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[Ireland]-Joint Declaration, December 1993

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A NEW FRAMEWORK
FOR AGREEMENT

A NEW FRAMEWORK FOR AGREEMENT

A shared understanding between the British and Irish Governments to assist discussion and negotiation involving the Northern Ireland parties

1. The Joint Declaration acknowledges 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 conflict, to overcome the legacy of history and to heal the divisions which have resulted.
2. Both Governments recognise that there is much for deep regret on all sides in the long and often tragic history of Anglo-Irish relations, and of relations in Ireland. They believe it is now time to lay aside, with dignity and forbearance, the mistakes of the past. A collective effort is needed to create, through agreement and reconciliation, a new beginning founded on consent, for relationships within Northern

Ireland, within the island of Ireland and between the peoples of these islands. The Joint Declaration itself represents an important step towards this goal, offering the people of Ireland, North and South, whatever their tradition, the basis to agree that from now on their differences can be negotiated and resolved exclusively by peaceful political means.

3. The announcements made by the Irish Republican Army on 31 August 1994 and the Combined Loyalist Military Command on 13 October 1994 are a welcome response to the profound desire of people throughout these islands for a permanent end to the violence which caused such immense suffering and waste and served only to reinforce the barriers of fear and hatred, impeding the search for agreement.
4. A climate of peace enables the process of healing to begin. It transforms the prospects for political progress, building on that already made in the Talks process. Everyone now has a role to play in moving irreversibly beyond the failures of the past and creating new relationships capable of perpetuating peace with freedom and justice.
5. In the Joint Declaration both Governments set themselves the aim of fostering agreement and reconciliation, leading to a new political framework founded on consent. A vital dimension of this three-stranded process is the search, through dialogue with the relevant Northern Ireland parties, for new institutions and structures to take account of the totality of relationships and to enable the people of Ireland to work together in all areas of common interest while fully respecting their diversity.

6. Both Governments are conscious of the widespread desire, throughout both islands and more widely, to see negotiations underway as soon as possible. They also acknowledge the many requests, from parties in Northern Ireland and elsewhere, for both Governments to set out their views on how agreement might be reached on relationships within the island of Ireland and between the peoples of these islands.
7. In this Framework Document both Governments therefore describe a shared understanding reached between them on the parameters of a possible outcome to the Talks process, consistent with the Joint Declaration and the statement of 26 March 1991. Through this they hope to give impetus and direction to the process and to show that a fair and honourable accommodation can be envisaged across all the relationships, which would enable people to work constructively for their mutual benefit, without compromising the essential principles or the long-term aspirations or interests of either tradition or of either community.
8. Both Governments are aware that the approach in this document presents challenges to strongly-held positions on all sides. However, a new beginning in relationships means addressing fundamental issues in a new way and inevitably requires significant movement from all sides. This document is not a rigid blueprint to be imposed but both Governments believe it sets out a realistic and balanced framework for agreement which could be achieved, with flexibility and goodwill on all sides, in comprehensive negotiations with the relevant political parties in Northern Ireland. In this spirit, both Governments offer this document for consideration and accordingly strongly commend it to the parties, the people in the island of Ireland and more widely.

- (b) North/South institutions (paragraphs 24-38) — with clear identity and purpose, to enable representatives of democratic institutions, North and South, to enter into new, co-operative and constructive relationships; to promote agreement among the people of the island of Ireland; to carry out on a democratically accountable basis delegated executive, harmonising and consultative functions over a range of designated matters to be agreed; and to serve to acknowledge and reconcile the rights, identities and aspirations of the two major traditions;
- (c) East-West structures (paragraphs 39-49) — to enhance the existing basis for co-operation between the two Governments, and to promote, support and underwrite the fair and effective operation of the new arrangements.

Constitutional Issues

- 14. Both Governments accept that agreement on an overall settlement requires, inter alia, 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.
- 15. Given the absence of consensus and depth of divisions between the two main traditions in Northern Ireland, the two Governments agree that such an accommodation will involve an agreed new approach to the traditional constitutional doctrines on both sides. This would be aimed at enhancing and codifying the fullest attainable measure of consent across both traditions in Ireland and fostering the growth of consensus between them.

- 16. In their approach to Northern Ireland they will apply the principle of self-determination by the people of Ireland on the basis set out in the Joint Declaration: the British Government recognise that it is for the people of Ireland alone, by agreement between the two parts respectively and without external impediment, to exercise their right of self-determination on the basis of consent, freely and concurrently given, North and South, to bring about a united Ireland, if that is their wish; the Irish Government accept that the democratic right of self-determination by the people of Ireland as a whole must be achieved and exercised with and subject to the agreement and consent of a majority of the people of Northern Ireland.
- 17. New arrangements should be in accordance with the commitments in the Anglo-Irish Agreement and in the Joint Declaration. They should acknowledge that it would be wrong to make any change in the status of Northern Ireland save with the consent of a majority of the people of Northern Ireland. If in future a majority of the people there wish for and formally consent to the establishment of a united Ireland, the two Governments will introduce and support legislation to give effect to that wish.
- 18. Both Governments recognise that Northern Ireland's current constitutional status reflects and relies upon the present wish of a majority of its people. They also acknowledge that at present a substantial minority of its people wish for a united Ireland. Reaffirming the commitment to encourage, facilitate and enable the achievement of agreement over a period among all the people who inhabit the island, they acknowledge that the option of a sovereign united Ireland does not command the consent of the unionist tradition, nor does the existing

9. The primary objective of both Governments in their approach to Northern Ireland is to promote and establish agreement among the people of the island of Ireland, building on the Joint Declaration. To this end they will both deploy their political resources with the aim of securing a new and comprehensive agreement involving the relevant political parties in Northern Ireland and commanding the widest possible support.

10. They take as guiding principles for their co-operation in search of this agreement:

- (i) the principle of self-determination, as set out in the Joint Declaration;
- (ii) that the consent of the governed is an essential ingredient for stability in any political arrangement;
- (iii) that agreement must be pursued and established by exclusively democratic, peaceful means, without resort to violence or coercion;
- (iv) 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.

11. They acknowledge that in Northern Ireland, unlike the situation which prevails elsewhere throughout both islands, there is a fundamental absence of consensus about constitutional issues. There are deep

divisions between the members of the two main traditions living there over their respective senses of identity and allegiance, their views on the present status of Northern Ireland and their vision of future relationships in Ireland and between the two islands. However, the two Governments also recognise that the large majority of people, in both parts of Ireland, are at one in their commitment to the democratic process and in their desire to resolve political differences by peaceful means.

12. In their search for political agreement, based on consent, the two Governments are determined to address in a fresh way all of the relationships involved. Their aim is to overcome the legacy of division by reconciling the rights of both traditions in the fullest and most equitable manner. They will continue to work towards and encourage the achievement of agreement, so as to realise the goal set out in the statement of 26 March 1991 of "a new beginning for relationships within Northern Ireland, within the island of Ireland and between the peoples of these islands".

13. The two Governments will work together with the parties to achieve a comprehensive accommodation, the implementation of which would include interlocking and mutually supportive institutions across the three strands, including:

- (a) Structures within Northern Ireland (paragraphs 22 and 23) — to enable elected representatives in Northern Ireland to exercise shared administrative and legislative control over all those matters that can be agreed across both communities and which can most effectively and appropriately be dealt with at that level;

status of Northern Ireland command the consent of the nationalist tradition. Against this background, they acknowledge the need for new arrangements and structures — to reflect the reality of diverse aspirations, to reconcile as fully as possible the rights of both traditions, and to promote co-operation between them, so as to foster the process of developing agreement and consensus between all the people of Ireland.

19. They agree that future arrangements relating to Northern Ireland, and Northern Ireland's wider relationships, should respect the full and equal legitimacy and worth of the identity, sense of allegiance, aspiration and ethos of both the unionist and nationalist communities there. Consequently, both Governments commit themselves to the principle that institutions and arrangements in Northern Ireland and North/South institutions should afford both communities secure and satisfactory political, administrative and symbolic expression and protection. In particular, they commit themselves to entrenched provisions guaranteeing equitable and effective political participation for whichever community finds itself in a minority position by reference to the Northern Ireland framework, or the wider Irish framework, as the case may be, consequent upon the operation of the principle of consent.
20. The British Government reaffirm that they will uphold the democratic wish of a greater number of the people of Northern Ireland on the issue of whether they prefer to support the Union or a sovereign united Ireland. On this basis, they reiterate that they have no selfish strategic or economic interest in Northern Ireland. For as long as the democratic wish of the people of Northern Ireland is for no change in its present

status, the British Government pledge that their jurisdiction there will be exercised with rigorous impartiality on behalf of all the people of Northern Ireland in their diversity. It will be founded on the principles outlined in the previous paragraph with emphasis on full respect for, and equality of, civil, political, social and cultural rights and freedom from discrimination for all citizens, on parity of esteem, and on just and equal treatment for the identity, ethos and aspirations of both communities. The British Government will discharge their responsibilities in a way which does not prejudice the freedom of the people of Northern Ireland to determine, by peaceful and democratic means, its future constitutional status, whether in remaining a part of the United Kingdom or in forming part of a united Ireland. They will be equally cognizant of either option and open to its democratic realisation, and will not impede the latter option, their primary interest being to see peace, stability and reconciliation established by agreement among the people who inhabit the island. This new approach for Northern Ireland, based on the continuing willingness to accept the will of a majority of the people there, will be enshrined in British constitutional legislation embodying the principles and commitments in the Joint Declaration and this Framework 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.

