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To: Mr. George Shaw

From: Yvonne Ellison

Date: 7 January 1998

Pages: 1 + 6

George,

The following documents are attached, as discussed.

As mentioned, I understand these drafts have not yet been seen by Secretaries Gallagher and Dalton or Dr. Mansergh.

- (i) Multi-Party Talks: Heads/Elements of a Possible Agreement
- (ii) Draft joint Statement by the Taoiseach and British Prime Minister

Regards.

Y
Yvonne

CONFIDENTIAL

Discussion Document

Multi-Party Talks: Heads/Elements of a Possible Agreement

Introduction

The attached paper attempts to outline what might be the essential elements of a broadly acceptable agreement. It has been prepared as an aid to discussion. It represents the frank assessment of some senior Irish Government officials and advisers of the elements which seem both to be required and to be achievable. It is our candid assessment that if any of the elements listed is excluded, or if there is an unwillingness to compromise on points of difficulty, agreement will not be possible at this time.

If it appeared that agreement might be possible on the general lines set out in the paper, a fuller text could be prepared within a short period for detailed consideration by all the parties.

This agreed outcome of the Talks would include interlocking and mutually supportive arrangements and commitments, including (i) structures within Northern Ireland; (ii) North/South structures; (iii) East/West structures and arrangements which cater for the totality of relationships between the various peoples of these islands, including relations between the two sovereign Governments; (iv) balanced change on constitutional issues; and (v) agreed provisions to address rights, justice, equality, prisoners and other confidence issues. There would also need to be agreement on how the outcome is to be democratically validated and implemented.

7 January 1998

Equity

Multi-Party Talks: Heads/Elements of a Possible Agreement

Constitutional positions

1. **Balanced change, based on commitment to the principle of consent in all its aspects by both British and Irish Governments and including changes to Articles 2 and 3 of the Irish Constitution and a new British Constitutional Act.**

Institutions

2. There will be new institutions across the three Strands, as follows:

Northern Ireland

There would be democratically elected institutions in Northern Ireland.

In practice, this could involve a **Northern Ireland Assembly, elected by a system of proportional representation and exercising devolved executive and legislative responsibility over at least the responsibilities of the six Northern Ireland Departments.** There would be arrangements for carrying out executive and administrative functions, either through a cabinet-style Executive or through the Chairmen of Assembly committees. There would be provisions to ensure that these institutions operate on the basis of cross-community agreement, with checks and balances to protect the interests of both communities.

Wider Relationships

- : These will replace the Anglo-Irish Agreement, will establish closer cooperation and enhanced relationships on these islands and will operate under an Anglo-Irish Intergovernmental Council which will meet twice a year at Head of Government level on the European Union Summit model.

There will also be structures as follows:

(i) North/South

There will be institutions through which co-operation and common action on the island on matters of mutual concern and interest to the benefit of all will be structured.

In practice these will also operate on the European Union model to bring together those with executive responsibilities in Northern Ireland and the Irish Government. Each side will remain accountable to, and act within the mandate of, the Northern Ireland Assembly and the Irish Parliament, respectively. All decisions will be by agreement between the two sides, North and South. There will be a general North/South Ministerial Council and there will be sectoral or functional North/South Ministerial Councils. On the basis of policies agreed by both sides in these sectoral or functional

Councils there will be a number [say ten] executive agencies to implement those policies at an all-island level [together, if agreed, with agencies that will harmonise]. The Councils and the agencies will in turn also be accountable to the elected institutions in their respective jurisdictions and would act in accordance with the arrangements for collective responsibility existing there.

(ii) British/Irish

There would be institutions through which co-operation and consequential action between the British and Irish Governments and within the two islands will be structured on matters of mutual concern and interest, both generally and in regard to Northern Ireland.

In practice there would be a British-Irish Council at Secretary of State level to deal with the totality of relationships, including the British and Irish Governments, the Northern Ireland administration, and representatives of devolved institutions in the rest of the UK.

There will also be standing Intergovernmental machinery (between the Irish and British Governments) covering non-devolved issues of mutual interest, with which representatives of devolved institutions there would be associated.

