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Reference Code: 2021/98/13

Creator(s): Department of the Taoiseach

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*H. H. Arney
benched.
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BACKGROUND TO AND ELEMENTS OF THE APPROACH OF THE IRISH GOVERNMENT TO ALL-PARTY NEGOTIATIONS COMMENCING ON 10 JUNE, 1996

Objective of the Irish Government's Northern Policy

1. The Irish and British Governments acknowledged in the Joint Declaration of 15 December 1993 (Downing Street Declaration);

"that the most urgent and important issue facing the people of Ireland, North and South, and the British and Irish Governments together, is to remove the causes of the conflict, to overcome the legacy of history and to heal the divisions which have resulted".

That reality has since been endorsed by the Forum for Peace and Reconciliation. To meet and overcome that challenge remains the fundamental objective of the Irish Government's Northern policy.

Some Key Realities as to the Nature of the Problem

2. Among the key realities identified by the Forum for Peace and Reconciliation and by the New Ireland Forum were:

- Most of the divisions within Northern Ireland and within the island, which are a persisting source of pain and distrust, are part of the enduring historic legacy of wider British-Irish relations. The origins and context of those divisions, therefore, transcend Northern Ireland itself and encompass the totality of relationships involved, i.e. those within Northern Ireland, within the island of Ireland as a whole and between the peoples of these islands.
- The political structures and practices that flowed from the 1920 constitutional arrangements failed to provide peace, stability or reconciliation in Northern Ireland.
- Violence, from whatever source and whatever its rationale, served - particularly in Northern Ireland, but also as between North and South - to deepen divisions, reinforce the barriers of fear and hatred, retard cross-community contact and reconciliation, and has impeded the search for agreement. It caused immense human suffering. For many, the burden of that suffering remains a living and profoundly difficult reality. [A compassionate acknowledgement of that reality and a commitment to devote sufficient resources to necessary treatment and support programmes will be important elements of building a true process of

reconciliation.] Moreover, the cost of violence in economic terms was also on an enormous scale.

- By the same token, the ceasefires announced in Autumn 1994 profoundly altered the situation in Northern Ireland and represented a strongly positive contribution to the process of establishing an agreed settlement.
- Conflict and division now in Northern Ireland primarily result from profound disagreement amongst the people of Ireland on its constitutional status and on what shape a durable political settlement should take. That disagreement derives from the fact that the two major traditions there define their identities, allegiances and aspirations in terms which transcend the North with nationalists and unionists looking broadly to Ireland and Britain, respectively.
- While it is a view shared by a majority of the people of this island, though not by all its people, that the Irish people as a whole have a right to national self-determination, the exercise of self-determination is a matter for agreement between the people of Ireland and must be based on consent. There is not full agreement about how the principles of self-determination and consent should be exercised. The integrated approach to the issues of self-determination and consent set out in the Downing Street Declaration by the two Governments has been accepted by the majority - though not all - of the political parties, North and South representing a large majority of the people of Ireland as a whole.
- The present wish of a majority of the people in Northern Ireland is for no change in its constitutional status. Conversely, a substantial minority wish for a sovereign united Ireland, overwhelmingly on the basis that this objective is achieved by peaceful, democratic means. The option of a sovereign united Ireland, which is also the preferred option of a majority of the people in Ireland, does not command the consent of the unionist tradition, nor does the existing status of Northern Ireland, which is the preferred option of a majority of people there, command the consent of the nationalist tradition. The Downing Street Declaration acknowledges that there can be no stability under a system rejected on ground of identity by a significant minority and there is widespread acceptance of the need for both traditions to feel secure about their future.