21. As part of an agreement confirming the foregoing understanding between the two Governments on constitutional issues, the Irish Government will introduce and support proposals for change in the Irish Constitution to implement the commitments in the Joint Declaration. These changes in the Irish Constitution will fully reflect

the principle of consent in Northern Ireland and demonstrably be such that no territorial claim of right to jurisdiction over Northern Ireland contrary to the will of a majority of its people is asserted, while maintaining the existing birthright of everyone born in either jurisdiction in Ireland to be part, as of right, of the Irish nation. They will enable a new Agreement to be ratified which will include, as part of a new and equitable dispensation for Northern Ireland embodying the principles and commitments in the Joint Declaration and this Framework Document, recognition by both Governments of the legitimacy of whatever choice is freely exercised by a majority of the people of Northern Ireland with regard to its constitutional status, whether they prefer to continue to support the Union or a sovereign united Ireland.

Structures in Northern Ireland

22. Both Governments recognise that new political structures within Northern Ireland must depend on the co-operation of elected representatives there. They confirm that cross-community agreement is an essential requirement for the establishment and operation of such structures. They strongly favour and will support provision for cross-community consensus in relation to decisions affecting the basic rights, concerns and fundamental interests of both communities, for example on the lines adumbrated in Strand 1 discussions in the 1992 round-table talks.
23. While the principles and overall context for such new structures are a recognised concern of both Governments in the exercise of their respective responsibilities, they consider that the structures themselves

would be most effectively negotiated, as part of a comprehensive three-stranded process, in direct dialogue involving the relevant political parties in Northern Ireland who would be called upon to operate them.

North/South Institutions

24. Both Governments consider that new institutions should be created to cater adequately for present and future political, social and economic inter-connections on the island of Ireland, enabling representatives of the main traditions, North and South, to enter agreed dynamic, new, co-operative and constructive relationships.
25. Both Governments agree that these institutions should include a North/South body involving Heads of Department on both sides and duly established and maintained by legislation in both sovereign Parliaments. This body would bring together these Heads of Department representing the Irish Government and new democratic institutions in Northern Ireland, to discharge or oversee delegated executive, harmonising or consultative functions, as appropriate, over a range of matters which the two Governments designate in the first instance in agreement with the parties or which the two administrations, North and South, subsequently agree to designate. It is envisaged that, in determining functions to be discharged or overseen by the North/South body, whether by executive action, harmonisation or consultation, account will be taken of:
 - i the common interest in a given matter on the part of both parts of the island; or
 - ii the mutual advantage of addressing a matter together; or

- iii the mutual benefit which may derive from it being administered by the North/South body; or
- iv the achievement of economies of scale and the avoidance of unnecessary duplication of effort.

In relevant posts in each of the two administrations participation in the North/South body would be a duty of service. Both Governments believe that the legislation should provide for a clear institutional identity and purpose for the North/South body. It would also establish the body's terms of reference, legal status and arrangements for political, legal, administrative and financial accountability. The North/South body could operate through, or oversee, a range of functionally-related subsidiary bodies or other entities established to administer designated functions on an all-island or cross-border basis.

26. Specific arrangements would need to be developed to apply to EU matters. Any EU matter relevant to the competence of either administration could be raised for consideration in the North/South body. Across all designated matters and in accordance with the delegated functions, both Governments agree that the body will have an important role, with their support and co-operation and in consultation with them, in developing on a continuing basis an agreed approach for the whole island in respect of the challenges and opportunities of the European Union. In respect of matters designated at the executive level, which would include all EC programmes and initiatives to be implemented on a cross-border or island-wide basis in Ireland, the body itself would be responsible, subject to the Treaty obligations of each Government, for the implementation and management of EC policies and programmes on a joint basis. This

would include the preparation, in consultation with the two Governments, of joint submissions under EC programmes and initiatives and their joint monitoring and implementation, although individual projects could be implemented either jointly or separately.

27. Both Governments envisage regular and frequent meetings of the North/South body:
- to discharge the functions agreed for it in relation to a range of matters designated for treatment on an all-Ireland or cross-border basis;
 - to oversee the work of subsidiary bodies.
28. The two Governments envisage that legislation in the sovereign Parliaments should designate those functions which should, from the outset, be discharged or overseen by the North/South body; and they will seek agreement on these, as on other features of North/South arrangements, in discussion with the relevant political parties in Northern Ireland. It would also be open to the North/South body to recommend to the respective administrations and legislatures for their consideration that new functions should be designated to be discharged or overseen by that body; and to recommend that matters already designated should be moved on the scale between consultation, harmonisation and executive action. Within those responsibilities transferred to new institutions in Northern Ireland, the British Government have no limits of their own to impose on the nature and extent of functions which could be agreed for designation at the outset or, subsequently, between the Irish Government and the Northern Ireland administration. Both Governments expect that significant

responsibilities, including meaningful functions at executive level, will be a feature of such agreement. The British Government believe that, in principle, any function devolved to the institutions in Northern Ireland could be so designated, subject to any necessary savings in respect of the British Government's powers and duties, for example to ensure compliance with EU and international obligations. The Irish Government also expect to designate a comparable range of functions.

29. Although both Governments envisage that representatives of North and South in the body could raise for discussion any matter of interest to either side which falls within the competence of either administration, it is envisaged, as already mentioned, that its designated functions would fall into three broad categories:

consultative: the North/South body would be a forum where the two sides would consult on any aspect of designated matters on which either side wished to hold consultations. Both sides would share a duty to exchange information and to consult about existing and future policy, though there would be no formal requirement that agreement would be reached or that policy would be harmonised or implemented jointly, but the development of mutual understanding or common or agreed positions would be the general goal;

harmonising: in respect of these designated responsibilities there would be, in addition to the duty to exchange information and to consult on the formulation of policy, an obligation on both sides to use their best endeavours to reach agreement on a common policy and to make determined efforts to overcome any obstacles in the

way of that objective, even though its implementation might be undertaken by the two administrations separately;

executive: in the case of these designated responsibilities the North/South body would itself be directly responsible for the establishment of an agreed policy and for its implementation on a joint basis. It would however be open to the body, where appropriate, to agree that the implementation of the agreed policy would be undertaken either by existing bodies, acting in an agency capacity, whether jointly or separately, North and South, or by new bodies specifically created and mandated for this purpose.

30. In this light, both Governments are continuing to give consideration to the range of functions that might, with the agreement of the parties, be designated at the outset and accordingly they will be ready to make proposals in that regard in future discussions with the relevant Northern Ireland parties.
31. By way of illustration, it is intended that these proposals would include at the executive level a range of functions, clearly defined in scope, from within the following broad categories:
- sectors involving a natural or physical all-Ireland framework;
 - EC programmes and initiatives;
 - marketing and promotion activities abroad;
 - culture and heritage.
32. Again, by way of illustration, the Governments would make proposals

at the harmonising level for a broader range of functions, clearly defined in scope (including, as appropriate, relevant EU aspects), from within the following categories:

aspects of –

- agriculture and fisheries;
- industrial development;
- consumer affairs;
- transport;
- energy;
- trade;
- health;
- social welfare;
- education; and
- economic policy.

33. By way of example, the category of agriculture and fisheries might include agricultural and fisheries research, training and advisory services, and animal welfare; health might include co-operative ventures in medical, paramedical and nursing training, cross-border provision of hospital services and major emergency/accident planning; and education might include mutual recognition of teacher qualifications, co-operative ventures in higher education, in teacher training, in education for mutual understanding and in education for specialised needs.

34. The Governments also expect that a wide range of functions would be designated at the consultative level.

35. Both Governments envisage that all decisions within the body would be by agreement between the two sides. The Heads of Department on each side would operate within the overall terms of reference mandated by legislation in the two sovereign Parliaments. They would exercise their powers in accordance with the rules for democratic authority and accountability for this function in force in the Oireachtas and in new institutions in Northern Ireland. The operation of the North/South body's functions would be subject to regular scrutiny in agreed political institutions in Northern Ireland and the Oireachtas respectively.

36. Both Governments expect that there would be a Parliamentary Forum, with representatives from agreed political institutions in Northern Ireland and members of the Oireachtas, to consider a wide range of matters of mutual interest.

37. Both Governments envisage that the framework would include administrative support staffed jointly by members of the Northern Ireland Civil Service and the Irish Civil Service. They also envisage that both administrations will need to arrange finance for the North/South body and its agencies on the basis that these constitute a necessary public function.

