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DRAFT LETTER FROM PS/SECRETARY OF STATE

TO: Roderic Lyne Esq.
Private Secretary/No.10
London SW1A 2AA

cc: Sir Robin Butler
Sir David Gillmore, FCO

JOINT DECLARATION INITIATIVE

It is, in my Secretary of State's view, clear that we shall need to consider carefully the next steps in respect of the Irish government/Hume Joint Declaration Initiative in the light of two developments: the Hume/Adams demarche at the weekend and the receipt, from the Irish side, of a new text (attached as

JD.8). He suggests a discussion in the margins of N.I. *[Handwritten signature]*

2. The Hume/Adams demarche expressly involves a report to the Irish government, partly, so Hume claims, to give HMG some cover: but the statement makes it clear that the "broad principles involved will be for wider consideration between the two governments". We can expect to hear from the Irish side once Hume delivers his report, though it seems this may not be until after his return from the USA. (It is not clear what text, if any, Hume/Adams will present.) The Hume/Adams statement in full is:

"Our discussions aimed at the creation of a peace process which would involve all parties have made considerable

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progress. We agreed to forward a report on the position reached to date to Dublin for consideration. We recognise that the broad principles involved will be for wider consideration between the two governments. "Accordingly we have suspended detailed discussions for the time being in order to facilitate this. We are convinced from our discussions that a process can be designed to lead to agreement among the divided people of this island which will provide a solid basis for peace.

"Such a process would obviously be designed to ensure that any new agreement that might emerge respects the diversity of our different traditions and earns their allegiance and agreement."

When Sir Robin Butler last discussed these matters with Mr Nally it was agreed that there might be further exchanges between the two chairmen (O hUiginn/Thomas) of the Liaison Group which has been tasked, following the recent IGC, to prepare a joint assessment of an acceptable outcome from the (overt) Talks process. (This was reported in my Secretary of State's minute of 15 September.) The two chairmen met on Friday 24 September (and a full record of their discussion on the JDI is attached). While Thomas passed over a paper in preparation for the Liaison

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Group's forthcoming meeting on the Talks, O hUiginn presented JD.8. He explained that the Taoiseach remains focussed on this and that, without some sign that the British side are taking it seriously, may drag his feet on the Talks. He said that JD.8 had been approved and commended not only by the Taoiseach, but also by Hume; but that it had not been shown to the ~~move the~~ Provisionals and would not be in advance of our reaction. If this is right, the Hume/Adams demarche is presumably not founded on this text. (O hUiginn referred to the possibility of a demarche as an unlikely future possibility from which the Irish government was strenuously seeking to dissuade Hume.)

~~Declaration in which the Irish government announces that~~

4. It is not surprising that the Taoiseach should prefer this initiative to the Talks. It offers the prospect of a quick fix, with a starring role for the Irish government (though Hume is clearly intent on stealing its thunder); it would, or so it is claimed, deliver peace; and it does not involve the politically difficult exercise of a constitutional referendum on Articles 2 and 3. ~~(It) whether, in exchange for this, the Provisionals~~

~~intend, and can deliver, a cessation of violence. We~~

5. The new text is a considerable improvement. (The attached Note for the Record contains some detailed points of analysis.)

□ My Secretary of State believes, on the evidence of this, that we ~~may be close to something which it would be wrong to reject,~~ ^{not try to develop} despite the unhelpful complications arising from the premature publicity of the Hume/Adams demarche. There are a number of factors: ~~(getting it right.)~~

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(i) Whether the JDI scheme could be acceptable in principle: that is, a Joint Declaration in something like these terms, leading to the establishment by the Irish government of a "Permanent Irish Convention" to consult and advise on the steps required to remove the barriers of distrust which at present divide the people of Ireland and which stand in the way of the exercise in common by them of self-determination on a basis of equality". HMG is given no direct role in respect of this Convention, save by virtue of being party to the Declaration in which the Irish government announces that it is being established;

(ii) whether the judgement of the Irish government/Hume that a text of this kind would be accepted by the Provisionals is right;