The Government's Vision of [Ireland Beyond 2025][a Future Agreed Ireland]

3. While recognising the realities set out above, and holding fast, for now and for the future, to the position on self-determination and consent set out in the Downing Street Declaration and the Joint Framework Document and to the insistence that the pursuit of all political goals must be exclusively by democratic and peaceful means, free from violence and coercion, the Irish Government, in company with Irish nationalists everywhere, cherish the aspiration and the hope that, [whether it takes one or more generations and] as indicated in paragraph 6 of the Downing Street Declaration, a meeting

of hearts and minds will develop over time, which will bring all the people of Ireland together. As per that Declaration, the Government "will work towards that objective, but [they pledge] in the meantime that as a result of the efforts that will be made to build mutual confidence, no Northern unionist should ever have to fear in future that this ideal will be pursued either by threat or coercion".

4. The programme for Government, "A Government of Renewal", indicates that the Government's aim is to secure an accommodation between the legitimate rights of both major traditions, leading ultimately towards an agreed basis for living together on this island.
5. The Government reiterate the position set out in previous statements, jointly with leaders of the nationalist parties in Northern Ireland, that
 - the problem cannot be resolved without the participation and agreement of the unionist people; and
 - the objective must always be agreements that can command the consent and allegiance of all.
6. The Government recognise that the coming together of the Irish people could only result from a lengthy process of healing and reconciliation. Only through the steady building of mutual trust and confidence would it be possible for unionists to come, voluntarily and without any coercion, to the conclusion that their Protestant ethos and economic interests could be secured in an agreed Ireland and that while transferring their allegiance to such a new Ireland, they could retain and continue freely to express and celebrate their British identity and heritage. [The Government would wish to see some form of political unity of the people who inhabit the island of Ireland come about in the future on the basis of a free choice by unionists].

Irish Government's Assessment that All-Party Negotiations to Commence on 10 June are Meaningful and Serious and Capable of Addressing the Causes of the Conflict

7. It is the considered view of the Irish Government that the arrangements now made for the negotiations to commence on 10 June ensure that the negotiations will be meaningful and serious, will not be blocked or stalled and will be capable of addressing the fundamental causes of the conflict and of leading to substantial and significant change. This assessment is based, *inter alia*, on the concrete, detailed agreements and arrangements made with or by the British Government. That Government has, in the Joint Communiqué of 28 February, 1996, signed up in a public way to real negotiations. It has agreed with the Irish Government and promulgated jointly on 16 April, 1996 a paper, Ground Rules for Substantive All-Party Negotiations, that sets out detailed ground rules for the negotiations. These rules and the British legislation, in the form enacted [together with subsequent agreed understandings between the two Governments] ensure that real negotiations will take place.

8. In the Irish Times article of 16 May, Prime Minister Major explicitly stated the British Government's intention to ensure that the negotiations will be a genuine and serious effort to reach a comprehensive settlement. The conclusion reached by the Irish Government is, of course, based not only on this article but on the full range of agreements made with, and provisions made by, the British Government. The Taoiseach and Tánaiste have underlined their belief that the negotiation of, and the follow-up to, the 28 February Communiqué, including Prime Minister Major's article of 16 May, 1996, have shown that serious business can and will be done with the present British Government. The Government's position is that there is currently available an unrivalled opportunity which may not recur and which should be seized now. The following are some of the elements taken into account by the Irish Government in reaching its conclusion:

[Note: As alternatives, these could be put in an Appendix or could be covered by a simple cross-reference to the Taoiseach's Finglas speech. Whatever alternative is favoured for the basic document, it would be possible, for the purposes of any document for publication, to adopt any cut-down, cross-reference or appendix-type approach, as desired.]