38. Both Governments envisage that this new framework should serve to help heal the divisions among the communities on the island of Ireland; provide a forum for acknowledging the respective identities and requirements of the two major traditions; express and enlarge the mutual acceptance of the validity of those traditions; and promote understanding and agreement among the people and institutions in both parts of the island. The remit of the body should be dynamic,

enabling progressive extension by agreement of its functions to new areas. Its role should develop to keep pace with the growth of harmonisation and with greater integration between the two economies.

East-West Structures

39. Both Governments envisage a new and more broadly-based Agreement, developing and extending 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.
40. They intend that under such a new Agreement a standing Intergovernmental Conference will be maintained, chaired by the designated Irish Minister and by the Secretary of State for Northern Ireland. It would be supported by a Permanent Secretariat of civil servants from both Governments.
41. The Conference will be a forum through which the two Governments will work together in pursuance of their joint objectives of securing agreement and reconciliation amongst the people of the island of Ireland and of laying the foundations for a peaceful and harmonious future based on mutual trust and understanding between them.
42. The Conference will provide a continuing institutional expression for the Irish Government's recognised concern and role in relation to Northern Ireland. The Irish Government will put forward views and proposals on issues falling within the ambit of the new Conference or involving both Governments, and determined efforts will be made to

resolve any differences between the two Governments. The Conference will be the principal instrument for an intensification of the co-operation and partnership between both Governments, with particular reference to the principles contained in the Joint Declaration, in this Framework Document and in the new Agreement, on a wide range of issues concerned with Northern Ireland and with the relations between the two parts of the island of Ireland. It will facilitate the promotion of lasting peace, stability, justice and reconciliation among the people of the island of Ireland and maintenance of effective security co-operation between the two Governments.

43. Both Governments believe that there should also be provision in the Agreement for developing co-operation between the two Governments and both islands on a range of "East-West" issues and bilateral matters of mutual interest not covered by other specific arrangements, either through the Anglo-Irish Intergovernmental Council, the Conference or otherwise.
44. Both Governments accept that issues of law and order in Northern Ireland are closely intertwined with the issues of political consensus. For so long as these matters are not devolved, it will be for the Governments to consider ways in which a climate of peace, new institutions and the growth of political agreement may offer new possibilities and opportunities for enhancing community identification with policing in Northern Ireland, while maintaining the most effective possible deployment of the resources of each Government in their common determination to combat crime and prevent any possible recourse to the use or threat of violence for political ends, from any source whatsoever.

45. The Governments envisage that matters for which responsibility is transferred to new political institutions in Northern Ireland will be excluded from consideration in the Conference, except to the extent that the continuing responsibilities of the Secretary of State for Northern Ireland are relevant, or that cross-border aspects of transferred issues are not otherwise provided for, or in the circumstances described in the following paragraph.

46. The Intergovernmental Conference will be a forum for the two Governments jointly to keep under review the workings of the Agreement and to promote, support and underwrite the fair and effective operation of all its provisions and the new arrangements established under it. Where either Government considers that any institution, established as part of the overall accommodation, is not properly functioning within the Agreement or that a breach of the Agreement has otherwise occurred, the Conference shall consider the matter on the basis of a shared commitment to arrive at a common position or, where that is not possible, to agree a procedure to resolve the difference between them. If the two Governments conclude that a breach has occurred in any of the above circumstances, either Government may make proposals for remedy and adequate measures to redress the situation shall be taken. However, each Government will be responsible for the implementation of such measures of redress within its own jurisdiction. There would be no derogation from the sovereignty of either Government; each will retain responsibility for the decisions and administration of government within its own jurisdiction.

47. In the event that devolved institutions in Northern Ireland ceased to operate, and direct rule from Westminster was reintroduced, the British Government agree that other arrangements would be made to implement the commitment to promote co-operation at all levels between the people, North and South, representing both traditions in Ireland, as agreed by the two Governments in the Joint Declaration, and to ensure that the co-operation that had been developed through the North/South body be maintained.

48. Both Governments envisage that representatives of agreed political institutions in Northern Ireland may be formally associated with the work of the Conference, in a manner and to an extent to be agreed by both Governments after consultation with them. This might involve giving them advance notice of what is to be discussed in the Conference, enabling them to express views to either Government and inviting them to participate in various aspects of the work of the Conference. Other more structured arrangements could be devised by agreement.

49. The Conference will also be a framework for consultation and coordination between both Governments and the new North/South institutions, where the wider role of the two Governments is particularly relevant to the work of those institutions, for example in a coordinated approach on EU issues. It would be for consideration by both Governments, in consultation with the relevant parties in the North, or with the institutions after they have been established, whether to achieve this through formal or ad hoc arrangements.

Protection of Rights

50. There is a large body of support, transcending the political divide, for the comprehensive protection and guarantee of fundamental human rights. Acknowledging this, both Governments envisage that the arrangements set out in this Framework Document will 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. They will discuss and seek agreement with the relevant political parties in Northern Ireland as to 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. Each Government will introduce appropriate legislation in its jurisdiction to give effect to any such measure of agreement.
51. In addition, both Governments 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 in Ireland. It could also pledge a commitment to mutual respect and to the civil rights and religious liberties of both communities, including:
- the right of free political thought,
 - the right to freedom and expression of religion,
 - 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, gender or colour.

52. This Charter or Covenant might also contain a commitment to the principle of consent in the relationships between the two traditions in Ireland. It could incorporate also an enduring commitment on behalf of all the people of the island to guarantee and protect the rights, interests, ethos and dignity of the unionist community in any all-Ireland framework that might be developed with consent in the future, to at least the same extent as provided for the nationalist community in the context of Northern Ireland under the structures and provisions of the new Agreement.
53. The Covenant might also affirm on behalf of all traditions in Ireland a solemn commitment to the exclusively peaceful resolution of all differences between them including in relation to all issues of self-determination, and a solemn repudiation of all recourse to violence between them for any political end or purpose.

Conclusion

54. Both Governments agree that the issues set out in this Framework Document should be examined in the most comprehensive attainable negotiations with democratically mandated political parties in Northern Ireland which abide exclusively by peaceful means and wish to join in dialogue on the way ahead.

55. Both Governments intend that the outcome of these negotiations will be submitted for democratic ratification through referendums, North and South.

56. Both Governments believe that the present climate of peace, which owes much to the imagination, courage and steadfastness of all those who have suffered from violence, offers the best prospect for the Governments and the parties in Northern Ireland to work to secure agreement and consent to a new political accommodation. To accomplish that would be an inestimable prize for all, and especially for people living in Northern Ireland, who have so much to gain from such an accommodation, in which the divisions of the past are laid aside for ever and differences are resolved by exclusively political means. Both Governments believe that a new political dispensation, such as they set out in this Framework Document, achieved through agreement and reconciliation and founded on the principle of consent, would achieve that objective and transform relationships in Northern Ireland, in the island of Ireland and between both islands.

57. With agreement, co-operation to the mutual benefit of all living in Ireland could develop without impediment, attaining its full potential for stimulating economic growth and prosperity. New arrangements could return power, authority and responsibility to locally-elected representatives in Northern Ireland on a basis acceptable to both sides of the community, enabling them to work together for the common welfare and interests of all the community. The diversity of identities and allegiances could be regarded by all as a source of mutual enrichment, rather than a threat to either side. The divisive issue of sovereignty might cease to be symbolic of the domination of one

community over another. It would instead be for decision under agreed ground-rules, fair and balanced towards both aspirations, through a process of democratic persuasion governed by the principle of consent rather than by threat, fear or coercion. In such circumstances the Governments hope that the relationship between the traditions in Northern Ireland could become a positive bond of further understanding, co-operation and amity, rather than a source of contention, between the wider British and Irish democracies.

58. Accordingly the British and Irish Governments offer for consideration and strongly commend these proposals, trusting that, with generosity and goodwill, the peoples of these islands will build on them a new and lasting agreement.

AMBASAÍD NA HÉIREANN

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SPEECH BY THE TAOISEACH (PRIME MINISTER OF IRELAND),

MR ALBERT REYNOLDS T.D.,

ON A MOTION TO ENDORSE THE

JOINT DECLARATION ON PEACE

—

DÁIL EIREANN (IRISH PARLIAMENT),

FRIDAY, 17 DECEMBER 1993

I move:

"That Dáil Éireann endorses and supports the Joint Declaration on Peace issued by the Taoiseach, Albert Reynolds, and Prime Minister John Major, and calls for a permanent cessation of violence and an exclusive commitment to the democratic process by all, for the sake of all the people of this Island".

The Joint Declaration issued by the British Prime Minister and myself represents an historic and unprecedented opportunity for peace.

The Declaration is a charter for peace in Ireland. It sets out to demonstrate to every shade of opinion in Northern Ireland, that their political aims and ideals can be far more effectively pursued by purely democratic methods. We have not in any way prejudiced or predetermined a political settlement or a final political solution, which is a matter for negotiation between the two Governments and the democratic parties.

The purpose of this carefully balanced declaration is to provide a framework for peace. It is not designed to promote or to give an unfair advantage to either the Unionist or the Nationalist agendas. The Declaration is designed to show how democratic methods can be applied to the principles and ideals, which each community holds dear.