(iii) whether, in exchange for this, the Provisionals intend, and can deliver, a cessation of violence. We are told that this is what is on offer, but have no independent confirmation of it. (Our general judgement, however, is that if the PAC commit themselves to peace it will be because they are confident that it will hold; and that our judgement on this is unlikely to be better than their own. Their lives may depend on them getting it right.);

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(iv) whether the Loyalist paramilitaries would respond by abandoning their own campaign, which they have always said is responsive to IRA terrorism. The crucial question is whether they would believe they had been sold down the river, and actually or prospectively abandoned by HMG. Properly construed, the Joint Declaration, if amended to be acceptable to HMG, should not involve that risk;

(v) whether the short term impact on the Talks process is acceptable. The initial impact is likely to be fatal, as Unionists (and, possibly, the Alliance Party) would retreat until reassured about HMG's intention.) (Early reactions to the Hume/Adams demarche seem consistent with this, though some of them ^{evidently} wrongly assume joint authority is being sought.) In the longer term, if peace held, the situation would be transformed to the good;

(vi) the effect on opinion in Great Britain. The achievement of peace, on terms consistent with HMG's principles, would be received with considerable enthusiasm and relief. (By contrast there is some risk that HMG would be criticised if it became known that it had rejected an opportunity for peace on terms which the

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X public might regard as entirely acceptable.) ~~The hints of a possible Hume/Adams demarche are relevant.);~~

(vii) the international response which is likely to be enthusiastic and supportive, even if the Irish government and/or John Hume make claim a greater share of any credit;

(viii) whether acceptable language can be found and whether HMG, which has so far refrained from offering text itself, should now be a little more forward.

6. My Secretary of State notes that in the nature of things we cannot be wholly confident about the answers to all these questions. If the Joint Declaration ^{amend to suit our request,} could secure peace, from Loyalists as well as Republicans (and without an enlarged splinter of non-IRA Republican terrorists), he believes it would

X be at an acceptable price, ~~despite some initial turbulent effect on the Talks.~~ ^{In the HM A Coms, in my Secy of State's judgment,} (He notes that there could also be some impact on

Parliamentary arithmetic, though much would depend on the ^{point}

X handling of Mr Molyneux.) ~~Accordingly it might have been right to respond in a way which would enable the Irish government, which seems ready to accept the exposure involved in being closer to these exchanges, to probe the Provisionals further.~~

// 7. Matters now depend ^{in part} somewhat on what the Irish government have to say about the Hume/Adams ~~"report"~~.

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7. My Secretary of State believes that the ^{brsh} ~~conceptual~~ elements of the Joint Declaration are ^{approach} ~~also~~ now ^{is not} very close to what might prove acceptable. ~~There is no question of HMG being asked, for example, to commit itself to withdrawal, save on the achievement of unity by consent to which we are already committed, or to the proposition that a united Ireland is the right solution, or to "joining the ranks of the persuaders".~~ ^{or to not tell to the Provisionals.} The Provisionals, if the Irish government/Hume are right, will settle for less than the Labour Party's policy. The most problematic issue concerns the apparent need for some reference to "self-determination". My Secretary of State believes that the Irish government may need ^{discuss} some drafting help if they are to achieve something which ^{will} falls within the ^{be acceptable to us & suggest that we are the} limits of acceptability for us. (I attach at Annex A for illustrative purposes, a version of paragraph 4 which my Secretary of State believes we could accept, subject to further ^{by SAJ needs this.} study. It could be shown informally to the Irish side. Obviously there would only be point in doing this if the other elements of the JDI approach were regarded as acceptable in principle.) ^{The rest of the text will also not} ~~be acceptable to us & suggest that we are the~~ ^{clear} ~~alt. to: if we are to engage seriously with it.~~

8. The future handling is complicated by the public focus following the Hume/Adams demarche. We do not know what their "report" to the Irish government will amount to. It seems likely that it can be no more than the public surfacing of the

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X JDI scheme, perhaps based on one of the earlier texts. It is unlikely, in that event, to advance matters, and indeed the publicity has ^{had} the opposite effect. If we are to bring this exercise to fruition my Secretary of State believes we need to concentrate on this latest text (JD.8) from the Irish side and consider whether it can be amended in a way which could be acceptable to us.