- (1.) Negotiations to start on a fixed date, unlike in 1991/92 (28 February Communiqué, Paragraph 12 of Ground Rules Document, Taoiseach's Finglas speech and various Dáil references).
- (2.) Elective process to "lead immediately and without further preconditions to all-party negotiations with a comprehensive agenda" (28 February Communiqué); after elections, "route to the negotiations is clear, direct and automatic" (Major article of 16 May).
- (3.) Purpose of talks to achieve a new beginning for relationships within the three strands (paragraph 1, Ground Rules Document); Strand 2 will cover relationships within the island of Ireland (paragraph 5, Ground Rules Document) (Taoiseach's Finglas speech also refers).
- (4.) Arrangements for three-stranded negotiations will ensure that there cannot be any narrow focus on exclusively internal settlement (Paragraphs 2, 3, 5, 14, 15 and 16 of Ground Rules Document, Taoiseach's speech of 30 April also refers).
- (5.) Risks now eliminated of Northern Forum determining conduct, course or outcome of the negotiations; or constituting embryo of a re-established Stormont, or setting a course back to a majoritarian Stormont (Paragraph 7 of Ground Rules Document, Sections 3 (3) and 3 (4) of British Act, as enacted, Taoiseach's Finglas speech, Major article of 16 May); if negotiations break down, Northern Ireland Forum is at an end (Sections 7 (3) and 7 (4) of British Act, as enacted).
- (6.) Negotiations will have a comprehensive inclusive agenda; each participant in each of the three strands will be free to raise any aspect of the relevant relationship, including constitutional issues and any other matter which they consider relevant. Opening session will adopt, and commit participants to negotiate, a comprehensive

agenda which will include all the significant issues which the various negotiating teams consider relevant. Agenda to be adopted is to provide reassurance that a meaningful and inclusive process of negotiations is genuinely being offered. British Government has committed itself to using its influence to ensure that all agenda items are fully addressed and also with a view to overcoming any obstacles which may arise (Ground Rules Document, Paragraphs 2, 3 14 and 15, Taoiseach's Finglas speech, Major article of 16 May); British Government will work unremittingly to make a success of negotiations (Major article of 16 May).

- (7.) Negotiations will proceed on principle that nothing will be finally agreed in any strand until everything is agreed in negotiations as a whole; this ensures that there can be no overlooking or steamrolling of concerns of any significant grouping (Ground Rules Document, Paragraph 23, Taoiseach's speech of 30 April); "no one can be forced to agree against their will" (Major article of 16 May).
- (8.) No outcome is either predetermined or excluded in advance; participation in negotiations is without prejudice to any participant's commitment to the achievement of its own preferred options, by exclusively peaceful and democratic means (Ground Rules Document, Paragraph 3, Taoiseach's Finglas speech).
- (9.) Joint Framework Document will be on the table; it is the shared understanding of the two Governments as to the parameters of a possible outcome but no outcome is predetermined or excluded in advance. (Ground Rules Document, Paragraphs 3 and 4, Taoiseach's speech of 30 April).
- (10.) The negotiations will be structured so as to ensure that all issues will be addressed in a coherent and efficient manner; unlike in 1991/92 all three strands can and will open on the same day and go forward in parallel (Ground Rules Document, Paragraphs 5 and 18, Taoiseach's Finglas speech 30 April).
- (11.) Both Governments determined that the structure and process of negotiations will be used in the most constructive possible manner. Both commit themselves to use their influence with a view to overcoming any obstacles that may arise (Ground Rules Document, Paragraph 15, Taoiseach's Finglas speech).
- (12.) "No one wants to drag out the process" (Major article of 16 May). Irish Government want to ensure that irrevocable momentum will be built up and sustained in negotiations, so that they can develop a positive internal dynamic, as in South Africa. (Taoiseach's Finglas speech).
- (13.) Prime Minister Major has said that decommissioning will need to be addressed at the beginning of the talks and agreement reached on how Mitchell recommendations can be taken forward without blocking the negotiations (Major article of 16 May). [Government concerned to ensure that exclusive focus on the decommissioning issue does not prevent parallel progress on other issues or block progress towards overriding goal of a widely accepted political agreement.

Tánaiste has proposed approach which Government believe could meet this imperative. (Taoiseach's Finglas speech, Tánaiste's Adare speech, [possible other material])

- (14.) British legislation provides for maximum of one year plus option of one further year; Taoiseach's view that it may be desirable to seek agreement on indicative timeframe so as to help ensure necessary momentum and dynamic. His belief that we should aim for something a good deal more concentrated. (Taoiseach's Finglas speech); Prime Minister Major - "no one wants to drag out the talks" (Major article of 16 May).