I am very gratified by the generally positive reaction in both Britain and Ireland, in the Dáil and in the House of Commons, and amongst most of the main constitutional parties in Northern Ireland, including the SDLP, the Alliance Party and the Ulster Unionists. There has also been a broad welcome from Church and community leaders, employers, trade unions, Chambers of Commerce, and many other groups both North and South. I also welcome the worldwide interest in and support for the success of the Declaration, including statements from President Clinton and President Delors and our European friends. Yesterday, I met the Chairman of the PLO Mr Yasser Arafat, and he has publicly expressed his support for the Declaration.

Indeed, I would like to quote Yasser Arafat's words as reported in yesterday's Evening Herald: "Peace can solve all issues, we have to remember that. All wars solve nothing. It is in the interest of the people that there should be peace. For every revolution there must be an end". Only yesterday, the military wing of the African National Congress decided to dissolve. In South Africa, in the Middle East, and two or three years ago in Central and Eastern Europe, there has been a recognition by leaders of stature, that the old sterile ideological conflicts must be brought to an end everywhere, and that a new spirit of peace and reconciliation must be brought to bear on the deep differences, which have caused immense human suffering.

The moment has come for the people of Northern Ireland too, to place behind them twenty-five years of tragedy, which has advanced nobody, and which will not advance the political interests of any community in the future either.

If the present situation is allowed to continue, everyone will be losers. The Union will not be any stronger, a united Ireland will not be any nearer. Indeed, it is quite possible for both communities, simultaneously to be far worse off than they are at present.

This historic Declaration is a serious attempt to get away from the zero-sum mentality, which has bedevilled all attempts to solve the Northern Ireland problem. This House, I believe, simply does not accept, nor do I believe, does the House of Commons, that one side can only be better off at the expense of the other, that Unionists can only flourish at the expense of Nationalists or vice-versa. In this Declaration, the British Government are not the enemies of Nationalist aspirations, nor are the Irish Government the enemies of Unionist ones. We must all recognize that there has to be a much greater spirit of mutual generosity on all sides.

I want to refute the notion that this Declaration in some way represents a reward for violence, or that any organization has "won". Neither Government has departed or backed down from any essential democratic principle or international obligation. What the Declaration does however is to draw out of the long-established positions of both Governments, whether implicit or explicit, many of the different possibilities contained within them, and the scope they provide for far-reaching political evolution and change. As Cardinal Daly said in an evocative speech at Westminster last week, some of the principles drawn from 'the vaults of British Government policy' provide a basis for the resolution of the problem. Ever since I was elected leader of

my party and Taoiseach, I have referred back to the Government of Ireland Act, 1920, and the creative evolutionary potential contained in that legislation balanced against the fact of continued partition for the present.

As for the notion of betrayal, my Government, too, feel a sense of responsibility towards the Unionist population. Nothing, that either I or John Major proclaimed on Wednesday, represents a betrayal of the democratic rights of the people of Northern Ireland. I have stated, and I now repeat, that neither the Government nor the people of this State have any desire to impose either by force, or by some form of political coercion, a united Ireland on an unwilling population and against the wishes of a majority of the people of Northern Ireland. Only a united Ireland based on clear agreement and consent is worth having.

I believe there is hardly anyone in Ireland today, who believes that unity is or should be on the immediate political agenda. There is no way round the task of first building better relationships, new trust, and developing the practice of co-operation between the two parts and the two communities in Ireland. Any attempt, whether political or otherwise, to move quickly in the direction of an united Ireland, in the absence of a basis of consent, would be totally counterproductive. But that does not mean, that the ideal should be abandoned as a long-term aim. Indeed, Irish unity, in the right conditions, would still be the almost universal wish of the people of this State.

The most pressing item on the political agenda, after peace, is to create an accommodation between Unionists and Nationalists in Northern Ireland and between North and South, within a broad framework of British-Irish co-operation. An atmosphere of peace will make that task much easier. If overall agreement at first proves difficult, then let us proceed by smaller steps in a balanced way.

I need not remind this House that democratic politics can be robust and vigorous in its own way. Political argument or combination does not represent coercion, and I cannot accept for one moment, the notion that the mere aspiration for a united Ireland represents coercion. Unionism has always been vigorously expressed. Nationalism has just the same entitlement, and it should not be forgotten that the current troubles began with an attempt to repress the Civil Rights Movement by force.

There have been some complaints that the Declaration has too much of an all-Ireland flavour. I do not believe myself that it is biased in either political direction. But I think Unionists should remember that their very name and their philosophy, relates to the political future of a part of this country. Unionism and Nationalism are both competing political philosophies that once applied to the whole of Ireland, and now mainly to a smaller part of it. It is difficult to deny that any two communities, that live together side by side, whether they are Whites and Blacks in South Africa, or whether they are the Israelis and the Palestinians in the Middle East, must find a mutual accommodation, and a way of working constructively together.

As I pointed out two days ago, since the beginning of the 17th century, there has been no real political accommodation between the main traditions on this island, although the Irish Volunteers and the United Irishmen attempted to create one 200 years ago. The awful consequences of that long and persistent failure have been with us, over the last 25 years. It is the task we now face.

Both John Hume and Chris McGimpsey have accepted the concept of an agreed Ireland. What the Declaration commits both Governments to work for is agreement between the people of Ireland, and to implement whatever agreement they reach.

As Peter Temple-Morris, the Co-Chairman of the British-Irish Parliamentary Body, has pointed out, the British Government may not be cast exactly in the role of persuaders, as far as Irish unity is concerned. But both they and we are certainly cast in the role of persuaders, in so far as achieving agreement between both traditions in Ireland is concerned and also in the pursuit of peace. The Declaration speaks of the role of the British Government being 'to encourage, facilitate and enable the achievement of such agreement over a period'.

One of the greatest concerns, that all of us have had, from time to time is that the requirement of consent, the guarantee, as it is variously called, seems to enable one community to refuse indefinitely, not just a united Ireland, but any political progress or accommodation. That is where the Declaration is helpful, when it makes clear that the British Government will work, together with the Irish Government 'to achieve such an agreement, which will embrace the totality of relationships'. There will certainly be quite legitimate persuasion exercised on all democratic parties to enter negotiations, and to stay in them until a satisfactory agreement is achieved.

The Declaration is a clear statement of an even-handed approach by the British Government to the question of change in the constitutional status of Northern Ireland. There may be some sentimental attachment, but there is no selfish British strategic or economic interest in Northern Ireland. They are prepared to implement now and in the future the preferred wish of a greater number of the people to support the Union or a sovereign united Ireland.

The acceptance of the principle of self-determination may have been implicit in the settlement of 1920 and 1921. It has been explicitly accepted by the British Government for the first time now, and on the same conditions as then. They state that "agreement may, as of right, take the form of agreed structures for the island as a whole, including a united Ireland achieved by peaceful means". They accept that the people of Britain would wish, in friendship to all sides, to enable the people of Ireland to reach agreement on how they may live together in harmony and in partnership, with full recognition of the special links between the peoples of Britain and Ireland.

It is unrealistic to expect that the right of self-determination in any country that has been partitioned for half a century or more should be exercised, except in accordance with the wishes of the people living in both parts. I have already given many examples of how this has occurred in Germany or would occur in China, Korea or Cyprus. The exercise of self-determination, in the manner set out in the Joint Declaration, represents the norm not the exception.

I do not know of any fairer statement, that, has been or could be made by the British Government with regard to Nationalist ideals than what is set out in paragraph 4 of the Joint Declaration. John Hume has correctly described it as the most comprehensive statement by a British Government on British-Irish relations in 70 years. I also believe the Irish Government have gone further than in any previous formal statement towards meeting Unionist fears and concerns.

There has been some argument as to whether the British Government recognises or denies the value and legitimacy of a united Ireland, phrases taken from a leaked draft document destined for Strand III of the Talks process. I regard such discussion as entirely theoretical. The fact is that there are no less than three references to the conditions in which a united Ireland can be achieved in paragraph 4, which is in the name of the British Government.

From the Irish Government's point of view, support for a united Ireland and support for the Union, are both equally legitimate political objectives, and both may be regarded as having value from different points of view.

Our aim must be to bring the most alienated sections of the Northern communities in from the cold. The Declaration stated that "the Irish Government would make their own arrangements within their jurisdiction to enable democratic parties to consult together and share dialogue about the political future". I went on to say that it was my intention that "these arrangements could include the establishment, in consultation with other parties, of a Forum for Peace and Reconciliation to make recommendations on ways in which agreement and trust between both traditions in Ireland can be promoted and established".

Both Governments believe that once there is a permanent end to violence, "democratically mandated parties which establish a commitment to exclusively peaceful methods and which have shown that they abide by the democratic process, are free to participate fully in democratic politics and to join in dialogue in due course between the Governments and the political parties on the way ahead".

I would now like to set out more formally the role that I envisage for the proposed Forum for Peace and Reconciliation, which is of course entirely a matter for the Irish Government and democratic parties. May I say that the approach I am setting out now differs in no way, from previous proposals I have put forward, and that much of the recent speculation has been ill-founded about what the Irish Government were pressing for in relation to an all-Ireland Convention.