X 9. The Anglo-Irish Liaison Group on the Talks will meet on Friday in Dublin and will provide a further opportunity for some exchange between its two heads in respect of the JDI. My Secretary of State suggests that that, or further discussion in the Butler/Nally group, may ^{offer} be the best way forward.

~~10. The inter-relationship of the JDI to the Talks process in the short term is not straightforward. While it is known to be in issue the Unionists will be wary and the effect will be to make Talks less likely. But if we were to rebuff the JDI conclusively the Irish government will be less likely to work with us on Talks. (Though domestic and international opinion inhibit their ability to do this too openly.)~~ My Secretary of State believes we have, for the moment, little option but to ~~continue to pursue Talks, while examining any JDI proposals on merits,~~ ^{and we might fit into cabinet will face the cabinet.} ~~while at the same time pursuing the talks process.~~

JDI 8 suggests about that about in the letter, ^{very carefully} ~~examining any JDI proposals on merits,~~ ^{it} ~~while at the same time pursuing the talks process.~~ ^{that}

as he has done,

11. My Secretary of State suggests that we should maintain the public line that there is no question of HMG engaging in talks or negotiations with those who use, support or threaten violence to advance their political objectives; but that ~~any proposition put to us by or with the support of the Irish government will receive careful consideration.~~

12. I am sending a copy of this letter to Sir Robin Butler and to Sir David Gillmore.

we would naturally look with interest at anything the Irish government would like to do so will be silly, but whether we will be imposed by it will be different matter a } Some supplementary brief is attached

IN PLACE OF PARAGRAPH 4 OF JD8

ANNEX A

4. In confirming its wish, and its commitment to ensure, that Northern Ireland should remain in the United Kingdom while ^{might even be} ~~that is~~ the wish of a majority of its people, and that it would be wrong to change that status without the consent of such a majority, the British Government affirms nonetheless that it ^{would here} ~~has~~ no selfish strategic or economic interest in retaining Northern Ireland within the United Kingdom against the wishes of its people; that its primary interest is to see peace, stability and reconciliation established by agreement among all the people who inhabit the island; and that it will work together with the Irish Government to achieve such an agreement which will embrace the totality of relationships. At the same time, the British Government:

- (i) accepts and acknowledges that ~~there should be a united Ireland~~ if, but only if, a majority ^{frankly express the wish that} ~~supported this~~ in each part of Ireland; ^{be a united Ireland that they shall come about}
- (ii) confirms accordingly that the future status of Northern Ireland should ^{only} be determined on the basis of consent, North and South, of the people living in Ireland ~~alone~~;
- (iii) acknowledges that a significant minority of the people of Northern Ireland wish for, either immediately or at some time in the future, a united Ireland and that they have the right to pursue that outcome from a basis of parity of esteem, by peaceful and democratic means and without impediment;
- (iv) confirms its wish to see agreement reached between the people of the island of Ireland, North and South, on

arrangements, structures or institutions to which all the people living in Ireland could give assent and support;

(v) confirms that such arrangements, structures or institutions may, as of right, take the form of agreed independent structures for the island as a whole;

(vi) confirms, in particular, that if, in the future, a majority of the people of Northern Ireland clearly wish for and formally consent to the establishment of a united Ireland, it will introduce and support legislation to give effect to that wish;

(vii) acknowledges, accordingly, a binding obligation to work to implement ~~this or any measure of agreement on~~ future relationships in the island of Ireland ~~which~~ the people living there may themselves freely determine ~~without external impediment and which secures consent, North and South;~~

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which of this kind or other

and ~~thereby~~ ^{accordingly hereby} acknowledges the legitimacy of ^{claims to} rights of self-determination ^{made by} of the people of the island of Ireland. The British Government believes that the people of Britain would wish, in friendship to ^{them} all ^{North & South} sides, to encourage the people of the island of Ireland to reach agreement on how they may live together in concord, harmony and partnership, showing respect for their diverse traditions and fully recognising the special links and the unique relationship which exists between the people of Britain and Ireland. The British Government will seek ^{consistently with the foregoing} to encourage, assist and enable such agreement over a period through a process of dialogue and cooperation based on full respect for the rights and identities of both traditions in Ireland.

North & South