Key Elements of Approach of Irish Government to Negotiations Commencing on 10 June

9. As the Taoiseach indicated in his Finglas speech on 30 April, 1996, the Irish Government will be basing its position for the talks on the Joint Framework Document and the "Realities, Principles and Requirements" document very largely agreed by the parties participating in the Forum for Peace and Reconciliation. The Government's position will also be governed by the commitments it has secured and made and the principles to which it has subscribed, some jointly with the British Government, in the Anglo-Irish Agreement, 1985 and in the Downing Street Declaration.
10. As indicated by the Taoiseach at Finglas, the Irish Government will be aiming to secure, at the end of the negotiations, an agreement that will have the same international status as the Anglo-Irish Agreement and that will secure the continuing beneficent interest of the European Union, the United States and other friendly countries. Both Governments have reaffirmed that they would be prepared to consider a new agreement, more broadly based than the Anglo-Irish Agreement (Paragraph 4 of Ground Rules Document). The Taoiseach has (Dáil Éireann, 29 April, 1996) welcomed President Clinton's remarks on 15 March as to U.S. involvement ensuring the integrity of any agreement and about the U.S. Administration being "on the case", and "remaining on the case".
11. The Government recognise their responsibilities towards the Irish nation that extends beyond the State and, in the island of Ireland, includes Northern nationalists who would seek to secure their identity within an Irish State and also includes or is open to unionists who now prefer to express their Irishness, often side by side with Britishness, within a British framework.
12. In this spirit, the Government's approach to the negotiations now in prospect is that agreement on an overall settlement will require a balanced accommodation of the differing views of the two main traditions, which takes full account of the conflict of identities and allegiances. This requires that the Government and nationalists generally show openness to unionist views and to their legitimate concerns as to those of nationalists. This, of course, is quite different from conforming to or acquiescing in any unionist agenda of domination. The Government would never do so. Rather, their aim and approach will be to ensure that all concerns and interests of nationalist are fully addressed and met, within

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an equitable and balanced accommodation between the two major traditions with which both can live. The same holds true for unionists. There must be no question of domination of nationalists by unionists or vice versa.

13. It is the Irish Government's understanding that this approach is common ground between the Irish Government and the nationalist parties, as is the recognition that a new agreement is only achievable and viable if it can earn and enjoy the allegiance of the different traditions on the island. Potential or actual conflicts between two sets of legitimate rights can only be reconciled on a basis of equality, not domination or injustice. With that in mind the Irish Government will seek in the negotiations to translate into reality, in all spheres, the principle publicly adopted in paragraph 10 of the New Framework for Agreement.

"that any new political arrangements must be based on full respect for, and protection and expression of, the rights and identities of both traditions in Ireland and even-handedly afford both communities in Northern Ireland parity of esteem and treatment, including equality of opportunity and advantage."

14. The Irish Government will, in the negotiations, again reflecting what it understands to be common ground among nationalists and, indeed, more widely, seek to ensure that this principle is applied fully effectively across the political, economic, social, cultural, legal and security fields and, in particular, that

- the continuing, serious imbalance in the unemployment experience of the two traditions in the North and, indeed, the wider question of equality in regard to economic development are tackled effectively.
- greater and more equally shared prosperity is achieved and the empowerment and inclusion of deprived and marginalised communities and groups effected.
- parity of esteem is ensured as between the Irish identity, Irish language and Irish culture, on the one hand, and British identity, cultural traditions and manifestations, on the other.
- equality is effectively ensured in the provision of education, including through the medium of Irish.
- the structures, symbolism and practices in policing and the administration of justice will be such that they can command the unequivocal support, participation and confidence of all sections of the community.