In the light of the joint commitment to promote the objectives set out in the Joint Declaration, I have indicated to the British Prime Minister, my intention of establishing, in consultation with other parties, an Irish Forum for Peace and Reconciliation to consult and advise, as long as is necessary, on the steps required to remove the barriers of distrust, which at present divide the people of Ireland and which also, stand in the way, of the exercise by them of self-determination on a basis of equality. It will be open to the Peace Forum to make recommendations on ways in which agreement, in the spirit of the Report of the New Ireland Forum, and respect for the rights and identities of both traditions in Ireland, can be promoted and established. The Peace Forum will operate with full respect for the authority of the institutions established by law in the State. It will be a fundamental guiding principle of the Peace Forum that all differences between the Irish people relating to the

exercise of the right to self-determination, will be resolved exclusively by peaceful, political means.

The Peace Forum will be open to democratically mandated political parties in Ireland, which abide exclusively by the democratic process and wish to share in dialogue about Ireland's political future and the welfare of all its people. The Irish Government will approach the Peace Forum in a true spirit of openness and magnanimity.

Subject to discussions with other parties, the Peace Forum would be organised on similar principles to the New Ireland Forum. It would be open to any party in Ireland, just as the New Ireland Forum was, whether by way of membership, or by way of giving evidence to it. As its name suggests, its primary task is to remove barriers of distrust, and to begin the process of reconciliation.

The Forum would in effect provide a means to debate and devise appropriate alternative political strategies to violence, which will genuinely advance the cause of reconciliation and break down barriers, that lie in the way, of an agreed future. Such a debate, taking place among all strands of nationalism and hopefully a wider range of opinion, in the aftermath of a permanent cessation of violence, could be a very healthy exercise in advance of resumed talks between all political parties, Unionist and Nationalist. I see it in no way as a confrontational exercise, and it is not in competition with the talks process. There is no future, whatever, in going back down the road of old-fashioned 1940s style anti-partition campaigns. I am sure that view is shared throughout this House. We have to adopt a modern and enlightened approach.

The Government understand and indeed share, the desire of parties opposite to engage in future in more meaningful dialogue and co-operation with the Unionist community through a process of détente.

However, in my view peace is the first essential for better relationships on this island. If we want to be realistic, we have to guarantee that there will be a political process, once violence is permanently ended. The Forum could provide a useful input to wider negotiations. It will not be used to threaten anyone, just as the New Ireland Forum threatened no-one.

The Joint Declaration was the first stage in the peace process. The Forum for Peace and Reconciliation could be absolutely vital to reaching a second stage, and to achieving a permanent cessation of violence. While I understand some of the hesitations there may be about it, I would ask the parties in this House to consider it as a genuine contribution which they can make to the achievement of peace. It involves no concession of principles on anyone's part, as it is modelled on a body, in which nearly all parties here have previously participated. From time to time, there have been calls or suggestions from different sides that it might be reconvened. In the circumstances of a genuine cessation of violence, it could play an important role in the strengthening and consolidation of the spirit of democracy throughout this Island. I do not underestimate the real difficulties and problems involved, but the achievement of a permanent, just and lasting peace is the objective that takes precedence over all others, as far as I am concerned. Peace is paramount.

Many other practical questions will arise, following a complete cessation of violence. The Irish Government will address these questions in a pragmatic spirit, in which the spirit of generosity and of justice must go hand in hand. Our overriding desire is to close for good this chapter in our history, while never forgetting those who have suffered. We will naturally seek the destruction of arms, as it is our duty under the law. But we should all be realistic enough to recognise that here, as in every situation round the world disarmament goes hand in hand with confidence-building.

I would now like to put on record briefly some of the history of the present peace initiative, which is not well known or understood, and which has had to remain largely confidential up till now.

I have spoken on many occasions of my first meeting as Taoiseach with Prime Minister John Major in February 1992, where we both made a resolution to try and bring peace to Northern Ireland during our term of office together and to spare the people of Northern Ireland another generation of violence.

In April 1992 with the assistance of John Hume, and also using some ideas put together over some considerable time by some Redemptorist priests committed to peace work in the Clonard Monastery in Belfast, I drew up in my office a first formal draft of a Joint Declaration to be made by the British Prime Minister and myself, designed to facilitate the beginning of a peace process and a permanent cessation of violence. The background was clear. On the indications given to me by John Hume and other responsible people, and indeed on the evidence of their own public

statements, Sinn Fein and the Provisional IRA were looking for an alternative peaceful strategy to violence. It will be noted from the date that the origins of this initiative long predated the surfacing in public of renewed meetings between John Hume and Gerry Adams in the spring of this year, which were a sequel to the SDLP-Sinn Fein dialogue in 1988.

Because the initiative involved not only a statement of how the legitimate rights and aspirations of those holding Republican ideals could be pursued, in a purely democratic fashion, but also a restatement of the obligations by which the Irish Government are bound vis-a-vis the requirement for the agreement and consent of a majority, it took fourteen months to finally settle a first formula. John Hume and I were satisfied that it would have a capacity to produce peace, but at the same time satisfy the basic requirements of the two Governments.

I would have to confess, however, that the initial document, submitted by me to the British Government last June, represented the outer limit of what the Irish Government could agree, consistent with our obligations. However, I formed the judgement that it was right to present, on my responsibility, a text to the British Government, that had the full support of John Hume, and that, if accepted, would bring a cessation of violence. I knew that subsequent discussions on it between the two Governments would be likely to substantially improve the document, while hopefully still retaining its capacity to be a vehicle for peace. The two central principles of the document, which balanced each other, was a recognition by the British Government of the Irish people's right to self-determination and a recognition by me, that this could only be exercised with the agreement and consent of a majority of the people of Northern Ireland.

In recent months, joint public statements between John Hume and Gerry Adams have provided public evidence of how far Sinn Féin has moved towards acceptance that progress can only be made by democratic means. In my view, this evidence of progress, even though clearly insufficient while violence continues, should have been more warmly welcomed. It should have been seen for what it is, as an important and vital stepping-stone on the road to peace. I believe, and John Hume believes, that the Joint Declaration is in keeping with the spirit of the joint Hume-Adams public statements, though the Joint Declaration is set in a broader framework.

In the development of the peace process over the last 18 months, John Hume has played an indispensable role through direct meetings and dialogue with the leader of Sinn Féin. Independently of that, I have also benefited from the advice and input of respected community leaders, whose sole vocation is to work for peace, and who have been able to interpret for me accurately shifts of thinking within both Sinn Féin and the IRA and the Loyalist paramilitaries.

Last June, John Major and myself decided to appoint a small group of officials to examine the initial draft Declaration. In the course of a number of meetings, a whole series of important and necessary improvements were discussed, which removed any ambiguities from the text and made explicit clear and unequivocal assurances that the democratic rights of the people of Northern Ireland would be fully safeguarded. By October, official discussions had made considerable progress. Since then I would add, in a series of contacts with a leader of the majority community in Northern Ireland, the Irish Government have made further radical improvements to the text, including the addition of whole new sections, some of which addressed to the concerns of the Unionist population.

At the end of October, the process unfortunately began to run into turbulence. One major problem was the tendency of the media to identify the discussions of the two Governments as focusing on the uncritical adoption of what was simplistically described as the Hume/Adams proposals, but which was in fact the original draft presented by me to the British Prime Minister in June. This created much distrust on the Unionist side. The enunciation of a number of principles by the Tánaiste, (although put forward primarily in the talks context), helped to dissipate an excessive media concentration on these. I made it clear in my Dáil statement on Northern Ireland, prior to the first Brussels meeting, that I welcomed the input of John Hume and Gerry Adams, which provided important elements, but that any initiative would have to be taken by the two Governments, whose responsibility would be to create, in their own broader terms, a framework for peace. This position was reflected in the Brussels communiqué, which was unfortunately presented afterwards in some quarters as a straightforward rejection of the Hume/Adams efforts for peace. All I had said in the Dáil was that it was not simply a question of adopting them.

While I believed that I had secured British agreement at Brussels to resume the initiative, I greatly regret the unfortunate impression created among the Northern Nationalist community for a couple of weeks afterwards that the Irish Government were abandoning the Nationalists. That was never the case. My sole objective

throughout was to protect and pursue a vitally important peace initiative, which I had put forward, and to which John Hume had contributed so much. It is of course a complete myth to suggest that I was so taken aback by the negative reaction in the North and at the Fianna Fáil Árd Fhéis to the Brussels communiqué, that I hurriedly altered course again the following week. The truth is that I have never deviated one iota from the steady pursuit of the objective of achieving a formula for peace. John Hume and the community leaders to which I have referred were of course kept informed at all times of developments, but nevertheless, it was put to me that political leaders have to respond to public perceptions, even if they are different from the underlying realities.

