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JOINT DECLARATION: BRIEFING LINES

Key points

- The Declaration is a sensible text which, in setting out constitutional principles and political realities, fully addresses the concerns of both sides of the community in Northern Ireland, and safeguards their vital interests.
- The text is sole responsibility of the two Governments.
- It is not the outcome of the Hume/Adams dialogue. In Brussels on 29 October, the Prime Minister and the Taoiseach acknowledged John Hume's courageous and imaginative efforts, but agreed that any peace initiative could be taken only by the two Governments.
- The Declaration is fully compatible with the Talks process addressing all the key relationships and involving the main constitutional political parties in Northern Ireland as well as the two Governments.
- The Declaration is not the product of any bargaining or deals with the Provisionals.
- Do not know whether this Declaration will produce peace. But the Provisional Movement has been urging the two Governments to make a Joint Declaration. If Mr Adams wants his claims that he is serious about peace to have any credibility, he knows what to do.
- The Provisionals have presented themselves as interested in securing peace. Yet they have failed to deliver an end to violence. They should do so now. So should the Loyalists.

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- The Declaration makes clear the Taoiseach's acceptance that it would be wrong to attempt to impose a united Ireland in the absence of the freely given consent of the majority of the people of Northern Ireland. It reiterates Northern Ireland's statutory constitutional guarantee. It also reaffirms that the concern of the British Government is to uphold the democratic wishes of the [greater number of the] people of Northern Ireland.

- The Taoiseach confirms in the Declaration that, in the event of an overall settlement, the Irish Government will, as part of a balanced constitutional accommodation, put forward and support proposals for change in the Irish Constitution which would fully reflect the principle of consent in Northern Ireland.

Concessions by the Irish Government

- Irish Government recognises (paragraph 2) that British Government must adhere to Northern Ireland's statutory constitutional guarantee. (This provides that Northern Ireland will not cease to be part of the United Kingdom while that is the wish of a majority of its people.)

- Taoiseach concedes (paragraph 5) that it would be wrong to attempt to impose a united Ireland in the absence of freely given consent of a majority of the people of Northern Ireland.

- Taoiseach accepts (paragraph 5) 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.

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- Taoiseach agrees (paragraph 6) to examine any elements in the democratic life and organisation of the Irish state which can be represented as a real and substantial threat to the way as of life and ethos of any particular tradition - eg the Unionist tradition.
- Taoiseach will similarly examine (paragraph 6) anything which can be represented as not fully consistent with a modern and pluralist society.
- Taoiseach reaffirms (paragraph 7) that the genuine feelings of all traditions in Northern Ireland, including Unionist attitudes towards the rest of Ireland, must be recognised and acknowledged.
- Taoiseach acknowledges (paragraph 7) presence in Constitution of Irish Republic of elements which are deeply resented by Unionists.
- Taoiseach confirms (paragraph 7) that, in the event of an overall settlement, the Irish Government will, as part of a balanced constitutional accommodation, put forward and support proposals for change in the Irish Constitution which would fully reflect the principle of consent in Northern Ireland.

Concessions by HMG

- Reference to British Government having no selfish strategic or economic interest in Northern Ireland is set in context, and is simply a reiteration of what the Government has consistently said since Mr Brooke's Whitbread speech of 1990 (paragraph 4).

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- Reference in paragraph 4 to British Government's role to encourage, [assist and] enable the achievement of agreement over a period does not mean that we are committed to a united Ireland in the absence of consent in Northern Ireland. We simply undertake to encourage an overall accommodation based on full respect for the rights and identities of both traditions in Northern Ireland. No timescale stipulated.
  
- Our acceptance that such agreement may take the form of agreed structures again need not imply a united Ireland. Such structures could, for instance, comprise new North/South institutions arrived at as part of an overall Talks settlement and designed to increase co-operation and working together between Northern Ireland and the Republic without involving any derogation from sovereignty.
  
- Paragraph 4 also concedes a form of Irish self-determination, although qualified in such a way that its exercise must clearly be subject to the consent of the people of Northern Ireland. It says "the British Government agreed that it is for the people of the island of Ireland alone, by agreement between the two parts respectively, 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. That and related references in the Joint Declaration clearly imply two separate acts of determination, North and South, and that Northern Ireland could not be forced into a united Ireland against the wishes of a majority of its people. Indeed, in paragraph 5, the Taoiseach concedes that it would be wrong to attempt to impose a united Ireland in the absence of the freely given consent of the majority of the people of Northern Ireland. (On Sky News on 8 December he said "It is not a

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position where you count self-determination in an all-Ireland context as one unit.")

- The British Government reaffirms as a binding obligation that it will legislate for a united Ireland, or any measure of agreement on future relationships in Ireland, which may be arrived at through the exercise of the principle of self-determination as qualified in the Declaration. So far as a united Ireland is concerned, this does not go beyond the existing commitment to legislate in the event of a majority preference in Northern Ireland for a united Ireland which is currently contained in Article 1(c) of the Anglo-Irish Agreement. The other part of the formulation consistent with the British Government playing its part in implementing an overall accommodation resulting from the Talks process.
  
- The British Government confirms that it would be prepared to enter preliminary exploratory dialogue with Sinn Fein three months after a permanent cessation of IRA violence had been announced and established. This represents no advance on the commitment in the message of 5 November from the British Government to the Provisional leadership published in the dossier of exchanges on 29 November 1993. There is no implication that Sinn Fein would gain a place at the Talks table within the same timescale. The admission of Sinn Fein to the Talks would be for consideration by all those concerned in the light of a genuine end to violence sufficiently demonstrated.

Recent press stories: what the Joint Declaration does not do

- The Joint Declaration does not:

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- . contain any reference to, or hidden commitments to, withdrawal of British troops from Northern Ireland
- . set any timescale for a united Ireland to come about
- . force the people of Northern Ireland to join a united Ireland against their will
- . recognise the legitimacy and value of achievement of a united Ireland
- . commit the British Government to joining the ranks of the persuaders
- . set up an Irish Convention [/Forum] whose decisions the British Government would be bound to implement
- . derogate in any way from UK sovereignty over Northern Ireland
- . establish arrangements for the exercise of joint authority between the British and Irish Governments
- . commit anyone to new autonomous North/South institutions without proper lines of accountability to political institutions in Northern Ireland and the Republic of Ireland respectively
- . give Sinn Fein any immediate place at the Talks table
- . signal any abandonment by the two Governments of the Talks process addressing all the relevant relationships and involving the main constitutional political parties in Northern Ireland
- . sacrifice the valuable round of meetings with the Northern Ireland parties being undertaken by Michael Ancram.

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