15. The Irish Government will also seek to ensure that the new arrangements enshrine equality of democratic opportunity for the pursuit and realisation of the wider political aspirations of both communities in Northern Ireland, whether for the area to form part of the UK or to form part of a united Ireland and reflect fully the commitments in that sense given by the British Government in paragraphs 19 and 20 of the Joint Framework Document.

16. The Government's approach will be that there must a substantial and significant change, on the lines and in accordance with the principles set out in the Joint Framework Document, in regard to constitutional and political matters. In the Framework Document, the British Government gave commitments that, in the context of an agreement and of a balanced constitutional accommodation, they will enshrine in British constitutional legislation the new approach to the exercise of their jurisdiction in Northern Ireland, set out in paragraph 20 of the document, either by amendment of the Government of Ireland Act 1920, or by its replacement by appropriate new legislation and appropriate new provisions entrenched by agreement. The Framework Document also sets out the proposal, adopted by both Governments, for a North-South body and framework that, in addition to serving practical economic purposes, would also provide a vehicle for acknowledging the respective identities and requirements of the two major traditions and express and enlarge the mutual acceptance of the validity of those traditions.

17. In the vital area of how human rights might best be protected and promoted in circumstances of peace and political stability, including on what should happen to the panoply of emergency legislation in all the relevant jurisdictions, the Irish Government will draw, for the negotiations, on the very useful work done by and for the Forum for Peace and Reconciliation and, in particular, will be guided by the principles agreed by the Forum that

- the comprehensive, systematic, effective and entrenched protection of human rights - civil, political, economic and social - should underpin the establishment and operation of agreed institutions and structures. Human rights should be guaranteed, including, if necessary, internationally, on a basis of equivalence throughout all of Ireland, for example, by incorporation of the European Convention on Human Rights and Fundamental Freedoms into domestic law, irrespective of the constitutional context and of any possible future changes to it.

Particular attention must be paid to the protection of the rights and identity of any community which in consequence of the applying of the principle of consent finds itself in a minority position, whether in the North, or in the South, or in the island as a whole.

The Government will, in this context, pursue the implementation of the commitments jointly undertaken by the Irish and British Governments in paragraphs 50-53 of the Joint Framework Document.

18. The Irish Government, like the Forum for Peace and Reconciliation, recognise that in building trust and reconciliation

- appropriate action on the various issues relating to those who have been imprisoned in the context of the conflict will be important; and
- all concerned must take particular account of and be sensitive to, the position of those who have suffered directly from violence and injustice from whatever source.

The Taoiseach has indicated the Government's readiness, in the context of an unequivocal restoration of the ceasefire of August, 1994, in regard to IRA prisoners held in the State, to resume policies being operated while the August, 1994 ceasefire held. The Government are prepared to develop these, as appropriate, in the light of the growth of confidence following a restored ceasefire. They will continue to pursue vigorously the transfer of prisoners held in Britain to the North or South, as appropriate, and other issues regarding prisoners held in the North or in Britain.