However, some ten days after that first Brussels meeting, and after the next meeting of British and Irish officials, I was made aware of renewed difficulties, despite the space that I had attempted with some success to create for the British Government. This time, the difficulties centred on the acceptability of the contents of the document, in its revised state from the Unionist point of view. I had already undertaken to do what I could to try to ascertain and improve its chances of some degree of acceptance from within the Unionist community.

Throughout the last two months, I have made a determined effort to reassure the Unionist community by whatever means were open to me. When tension was running high and when murders of Catholics were virtually a daily occurrence, I conveyed through another respected intermediary, messages intended for the Loyalist paramilitaries, making it clear that in seeking peace, I was not seeking in anyway to predetermine or prejudice the shape of a political settlement. I specifically refuted any notion that the Irish Government were involved in some way or another in a pact to deliver peace in return for joint authority. These private messages reinforced public statements to the same effect. I also spoke to a number of leaders of the different Protestant Churches, and influential Northern journalists, as well as the leader of the Alliance Party, Dr. John Alderdice, who has adopted a most helpful and constructive attitude to this initiative throughout.

In response to the British difficulty, I took steps to ascertain what could reassure moderate opinion among the Northern Protestant/Unionist community, so avoiding what was alleged to be the mistake at the time of the Anglo-Irish Agreement, that no Unionist was ever consulted. I incorporated the vast majority of the recommendations I received into the text of the draft declaration. I also communicated in writing with James Molyneaux, a political leader for whom I have

great respect, regardless of often profound political differences, and I authorised an individual trusted by us both to brief him at his discretion on my proposals, and I encouraged John Major to do the same. The Tánaiste and his office have met face to face with a number of leading Unionist politicians over recent weeks. While I never asked for or expected enthusiasm for the peace formula, I do believe that the achievement of peace in a manner that respects everyone's fundamental rights and identity is in everyone's interests. I welcome the political response from mainstream Unionism. I believe it will always be greatly to the honour of James Molyneaux and his colleagues that at the end of the day the attitude they adopted, helped this initiative for peace, notwithstanding their distaste for certain aspects of it.

I was deeply impressed and greatly encouraged by the tremendous yearning for peace shown on 25 November, when one of the largest ever demonstrations in Northern Ireland took place for peace. There was also a big response to a phone-in to the two Northern morning newspapers, and 2 million throughout the island stood for a moment's silence for peace at 1 o'clock. There have also been indications of strong support from the Northern business community.

As we came nearer to the achievement of a formula for peace, it was to be expected that the pressures on the two Governments would increase. There were for example two leaks of documents, one on the Irish side, the other on the British one, both of which could have upset the peace process, and indeed succeeded in doing so for a brief period.

The leaked Irish document was prepared as an Irish contribution to Strand III of the talks, assuming Government approval had been given, which it had not. The Irish Government are surely as entitled as any other party to the talks to submit whatever document we choose, and to put forward our own ideas, without provoking an adverse reaction. The essential difference between the talks document and the peace declaration is that the first would have been an Irish contribution to the formation of a joint position by the two Governments, whereas the peace declaration is intended to represent a careful balance of different views and interests and is essentially non-partisan in nature.

The merit of the peace initiative I have put forward has been to enable the British Government to negotiate only with another democratic Government. I want to repeat that the Irish Government have never acted as a proxy or conduit for the IRA,

and I would never put anything forward that was not consistent with our own fundamental position and obligations.

In the final stages, the British Prime Minister and myself had a series of meetings, four in all this autumn, as well as a number of communications both in writing, by emissary and by telephone. It was a delicate and often difficult negotiation. But at the end I believe we both achieved a very good result, with which we are both fully content. I believe the Prime Minister displayed considerable political courage in adopting this initiative, which was unusual in its approach.

I would like to pay tribute to the many Church and community leaders, and other people with a high sense of public duty and responsibility, who came to see me in confidence and who helped me form clearer judgements. For over 30 years I have been expanding my number of friends and business and political contacts in both communities in the North of Ireland. I have been to draw on this knowledge and experience.

In the final analysis this Joint Declaration is particularly addressed to the people and organisations on both sides who can most directly deliver peace. While none of us can ever condone the deeds committed over the past 25 years, I believe it is right to acknowledge what I believe are serious and courageous efforts that have been made for some time by some in the Republican leadership to find a path to peace out of the impasse. I believe when they examine the Joint Declaration closely, together with the proposal for a Peace Forum, which I have elaborated in more detail today, they should find that they provide the necessary elements for a peace process, that will create its own dynamic.

There is now an immense responsibility on many different leaders and among all of us to hold open this opportunity for peace, and to let people grasp it while it is there. A great deal hinges on the decision. Let us not set rigid new preconditions. Let us remember that it is better to end violence than to preach against it. There has never been, and there never will be, a better opportunity for peace. I commend the Joint Declaration to the House. The best Christmas message all political leaders could send to families in Northern Ireland would be the news of a lasting peace with justice for all.

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JOINT PEACE DECLARATION BY THE
TAOISEACH (PRIME MINISTER OF IRELAND),

MR ALBERT REYNOLDS T.D.

AND

PRIME MINISTER JOHN MAJOR M.P.

A SELECTION OF IRISH AND
BRITISH EDITORIAL COVERAGE

THE IRISH TIMES

13 D'OLIER STREET, DUBLIN 2
THURSDAY, DECEMBER 16, 1993

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GOOD NEWS FROM DOWNING STREET

The Downing Street Declaration is not an end but a beginning; not a bland rehearsal of traditional positions but a measured and subtle challenge to parties and paramilitaries of all shades: Albert Reynolds and John Major have presented them with an opportunity to play a part in the democratic process which will decide the future of Northern Ireland. They will refuse at the risk of condemning another generation to unforgivable bitterness, violence and waste.

The Taoiseach and the Prime Minister achieved a balance which had always been their declared aim, though many thought it impossible. They set out to demonstrate that, as Mr Reynolds said, the British Government was in no sense an enemy of the nationalist tradition and the Irish Government was in no sense an enemy of the unionist tradition. By and large they succeeded: among the major parties only the Rev Ian Paisley's DUP refuses to be convinced.

But the paramilitaries, republican and loyalist, have yet to respond to a declaration which was also meant to appeal to them — or, at any rate, to those in their ranks who believe that after 25 years of violence it is time to turn to the politics of dialogue and persuasion. In the short term, the paramilitaries may believe themselves cast in a pivotal role; theirs for the time being are the most anxiously awaited reactions to the Downing Street Declaration.

* * *

Should the Provisional IRA respond to the powerful appeal made by John Hume in Westminster and stop its campaign of violence, Sinn Féin will find itself within months in conversation with the British Government and eventually taking part in the forum which debates the shape of the North's political future. Should the Provisionals refuse, they will find themselves isolated, or in the company of loyalist diehards, blamed all round for keeping the violence going and facing a threat to which Mr Major referred in the House of Commons — intensified co-operation on security between London and Dublin. Those unionists who are inclined to grumble about the enhanced role for Sinn Féin which the declaration promises, should look more closely at this double-edged range of options.

How the Downing Street Declaration compares with earlier Anglo-Irish events remains to be seen. Commentators reaching into history are struck by similarities with the conference at Sunningdale which led to the establishment of a power-sharing executive in the 1970s and the intense diplomatic activity which, ten years later, produced the Anglo-Irish Agreement. Its significance in the long run may well depend not only on the opportunity for peace and whether that opportunity is taken, but on the even-handedness of its approach to the nationalist and unionist traditions: a position from which future governments on either side of the Irish Sea will find it difficult to retreat.

It is a document which calls for study, as Mr Major tartly reminded Peter Robinson of the DUP, the credibility of whose criticism was undermined by the fact that it was delivered — with that of his leader, Mr Paisley — in advance of the document's release and afterwards allowed to stand, without modification. The declaration is, indeed, complex and ~~reasonable~~ ^{reasonable}. It is ~~also~~ ^{reasonable} and fair. At first reading it seems capable of winning widespread support. But people in the North all too often have a justifiable complaint that they are excluded from the business of decision-making. The proponents of the Downing Street Declaration may consider it a worthwhile investment to publish it as a leaflet to be distributed to every house in the North.

Irish Independent
IRELAND'S NATIONAL NEWSPAPER

Historic day for peace

THE long, difficult and sometimes tense negotiations between the Irish and British Governments aimed at bringing peace to Northern Ireland came to a triumphant conclusion yesterday in the joint declaration issued by the Taoiseach and the British Prime Minister.

This historic document fully merits the heartfelt welcome which it has received from the overwhelming majority of representatives of the Irish and British peoples, and from our friends abroad. We share their enthusiasm, and echo their approval.

Brilliantly, ingeniously, but also with due respect for democratic principles and political realities, the declaration settles the question of Irish self-determination in a manner with which only the foolish, the blinkered and the intransigent can quarrel.

The British have reasserted the undoubted truth that they have no selfish strategic or economic interest in this island, and left it to the people of Ireland, North and South, to exercise the right of self-determination on the basis of free consent. The interests and identities of both communities in Northern Ireland are protected. The search will go on for new political structures to reflect the underlying principles.