Rights, Justice, Prisoners and other Confidence Issues

Rights

3. // There would be provisions to safeguard the rights of both communities in Northern Ireland and address equality and justice issues by way of agreement on arrangements for the comprehensive, systematic and effective protection of fundamental human, civil, political, social, economic and cultural rights.

In practice this could involve a tailor-made Bill of Rights for Northern Ireland, supplementing the provisions of the European Convention in such areas as collective rights, non-discrimination and emergency provisions, with new arrangements for monitoring and enforcement, perhaps through a special Standing Commission. Any necessary and appropriate steps to ensure an equivalent level of rights protection in the South would also be taken.

Justice and Policing

4. Arrangements and commitments would be agreed in regard to reform in the policing and justice areas.

In practice this could involve the establishment of a representative and independent commission with the task of bringing forward within a specified timeframe comprehensive proposals, within an agreed framework of principles.

Prisoners

5. A broad understanding on a programme of action in regard to the prisoners issue would be a necessary element of a settlement.

In practice the release dates of all prisoners meeting certain broad criteria would be reviewed within a specified and limited timescale. While each case would have to be considered on its merits, it is envisaged that the vast majority of prisoners qualifying for review would be released within a specified and limited period after the achievement of agreement.

Confidence Issues

6. There would be agreement on the measures necessary to establish a normal peaceful society.

In practice, this would involve a commitment on the part of the British Government to reduce troop levels, and to dismantle special security installations. As outlined above, there would also be policing reform.

There would also be a commitment to the decommissioning of illegally-held arms within a fixed timeframe following the reaching of agreement.

The pattern and extent of legally-held weapons would also be examined.

Equality Issues

7. There would be agreement that all aspects of the settlement, and of the subsequent operation of the institutions and arrangements established under it, would be informed by the principles of equality of treatment, opportunity and advantage, freedom from discrimination for all, and just and equal treatment for the aspirations, identity and ethos of both communities.

The practical implications of these principles for a range of specific issues, including the Irish language, would be urgently considered within an agreed timeframe and resolved to the satisfaction of the parties.

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Joint Statement by the Taoiseach and British Prime Minister

The Taoiseach and Prime Minister have reviewed together the present situation. They condemn in the strongest terms the recent murders in Northern Ireland, which have rightly been a source of revulsion to the vast majority of people of Ireland and Britain. They reiterate the determination of both Governments that violence will not be allowed to prevail and that the primacy of the political process will be upheld.

Recalling the terms of the Downing St Declaration, the Taoiseach and the Prime Minister acknowledge the progress that has been made towards removing the causes of conflict, overcoming the legacy of history and healing the divisions which have resulted. In that context, they reaffirm their belief in the central importance and value of the Talks process.

Acknowledging the critical role of their two Governments in that regard, they resolve that both shall continue to act together in the closest co-operation to ensure that swift progress is made towards the establishment of a lasting and honourable settlement. Recognising the important role in the process of the parties, as the democratically mandated representatives of the people, they commit their Governments to working closely and in solidarity with all involved towards the common objective of agreement.

They believe that the necessary elements are now in place and that the time has come to translate the potential that exists into the reality of such an agreement. As the Talks resume after the Christmas break, they are determined, therefore, to provide active encouragement and support for the participants to engage in the detailed resolution of the core issues involved, and to move rapidly towards an overall agreement. While the deadline of May remains in place, they believe that, with goodwill and determination all round, it will prove possible to reach outline agreement well before that.

The Taoiseach and the Prime Minister acknowledge the critical contribution that has been made by the ceasefires, both republican and loyalist. They reiterate their view that the maintenance of those ceasefires is essential to the establishment of further progress towards a settlement.

The Taoiseach and the Prime Minister believe that a particularly crucial and decisive juncture has been reached in terms of realising the common goals and principles identified in the Downing St Declaration and more generally by the two Governments over the past 25 years. They call on all concerned to undertake every effort to ensure that the unprecedented opportunity that now exists is grasped to the full. This is the wish of the vast majority of people of both islands. It is also the wish of those abroad, particularly in the US and the European Union, whose support has been so important in the establishment of progress to date. The Taoiseach and Prime Minister look forward personally, together with their Governments, to playing their full and determined part in ensuring that 1998 is truly an historic year in Anglo-Irish relations and that, as the new millennium approaches, the legacy of the past can finally be set aside and overcome.