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Reference Code: 2021/99/23

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FAX SHEET

To: Wally Kirwan

Date: 8 October 1997

From: David Cooney

Number of pages with this sheet: > 8 <

Subject: Strand Three - A New Agreement

Message:

Wally, I attach a copy of a redraft of the Strand Three paper agreed ad referendum with British officials this morning.

The one point on which agreement was ^{not} reached was on the second indent of paragraph 2 where the British want to replace "would" with "should" in two places.

Grateful for the views of your Department on this point and on the document generally.

STRAND THREE - A NEW AGREEMENT

A Consultation Paper by the British and Irish Governments

(Additions to the Irish draft of 7 October are underlined; deletions are in square brackets.)

Strand Three of the negotiations covers ~~relationships between the~~ British and Irish Governments.

The Governments, as signatories of ^{the} Anglo-Irish Agreement, have made clear that, in the context of a comprehensive political settlement, they are prepared to consider a new and more broadly based agreement, if that can be achieved through direct discussion and negotiation between all the parties concerned.

While negotiations on Strand Three issues will be between the two Governments, the Governments are determined to fulfil their obligation to provide a meaningful role for the parties. In this spirit, they invite the views of the parties on the attached paper which raises some of the issues which could be the subject for discussion under the agenda adopted on 24 September 1997.

The issues in this paper cannot, of course, be fully resolved in isolation from the other issues involved in the negotiations as a whole. It is common ground between the participants that any agreement, if it is to command widespread support, will need to give adequate expression to the totality of relationships covered by the negotiations.

The inter-relationships between different parts of the comprehensive agenda are, therefore, of crucial importance. Nonetheless, it is hoped that discussion of the issues raised in this paper will provide a useful and meaningful starting point to work in Strand Three.

for?

The Governments wish to emphasise that their invitation to the parties to offer views on the attached paper is without prejudice to the right of the parties under the Rules of Procedure to meet and discuss Strand Three issues with the Governments. Neither does it affect the right of any party, under the Rules of Procedure, to raise any significant issue of concern to it and to receive a fair hearing for that concern.

Furthermore, the Governments reaffirm their commitment to the provision in the Rules of Procedure that no outcome to the negotiations is either predetermined or excluded in advance.

STRAND THREE - A NEW AGREEMENT

A Consultation Paper by the British and Irish Governments

Principles and Requirements

✓ 1. In considering a new and more broadly-based Agreement, the British and Irish Governments will be seeking to develop and extend [deepen] their co-operation, reflecting the totality of relationships between the two islands, with the objective of seeing peace, stability and reconciliation established by agreement between all the people who inhabit the island of Ireland.

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2. The Governments, who have already indicated one possible approach [set out their views in some detail] in *A New Framework for Agreement*, would welcome the views of the parties on the principles and requirements which might inform and underpin any new Agreement. These might include:

- the principle of self-determination as set out in the Joint Declaration of 15 December 1993;
- the principle of consent in all its aspects: namely, that any change in the status of Northern Ireland should/would only come about with the consent of a majority of people there; that if a majority of people in Northern Ireland wished for a sovereign, united Ireland that should/would be given effect; and that the consent of the governed is an essential ingredient for stability in any political arrangement;
- the principle that agreement must be pursued and established by exclusively democratic, peaceful means, without resort to violence or

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coercion;

- the requirement that any new political arrangements must be based on full respect for, and the 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;

✓

- the requirement that any comprehensive political settlement, of which a new Agreement will be a central part, must address all the relevant relationships, namely those within Northern Ireland, including the links between any new institutions there and the Westminster Parliament; within the island of Ireland; and between Britain and Ireland, including the links with any new institutions in Northern Ireland;

- the requirement that any new intergovernmental structures would perform the role envisaged in paragraph 46 of A New Framework for Agreement [underwrite the functioning of the provisions of the comprehensive political settlement].

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is there
a slight
or variation

text
attached?

Constitutional Issues

3. Both Governments believe that any new Agreement will need to reflect a balanced accommodation of the differing views of the two main traditions on the constitutional issues in relation to the special position of Northern Ireland;
4. They have set out their own proposals on what this might comprise in paragraphs 14-21 of *A New Framework for Agreement* [(text attached)]. They would welcome views on the approach contained in these paragraphs.

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✓

Nature, form and extent of new arrangements

✓ [5. The Governments believe that any new Agreement will need to include institutional arrangements which give expression to their on-going relationship and, in particular, their desire to deepen that relationship in ways which will help foster cooperation, reconciliation and agreement in Ireland at all levels.]

6. ✓ [For their part,] The Governments envisage that new [such] institutional arrangements would include a standing Intergovernmental Conference [which would be chaired by the designated Irish Minister and by the Secretary of State for Northern Ireland, and] which would be supported by a Secretariat. ✓

7. There are many other relevant issues, related to the above, on which views would be welcome, including:

- what should be the configuration, terms of reference and ambit of any such intergovernmental institutional arrangements;
- ✓ - should such institutions concern only the two Governments' shared interests in Northern Ireland, or should they [it] encompass also wider aspects of the relationship between the two countries; and
- should there continue to be an inter-parliamentary element, or elements, to the arrangements and, if so, how would the most fully representative participation be assured?

8. For as long as issues of law and order in Northern Ireland are not devolved, it will [, of course,] be for such intergovernmental institutions to address these issues on the basis envisaged in paragraph 44 of A New Framework for

next attached ?

Agreement [the two Governments to consider the potential for the enhancement of community identification with policing and the system of justice in Northern Ireland within the context created by a climate of peace, new institutions and the growth of political agreement].

Relationships with other arrangements

9. The Governments would welcome the views of the parties on:

- what should the relationship be between the intergovernmental institutions [them] and any new arrangements for the governance of Northern Ireland and for cooperation on the island of Ireland;
- [what] the implications [arise] for these institutions of the [proposed] new arrangements for devolution in Great Britain; and
- in what way does the fact that the United Kingdom [Britain] and Ireland are Member States of the European Union impact on these [possible] new institutions [structures]?

Rights and Safeguards

10. The Governments recognise that any new Agreement may need to reflect or incorporate a new framework establishing the comprehensive protection and guarantee of fundamental human rights.
11. Both Governments envisage that a new comprehensive settlement would be complemented and underpinned by an explicit undertaking in the Agreement on the part of each Government, equally, to ensure in its jurisdiction in the island

of Ireland, in accordance with its constitutional arrangements, the systematic and effective protection of common specified civil, political, social and cultural rights. The Governments would welcome views from the parties on what rights should be so specified, and how they might best be further protected having regard to each Government's overall responsibilities, including its international obligations.

12. For its part, the British Government is committed to the incorporation of the European Convention on Human Rights.
13. The Government have also indicated that they would encourage democratic representatives from both jurisdictions in Ireland to adopt a Charter or Covenant, which might reflect and endorse agreed measures for the protection of the fundamental rights of everyone living on the island of Ireland.
14. The Governments would be interested in the views of the parties on this suggestion, including on which rights might be specifically cited in any such Charter or Covenant.