For once, the praise heaped upon those who worked to bring about yesterday's successful outcome is no more than their due. The two leaders, the ministers intimately concerned, and the officials who tirelessly drafted and redrafted the document, rose magnificently to the occasion. And all persons of good will must feel a special sense of gratitude and admiration for John Hume, whose efforts in the cause of peace have never faltered throughout a terrible 25 years.

But words of praise must be matched by words of caution.

High hopes have been raised before, as at Sunningdale in 1973 and Hillsborough in 1983; and dashed before; in the one case by Loyalist opposition, in the other by IRA refusal to accept the reality of nationalist gains, forsake the Semtex and the Kalashnikov and allow their Sinn Féin allies to enter the political process.

If ever there was an excuse for continued violence — a proposition which we emphatically reject — there is none now. The Taoiseach was right to repeat that point yesterday. The two Governments have settled the matter. The peoples of both islands long for peace. On any who defy their wishes there lies a heavy moral burden, and there may lie soon enough stern practical consequences.

It has frequently been strongly argued that it is impossible to placate one side in the North without offending the other, perhaps to the extent of provoking increased violence. To see the joint declaration in such a light would be perverse.

To the contrary, it offers unionists better guarantees than those they have historically enjoyed. For the guarantees come from the Republic as well as from Britain.

A long, hard road still remains to travel. It is easier for stable democratic governments to reach agreement than to establish relationships within the North, and between North and South, based on honesty, openness and equality. The legacy of centuries weighs us down.

But all difficulties are there to be overcome. They cannot be overcome by violence, which in the last quarter-century has brought only death, destruction and bitterness. They cannot be overcome by rejection, obstruction and ostracism. They can be overcome only by honesty and plain dealing, and recognition of valid individual and national rights.



Do chum glóire Dé agus onóra na hÉireann

ARE we about to see the bomb and the bullet leave Ireland's political stage? Is peaceful civilised dialogue about to replace violence in the story of our divided peoples?

Yesterday's historic Joint Declaration by the Taoiseach and the British Prime Minister, honed and refined and developed over six tortuous months and three summit meetings, may deliver the great prize.

The declaration amounts to a clearing of the decks, a welcome elucidation, so badly needed after months of speculation, of where the two Governments stand. We now know that Britain remains, as expected, committed to upholding the wishes of a majority in Northern Ireland. We also know that Britain will "encourage, facilitate and enable" the achievement of any new agreement which may be reached by all the people living in Ireland.

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For its part, the Irish Government recognises that aspects of the Constitution are "deeply resented" by Unionists. Albert Reynolds confirms that, in the event of a new overall settlement, the Government is prepared to support changes which would end Unionist fears.

Judging by the modified welcome from spokesmen from sane, mainline Unionism, it appears that Mr Reynolds and Mr Major have squared the circle — at least on that side of the divide. The words of Jim Molyneaux and John Taylor yesterday will have been greatly welcomed, even if Ian Paisley did respond exactly as expected.

Which leaves the chief question mark over Sinn Féin and the IRA. So far, we hear that the Republican side of the equation is disappointed with the results of these months of labour. However, the reaction is cautious and speaks of the need to study and analyse the Joint Declaration.

It seems, therefore, that at the end of a momentous day there is every reason to believe that peace may be possible. The hope has stayed alive through thick and thin these past few months — and yesterday's declaration may enable it to finally come out into the light of day.

The tenacity of Albert Reynolds and Tánaiste Dick Spring in their pursuit of peace has been remarkable. They have well earned the standing ovation accorded them by their colleagues in Dáil Éireann yesterday. If a lasting peace is the result all Irish people, whatever their political colours, must give thanks.

Historic charter for peace

THE Taoiseach has expressed surprise at the level of support for the Downing Street Declaration, an historic charter for peace in Northern Ireland. The outcome of this bold venture by Mr Reynolds and British Prime Minister John Major may well surprise the sceptics and further confound the more vicious of their critics.

It is an extraordinary feat to draw up a set of principles for the future of Northern Ireland, which have been accepted by the majority Unionist party and not dismissed out of hand by the Provisional IRA.

Séamus Mallon of the SDLP claimed its terms were so enlightened it would have averted the Civil War.

Central to the declaration is an acceptance that a change in the status of Northern Ireland can only be made with the consent of the majority there. But there is also a pledge by the British government to support a united Ireland if this is the constitutional decision of the majority.

Also, if there is an acceptable political settlement, the Government here has effectively agreed to recommend amending Articles 2 and 3 of the Constitution through a referendum.

The Declaration is a complex document, rejected even before it had been studied by a now utterly marginalised DUP.

The onus now rests entirely on Sinn Féin and the Provisionals to respond with the permanent cessation of peace which would prompt the loyalist paramilitaries to do likewise.

The immediate Sinn Féin response is that the Declaration is disappointing, but that it will be studied closely. Its main objection will be that it does not concede the right of all people in Ireland to vote for change in the North.

What Sinn Féin and the Provisionals cannot sidestep is a fact that the Declaration is a democratic formula for peace, an invitation for them to abandon violence and enter constitutional politics.

Any continuation of violence will now be regarded, not alone on those islands but in the US, Europe and worldwide, as a rejection by the IRA of peace and democracy. That is the strength of this truly statesmanlike achievement by Messrs Reynolds, Major, their Ministers and advisers.

The realistic path to peace

JOHAN MAJOR and Albert Reynolds have made a historic declaration, the strength of which is rooted in its realism. For the Prime Minister and Taoiseach have reflected the hopes of their electorates, a strategy that will prove vital if the agreement is to withstand inevitable — and possibly bloody — attacks in Northern Ireland itself.

As is patently clear, Britain is not prepared to give in to terrorism. Public opinion will not sanction a sell-out. But it also wants the two communities in Northern Ireland to sort the problem out peacefully between themselves, whether that means a united Ireland, continuing union with Great Britain, or something in between. In the Republic, people aspire to Irish unity, but recognise that this is not a realistic option now. They see no gain in achieving unity unless the Protestant community agrees to it.

The declaration embraces these British and Irish viewpoints. Most important, it realistically addresses an overwhelming desire in both countries for peace. Given what is known about the Hume-Adams talks, it echoes important aspects of discussions with Sinn Féin and offers the IRA a genuine option to forsake violence. Britain has made very clear that it has "no selfish strategic or economic interest in Northern Ireland", but remains there only to ensure that the will of the majority is respected.

The IRA, which has pursued a morally and politically bankrupt policy, has the chance to break with its past and, through Sinn Féin, to join the constitutional process. For any government to offer terrorists a place at the conference table within three months of a permanent ceasefire is extraordinary. There can be

no excuse for Sinn Féin to miss this opportunity. Equally, the republicans must resist pressure to take up arms again in the event that loyalist violence accompanies the negotiation of a settlement.

The Unionist majority should feel reassured by promises that the constitutional status of Northern Ireland will not change without their consent. However, the declaration's tone makes it plain that their historic intransigence is no longer acceptable. The two governments have made a commitment to political dynamism in Northern Ireland that no one group can ignore.

The impasse in Northern Ireland has lasted more than 70 years, since the island was partitioned and Ulster was made the repository of all the issues for which politicians could find no answers. The Anglo-Irish Treaty of 1921 bought nearly 50 years of peace, but its inconclusiveness also resulted in 25 subsequent years of violent misery. Mr Major has indicated his resolve to bring that treaty up to date, to cater for the aspirations of both communities in Northern Ireland.

Both he and Mr Reynolds face many obstacles. They must be skilled in not alienating James Moynaux and the Ulster Unionists, who show signs of being more willing to compromise than they were in the Seventies. But the rhetoric of Ian Paisley threatens to fuel Protestant paranoia, and the loyalist paramilitaries represent a threat whose bloody potential has been amply demonstrated.

However, the declaration sketched a framework for a settlement. Now it is, above all, for the IRA to prove it is serious about peace. It is also for the Unionists to show they have no vested interest in conflict.

THURSDAY,
DECEMBER 16 1993

A fragile chance to staunch the bloodshed

NORTHERN IRELAND is a society in which the legacies of centuries of bitterness and injustice are overlaid one upon another. Thus there can never be a "solution" to its difficulties in which universally acknowledged justice is administered to the satisfaction of all its inhabitants. Instead, the challenge for governments which seek to bring peace is to impose compromise upon tribes, each of which has suffered too much to find compromise readily acceptable.

Most Catholic Irishmen believe that the reunification of Ireland would right a historic injustice, even if they do not share the IRA's willingness to resort to violence to achieve it. Most Protestant Ulstermen consider that such an outcome would replace an old injustice by a new one — Dublin's tyranny over a bitterly unwilling Protestant minority. Because these views are so difficult to reconcile, for most of the past 25 years successive British governments have sought to contain Northern Ireland, rather than to achieve a permanent basis for settlement.

The Joint Declaration announced yesterday by the British and Irish governments represents the most ambitious attempt since 1968 to create a new political framework. The British, for their part, acknowledge the legitimacy of Irish aspirations to reunification — if such a course ever achieves the support of a majority of people in the North.

