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JOINT DECLARATION INITIATIVE

Analysis of JD13: Tabled on 9/11/93

1. Comparing this text (JD13) with that which the Irish side conveyed on 8 October (JD11), almost nothing has been omitted, but substantial new passages appear. There is some minor re-ordering of passages.
2. The main changes are these:
 - (i) the addition at the end of paragraph 1 is designed to imply that the JDI antedates the Hume/Adams demarche, and that the principles in this paper have a different origin;
 - (ii) the EC passage previously in paragraph 2 has been relegated to paragraph 3;
 - (iii) paragraphs 6, 7 and 8 are entirely new and seem designed to show Irish Government sensitivity to Unionist concerns. Paragraph 6 includes a commitment to consider changing any aspect of the Irish state which is represented in the course of political dialogue as posing a real and substantial threat to the Unionist way of life and ethos or can be represented as "not being fully consistent with a modern democratic and pluralist society". It also promises that efforts to bring the people of Ireland together should not be pursued either by threat or coercion;
 - (iv) paragraph 7 includes signals of willingness to amend the Irish Constitution, acknowledging that elements of it are deeply resented by Unionists;

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- (v) paragraph 9, previously expressed in terms of commitments by the Irish Government alone now involves both Governments seeking to create institutions and structures which while respecting the diversity of the people of Ireland would enable them to work together in all areas of common interest;
- (vi) the additional sentence at the end of paragraph 11 promises that the Irish Government will approach the Convention in a true spirit of openness and magnanimity.

Comment

3. This text is less obviously one-sided. It shows a real effort by the Irish Government to reach out to the Unionists, as well as to produce formulae to encourage the Provisionals to abandon the "armed struggle". If this is evidence of the spirit in which the Irish Government is approaching the "peace process" and the "Talks process" then there has been a real shift from the position of the then Irish Government in the Talks in 1992. At the right moment, and in the right context, this no doubt deserves to be acknowledged.

4. Unfortunately Unionists may look askance at most of the generous language in the document on the basis that it is warmth and sensitivity designed to accommodate them in a united Ireland, which does not interest them. They crave acknowledgement and recognition of the legitimacy of the separate existence of Northern Ireland as part of the UK.

5. The text still omits the constitutional guarantee (save for the brief mention in paragraph 2 of the "guarantees which each Government has given"). It does not mention the United Kingdom.

6. The document continues to characterise the role of the British Government as a benevolent, if rather passive, sponsor of

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the pursuit of agreement among the people living in Ireland. Though the "special links" between Britain and Ireland are mentioned (paragraph 9) there is nothing to recognise that Northern Ireland is part of the United Kingdom, that the British Government administers it and that, given the views of the people of Northern Ireland and the determination of the British Government to respect them, it is likely to remain in the United Kingdom for the foreseeable future.

7. A number of questions arise:

(i) is this text offered on the basis that the Irish Government is committed to it?

(ii) To whom, on the Unionist side, has this text been shown? And would it, if adjusted to include an explicit reference to the constitutional guarantee in paragraph 4, be capable of carrying the Unionists?

(iii) If so, would the loyalist paramilitaries also come quietly?

(iv) Could this text (if amended to include the constitutional guarantee) carry the Provisionals?

(v) Could HMG live with this text, on the assumption that others could find it acceptable?

Northern Ireland Office
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