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AN ROINN GNÓTHAI EACHTRACHA
DEPARTMENT OF FOREIGN AFFAIRS

BAILE ATHA CLIATH 2
DUBLIN 2

Copy

19 December 1997

Mr. Paddy Teahon,
Secretary-General,
Department of the Taoiseach.

Dear Paddy,

Following on from the intensive debate in Belfast on the key issues for negotiations, and taking account of positions conveyed publicly and privately there, I am enclosing a revised Heads of Agreement paper. If you agree with the approach, I feel we should pass it to the British side at an early date.

The question of whether, and when, the two Governments might table such a text at the Talks will require the most careful consideration. Timing will be crucial, especially in the light of UUP and Sinn Féin worries about being drawn into a commitment on a parameters text of this kind well in advance of agreement on a settlement proper.

With best wishes.

Yours sincerely,

~~_____~~
Dermot Gallagher
Secretary
Anglo-Irish Division

(Teahon)

Paddy

*I will give a copy
of this letter to Wally.*

Kitt 19/12

Multi-Party Talks

Draft Heads of Agreement

Introduction

1. The agreed outcome of the Talks will include interlocking and mutually supportive arrangements across the three strands, 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) agreed provisions to address equality, justice and rights issues; and (v) a shared understanding on constitutional issues. There will also need to be agreement on how the outcome is to be democratically validated and implemented.

Institutions

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

Strand One

- There will be devolved institutions in Northern Ireland.
- These institutions will be established with, and operate on the basis of, cross-community agreement.
- They will include an Assembly with legislative powers and arrangements for carrying out executive and administrative functions.
- The purpose of these institutions will be to enable the assumption of democratic control over, and responsibility for, a wide range of agreed transferred matters.
- Elections to these institutions will be in a manner to be agreed.
- There will be checks and balances to protect the interests and rights of both communities.
- Appropriate arrangements will be agreed for relations with other institutions, including the British and Irish Governments, Westminster and the European Union.

Strand Two

- There will be an institution or institutions through which co-operation and joint action on the island on matters of mutual concern and interest can be structured.
- One of the purposes of such institutions will be to give expression to, and validate, the sense of identity of Northern nationalists.
- There will be agreement on the matters in regard to which these institutions will initially exercise responsibility as well as on the level of that responsibility. (These will be capable of amendment by agreement of the elected institutions in the two jurisdictions.)
- In their management of the North/South relationship, the representatives of North and South will remain accountable to the elected institutions in both jurisdictions and will act in accordance with the arrangements for collective responsibility which may exist within the governmental authorities responsible to those elected institutions.
- The institutional arrangements dealing with relationships on the island of Ireland will include a Council composed of representatives of the governmental authorities responsible to the elected institutions, North and South, which will take joint decisions on behalf of the governmental authorities.
There will be agreement that
The Council shall, ~~where agreed~~, establish agencies with all-island responsibilities, including responsibilities of an executive nature. *in these areas*
- There will also be a North/South parliamentary body[, and a consultative forum appointed by the two administrations comprising the social partners and authorities on social and economic questions].

in agreed functional areas

in these areas

Strand Three

- There will be an institution or institutions through which co-operation between the British and Irish Governments will be structured on matters of mutual concern and interest, both generally and in regard to Northern Ireland.
- Representatives of devolved institutions in Northern Ireland will be associated with arrangements for intergovernmental co-operation in regard to Northern Ireland.
- In addition, there will be arrangements, through the institutions mentioned above, for enhanced co-operation within these islands on matters of common concern and interest.

These arrangements will involve representatives of the two sovereign Governments, the new administrations in Northern Ireland, as well as, in time, the devolved administrations Scotland and Wales.

Constitutional Issues

3. In fulfilment of commitments already given by the two Governments, there will be balanced change, fully reflecting the principle of consent in all its aspects, both to the Irish Constitution and to British constitutional legislation.

Rights, Justice, Equality and Confidence Issues

4. Fundamental human, civil and cultural rights will be the subject of comprehensive, systematic and effective protection.
5. Arrangements and commitments will be agreed in regard to policing reform, justice, equality, prisoners and confidence issues.

Review

6. There shall be an agreed mechanism for reviewing the workings of the agreement (a) after the expiry of a specific period following its entry into force, and (b) in the event of the non-implementation of any element of the agreement.

Validation

7. There will be arrangements for the democratic endorsement North and South of the agreement reached in these Talks.