up with a fair, balanced agreement which all of us can support.

The consensus of support which we are witnessing proves that this Agreement is a balanced one. It is a very real victory for ordinary people, for democracy and for the level headed representatives who have negotiated it on their behalf.

I'm not saying that everyone will like everything in the document - but what we must do is look at the package as a whole. What the people are being offered is

● a finely balanced package. That is why it will get the support it requires from the people. The very fact that both unionists and nationalists are supporting and campaigning for this agreement shows how fair and balanced it actually is.

Besides proving - as it has already done - that representatives of all of the traditions on the island can sit down and work together to come up with a workable plan on which they agree, this agreement also sets out how in the future we can peacefully resolve differences, and it creates - right now - a practical basis for co-operation. And by recognising and enshrining in the agreement the supremacy of consent the negotiators have ensured that never again will supremacy or second class citizenship characterise the northern political landscape.