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A NEW ANGLO-IRISH AGREEMENT: SOME PRELIMINARY ISSUES

[First of a series of consultation papers, to be tabled soon after 15 September]

A Consultation Paper by the British and Irish Governments

1. In carrying forward the process in pursuit of a new comprehensive settlement, the two Governments would welcome views from the parties and more widely. One important element of such a comprehensive settlement is likely to be a new Anglo-Irish Agreement, since both Governments, as signatories of that Agreement, have made clear that they will be 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.
2. This paper canvasses some of the preliminary issues which, as part of a wider settlement, might be reflected in any new intergovernmental relationship.

Principles and Realities

3. The Governments would welcome views on the principles which might inform and underpin any new Agreement and, to an extent, the political process as a whole.
4. They might include:
  - the Mitchell principles of democracy and non-violence, to which each party in the process has made clear its total and absolute commitment;
  - the principle of self-determination as set out in the Joint Declaration;

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- the principle of consent in all its aspects: namely that there should be no change in the status of Northern Ireland without the consent of a majority of its people; that if a majority of its people wished for a united Ireland that should be given effect; and that in any event the consent of the governed is an essential ingredient for stability in any political arrangement;
- that agreement must be pursued and established by exclusively democratic, peaceful means, without resort to violence or coercion;
- that any new political arrangements must be based on full respect for, and protection of an 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;
- that any comprehensive political settlement, of which a new Agreement will be a central part, must address all the relevant relationships including the relationships and arrangements within Northern Ireland including the relationship between any new institutions there and the Westminster Parliament; within the whole island of Ireland; and between the two Governments, including their relationship with any new institutions in Northern Ireland.

5. In approaching a possible new Agreement, the two Governments for their part:

- wish to widen and deepen relationships between them in ways which would benefit all the people of these islands;
- propose to enhance their relationship in a way which would encourage and support a comprehensive political agreement in Northern Ireland;

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- wish to develop their relationship in ways which maximise further confidence in the two Governments as well as the peoples of these islands.

6. The Governments would welcome views on these or other principles which might be identified as crucial elements in any new agreement.

Constitutional Issues

7. Both Governments believe that any new Agreement, as part of an overall settlement, 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.

8. They have set out their own proposals on what this might comprise in paragraphs 14-21 in particular of A New Framework for Agreement.

9. They would welcome views on whether that approach adequately reflects the differing views in Northern Ireland and elsewhere on this issue.

Institutional Arrangements

10. The two Governments believe that any new Agreement, as part of a comprehensive settlement, will need to include some institutional arrangements giving expression to their continuing relationship and the need to develop and extend their co-operation, reflecting the totality of relationships between the two islands, and dedicated to fostering co-operation, reconciliation and agreement in Ireland at all levels.

11. The two Governments believe that this may best comprise a standing intergovernmental conference supported by a secretariat.

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12. But, even if this is right, there are many other relevant issues on which views would be welcome:

- what should be the terms of reference and ambit of any such intergovernmental institutional arrangements?
- should such institutions concern only the two Governments' shared interest in Northern Ireland, or should it address also wider aspects of the relationship between the two countries;
- what implications, if any, arise from the proposed new arrangements for devolution in Great Britain;
- what should be the relationship between any intergovernmental institutional arrangements and any new arrangements for the Government of Northern Ireland;
- if, as seems likely, there is a need for new arrangements for mutual co-operation between any new administration in Northern Ireland and in the Irish Republic, what should the relationship be between those and the intergovernmental structures?
- in what ways does the membership of both countries of the European Union impact on these possible new structures?

13. Whatever institutional arrangements are devised it is clearly important that they should:

- provide proper mechanisms for developing and managing matters of mutual interest to the satisfaction of the different administrations concerned and in a way which commands the support of all the citizens;

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- be compatible with the need for arrangements which give clear and tangible expression to the shared interest of the people of both islands in all their diversity;
- establish clear lines of responsibility so that they can function with efficiency and within proper lines of accountability;
- enjoy widespread public support in all the relevant jurisdictions.

Rights and Justice Issues

14. The two Governments recognise that any new Agreement, as part of a new comprehensive settlement, may need to reflect or incorporate a new framework establishing comprehensive protection and guarantee of fundamental human rights.

15. Indeed it was made clear in A New Framework for Agreement that 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 two Governments would welcome views from the parties and more widely 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.

16. For its part the British Government is committed to the incorporation of the European Convention on Human Rights.

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17. In A New Framework for Agreement the two Governments themselves identified what some of the civil rights and religious liberties to be guaranteed might be:

the right of free political thoughts;  
the right to freedom and expression of religions;  
the right to pursue democratically national and political aspirations;  
the right to seek constitutional change by peaceful and legitimate means;  
the right to live wherever one chooses without hindrance;  
the right to equal opportunity in all social and economic activity, regardless of class, creed or gender.

18. The issues raised in this paper could not be fully resolved in isolation from the other issues involved in the process as a whole. The inter-relationships between different parts of the comprehensive agenda are important. Nonetheless it is hoped that discussion of the issues raised in this paper, which are important in their own right, will provide a useful and meaningful starting point.

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