20. The Taoiseach, in his Finglas speech has
- reiterated that on all sides there must be a readiness positively to engage in the negotiations.
 - reaffirmed that the two Governments are central and that both have to play a full partnership role.
 - indicated that the Irish Government approach the talks in that spirit and want to ensure that irrevocable momentum will be built up and sustained in the negotiations, so that they can develop a positive internal dynamic, as in South Africa.
 - emphasised that the Government will spare no effort to ensure that the approach of all participants, including the British Government, is fully up to the challenge posed by the negotiations.
21. The Tánaiste, in his Adare speech, has referred to the pervasive inequality between two communities, in Northern Ireland, necessitating a constructive Irish Government role that reassures nationalists in the North that the political process governing them will be meaningful and that they will never again be marginalised. Under the Anglo-Irish Agreement, the Irish Government has a particular responsibility, which is exercised fully, to concern itself with the interests of Northern Nationalists. As recalled in no 12 above, the Taoiseach has stated in his Finglas speech that the aim and approach of the Irish Government in the negotiations will be to ensure that all concerns and interests of nationalists, and of unionists, are fully addressed and met within an equitable and balanced accommodation between the two major traditions.
22. In this spirit, and within the context of an even-handed approach towards all the participants in the negotiations, the Irish Government will seek to win the cooperation and support of the main parties representing the nationalist community in Northern Ireland for a common democratically-based approach, aimed at a new political settlement which will respect, and therefore must accommodate, the democratic rights, the identities and allegiances of the people of both the unionist and nationalist traditions.
23. The Irish Government wish Sinn Féin to join fully in this task, and make its own distinctive contribution to a democratic resolution of the conflict. That however requires an unequivocal restoration of the IRA ceasefire. Only a sustained and durable climate of
19. The Irish Government recall the reaffirmation ^{lit and by 1} by the British Government, in the Joint Communiqué of 28 November, 1995, that in establishing the International Body on Decommissioning, the two Governments were willing to continue to take responsive measures, advised by their respective security authorities, as the threat reduces. The Irish ~~Government~~ ^{Government} reiterate this willingness in the context of an unequivocal restoration of the ceasefire

peace can create the necessary healing environment where inherited fears and animosities can be overcome, and positive political dynamic can prevail.

24. A coherent, democratically based pro-active approach across the nationalist tradition would make it possible to reach out in a new way, and to offer a convincing and authoritative accommodation, based on equality and mutual respect, to the unionist tradition in the negotiating process.

Contacts and Liaison in the Context of the Negotiations Commencing on 10 June 1996

25. Subject to the unequivocal restoration of the IRA ceasefire, and consistent with their wider responsibilities as a sovereign Government mandated by the electorate to deal with the British Government and to reach out in a spirit of reconciliation to the unionist tradition, the Irish Government is prepared to engage in a close process of information and political consultation with parties democratically representing the nationalist community in Northern Ireland on the development of the peace process and the conduct of negotiations. This would involve meetings with representatives of these parties either individually or collectively, as far as practicable on request by either side. It is the intention of the Government that similar access and opportunities for contact will also be available to other Northern parties. In this context, the Taoiseach indicated, in his Finglas speech, that where on individual issues, or on blocks of issues under discussion, there is parallelism between the positions the Government take and those of other participants, the Government will be prepared to work side by side for the achievement of common purposes, subject to adhering to the basic principles of consent, non-violence and democracy.
26. Such liaison arrangements with the Irish Government might also seek to develop and win support for a balanced programme of confidence building measures, aimed at both nationalist and unionist concerns, and which would be implemented either in the course of the negotiations, or as part of their outcome.
27. Such an agreed approach based resolutely on values of peaceful dialogue, equality and democratic dignity, would significantly enhance the prospects for successful negotiations. It cannot be put in place except on the basis of an unequivocal and definitive commitment to a democratic and peaceful strategy by all those involved in it.
28. An unequivocal restoration of the IRA ceasefire, and a total and absolute commitment to the principles of democracy and non-violence set out in the report of the International Body, would ensure the most constructive possible engagement of the nationalist and the unionist traditions in a process of negotiations which, however difficult, would in those circumstances be inclusive as no other negotiations before this.
29. It would also offer the optimum basis to recruit and retain the support of Irish communities from both traditions overseas, of the US administration and of other friendly Governments, who are anxious to support progress and agreement, provided it is on a basis that is peaceful and democratic, and honourable and fair to all. The effectiveness of the Irish Government in seeking such support will be directly proportional to the degree

to which it can show that any shared approach reflects these qualities, and reconciles rather than threatens the basic rights of either side.

30. The Taoiseach has indicated, in the Dáil on 23 April, the readiness of the Government to resume meetings in the Forum for Peace and Reconciliation; and his openness to any role for the Forum that may be useful in the light of evolving developments.

, in the event of an IRA ceasefire,

May 1996