The southern Irish hold up the prospect of changing their constitution to remove Articles 2 and 3, those most detested and feared by Ulster Protestants, since they appear to aspire to a united Ireland regardless of the wishes of the Ulster people. The two governments hope that the Declaration will cause Sinn Féin to renounce terrorism in return for a place at the conference table, at which new democratic institutions will be created for Northern Ireland.

It may be argued that it is the British who have moved further to create the Declaration. The special status of Northern Ireland within the United Kingdom has been implicit in British policy since 1922, and specific in granting Northern Ireland its own internal system of government for 50 years thereafter. But now the British Government has made it more explicit than ever that Ulster remains part of the United Kingdom only as long as its people wish.

The Declaration treats the British only as custodians of Northern Ireland, licensed by democratic mandate. The view that Northern Irishmen and women are British, as the people of Surrey or South Yorkshire are British, becomes no longer sustainable. This is unlikely to worry political opinion in mainland Britain. But it would be naïve to deny that it will trouble many Ulster Unionists, even beyond the ranks of the fanatics and paramilitaries.

Yet the Loyalists, who have wrecked so many compromise settlements in the past — notably the power-sharing assembly which followed the 1975 Sunningdale Agreement — will do well to note the mood of the House of Commons yesterday. British political opinion has shown itself remarkably united in its support for the Declaration. Both the Government and the security forces recognise that the terrorists, who have wreaked such dreadful havoc, can never be defeated by military means alone. A new political deal is essential.

The British people may become very impatient indeed with Ulster's Protestants, if they now reject the fragile chance of a negotiated settlement. Britain pays an enormous bill to sustain the economy, never mind the security, of Northern Ireland. This blunt fact gives the British rights to views about a Northern Irish compromise that Mr Paisley and his friends of the "no surrender" persuasion cannot ignore.

But the key parties to the next stage in Northern Ireland are the terrorists and, above all, the bloodiest of them, the IRA. Some, if not most, of their leaders seem minded to recognise that the offer now before them is as good as they are ever likely to get. If they reject it out of hand, the prospect opens of concerted British and Irish government action against them on an unprecedented scale.

Dublin could withdraw its long-standing opposition to internment north and south of the border. International, and especially American, opinion could become far less sympathetic to nationalists who spurn the conference table. There must be a real prospect that the leaders of Sinn Féin, the IRA's political mouthpieces and democratically elected representatives, will indeed accept the ceasefire necessary to secure attendance at the conference table.

It is plain that yesterday's Declaration represents only a beginning, a thin flicker of political hope after years of frustration and disappointment. It is a considerable achievement for the British and Irish governments to have moved so far together. But it does not represent a surrender to pessimism to emphasise the long road that still lies ahead.

It is not ministers who are bombing and shooting each other in the streets. It is not London and Dublin politicians who have stubbornly defended the politically indefensible for so many years. The people of Northern Ireland now have to make a choice, about taking risks with their own present, in pursuit of a better future.

No one in this country should suggest that the options before them are easy, or happy. Protestant Ulstermen fear the prospect of a long seduction campaign by the South, to woo them into a united Ireland. But Mr John Major and Mr Albert Reynolds have striven hard and honourably to create the conditions for political movement.

The fruits of their efforts should not be spurned by any faction until they have been considered long and hard. If this chance falls, then only decades of further confrontation and bloodshed seem to lie ahead.

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JOINT DECLARATION**BY THE TAOISEACH (PRIME MINISTER OF IRELAND), MR ALBERT REYNOLDS TD****AND PRIME MINISTER JOHN MAJOR MP,****LONDON, 15 DECEMBER 1993**

- Attached is a copy of the Joint Declaration for Peace agreed today between the Irish and British Prime Ministers.
- The Irish Government believe that this Declaration offers a framework for lasting peace and an historic opportunity which the Government hope will be availed of.
- Speaking at a joint press conference, Mr Reynolds said *"that violence in Northern Ireland had led to walls of wilted flowers and an eternity of tears"*. He added *"if this Declaration for Peace helps to dry these tears, if it helps to replace the wilted flowers with new growth, then we can ask for no more"*. Among the other points made at the press conference by Mr Reynolds were the following:
- The Declaration for Peace is a fully balanced document which safeguards the rights and basic concerns of both traditions; we cannot have winners and losers if we want lasting peace.
- It is fair to all and threatens nobody. Rather, it represents an opportunity for everybody to accept that differences can be fully and satisfactorily addressed and solved through the political process, and that violence should have no place, since it only deepens differences.
- The Declaration recognises on behalf of the British Government that it is for the people of Ireland alone, North and South, on the basis of consent freely and concurrently given, to exercise their right of self-determination to bring about a united Ireland, if that is their wish.
- It recognises equally on behalf of the Irish Government that this right must be achieved and exercised with and subject to the agreement and consent of a majority of the people of Northern Ireland.
- It makes clear, in short, that the British Government is in no sense an enemy to the rights of the nationalist tradition and the Irish Government is in no sense an enemy to the rights of the unionist tradition.

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DOWNING STREET DECLARATION OF 15 DECEMBER 1993

The Prime Minister and the Taoiseach made a Joint Declaration on 15 December 1993. The Declaration, which complemented and underpinned the Talks process and the search for a comprehensive political settlement, was made following discussions between the two Governments, since early 1992, on a framework for peace. It set out constitutional principles and political realities which safeguarded the vital interests of both sides of the community in Northern Ireland. The text did not envisage, nor advocate, any particular outcome. It made clear that the consent of a majority of the people in Northern Ireland was required before any constitutional change could come about.

The two Governments agreed that, following a cessation of violence, democratically mandated parties which had established a commitment to exclusively peaceful methods, and which had shown that they would abide permanently by the democratic process, would be free to participate fully in democratic politics and to join in dialogue in due course between the Governments and the political parties on the way ahead.

The text both reiterated Northern Ireland's statutory constitutional guarantee and reaffirmed that the British Government would uphold the democratic wish of a greater number of the people of Northern Ireland, on the issue of whether they preferred to support the Union or a sovereign united Ireland. On this basis the British Government reiterated that they had no selfish strategic or economic interest in Northern Ireland, and that, were a majority in Northern Ireland to wish it, the Government would introduce legislation to bring about a united Ireland. For their part the Irish Government accepted that it would be wrong to attempt to impose a united Ireland, in the absence of the freely given consent of a majority of the people of Northern Ireland.

The Irish Government also confirmed that in the event of an overall settlement, they would put forward and support proposals for change in the Irish Constitution, which would fully reflect the principle of consent in Northern Ireland.

SUMMARY

A NEW FRAMEWORK FOR AGREEMENT

These proposals:

- reaffirm the guiding principles of self-determination, the consent of the governed, exclusively democratic and peaceful means, and full respect and protection for the rights and identities of both traditions.
- provide for an agreed new approach to traditional constitutional doctrines on both sides
 - The British Government will propose changes to its constitutional legislation, so as to incorporate a commitment to continuing willingness to accept the will of a majority of the people living in Northern Ireland, and a commitment to exercise their jurisdiction with rigorous impartiality on behalf of all the people of Northern Ireland, in a way which does not prejudice their freedom to determine Northern Ireland's constitutional status, whether in remaining a part of the United Kingdom or in forming part of a united Ireland;
 - the Irish Government will introduce and support proposals for changes in the Irish Constitution, so that no territorial claim of right to jurisdiction over Northern Ireland contrary to the will of a majority of its people is asserted, and so that the Irish Government recognise the legitimacy of whatever choice is freely exercised by a majority of the people of Northern Ireland with regard to its constitutional status;
- commend direct dialogue with the relevant political parties in Northern Ireland in developing new internal structures;
- propose a North/South body, comprising elected representatives from, and accountable to, a Northern Ireland Assembly and the Irish Parliament, to deal with matters designated by the two Governments in the first instance in agreement with the parties;
- describe ways in which such a body could work with executive harmonising or consultative functions, by way of authority delegated to its members by the Assembly;
- envisage that all decisions within the North/South body would be by agreement between the two sides;

- 2 -

- set out criteria for the designation of functions, and suggest a range of functions that might be designated from the outset, for agreement with the parties;
- envisage the Northern Ireland Assembly and the Irish Parliament being able, by agreement, to designate further functions or to move functions already designated between the three categories;
- envisage that the body will have an important role in consultation with the two Governments in developing an agreed approach for the whole island in respect of the challenges and opportunities of the European Union;
- envisage a Parliamentary forum, with representatives from new Northern Ireland institutions and the Irish Parliament to consider matters of mutual interest;
- envisage a new and more broadly based Agreement between the British and Irish Governments to develop and extend co-operation;
- envisage a standing Intergovernmental Conference which would consider matters of mutual interest, but not those transferred to new political institutions in Northern Ireland;
- envisage that representatives of agreed political institutions in Northern Ireland may be formally associated with the work of the Conference;
- provide for a complementary undertaking by both Governments to ensure protection for specified civil, political, social and cultural rights.

These proposals do not provide for joint authority by the British and Irish Governments over Northern Ireland. They do not predetermine any outcome to the Talks process. Agreement by the parties, and then by the people, is the key.
