

JOINT DECLARATION INITIATIVE: THE TEXT

1. The main purpose of the meeting is to reach agreement on the text of a Joint Declaration, to be made on a later occasion, and on its handling.

2. A subsidiary objective is to ensure that, if there is a breach, it is presented as being on the right issue or issues. These include:

- British insistence on the constitutional guarantee
- failure of the Irish Government to acknowledge, in sufficiently unambiguous terms, the need for consent of the people of Northern Ireland to the establishment of a united Ireland. (Note Anglo-Irish Agreement language does not go far enough.)
- Irish Government intransigence on Articles 2 and 3
- Irish Government insistence on the permanent Irish Convention. This has no role for HMG; is obviously a nationalist forum with little appeal for the Unionists (then is no "British dimension"): and it is too conspicuously advertised as part of the Hume/Adams agenda
- [- if rough: Irish Government acting as proxy negotiators for Mr Adams.]

3. On handling, there is both a private and public dimension. On private handling, the objective is to ensure that an agreed text, if it is secured, is put by the Irish side to the Provisional Movement on a basis which does not involve the British Government in indirect negotiation with them: ie on a take it or leave it basis. (There

might be room for minor textual adjustments, particularly if the Irish side had to wit to present them as their own second thoughts.) The British side will make the Declaration only if the Taoiseach can give his assurance that this will secure the renunciation of violence by the Provisional Movement.

4. The public handling of any agreed text needs care. The matter has been considerable complicated by the way in which extensive and detailed Irish briefing has advertised the meeting as a confrontation. British agreement to any Joint Declaration, particularly one which includes the notion of "self-determination", will be represented, particularly by the unionists, as a craven surrender to demands made by the Irish Government at the behest of Adams. The Irish Government's negotiating tactics have made it difficult for the British side to accept a text unless it includes some new and unadvertised British demand. Candidates might be:

- the forward language on Articles 2 and 3 in the British version (in paragraph 2(d) attributed to the Prime Minister's; and in paragraph 3(a) attributed to the Taoiseach.)
- an acknowledgement that Northern Ireland is at present part of the UK. For example the British paper tabled on 24 September in the Liaison Group included this proposal:
 "Both Governments accept that Northern Ireland is part of the United Kingdom, in accordance with the present wishes of a majority of its people and that it would be wrong to change that status without the consent of such a majority"
 this language would force a change in Articles 2 and 3
- some other formulation, focusing on the consent of the people of Northern Ireland. For example the Irish Government could say that it would be wrong to seek a united Ireland save on the basis that a majority of its people freely consented to it.

The Text

5. Three texts are attached, though only the first two are in the possession of the Irish side and are "on the table". These are:

- 1 JD14 (as it is known in the British system): ie the latest text from the Irish side, with difficulties marked in manuscript
- 2 the British Version: 25 November draft, as conveyed to the Taoiseach by Sir Robin Butler on 26 November
- 3 JD14A. This is an adaptation of JD14. The passages underlined reflect amendments which would render it acceptable to Mr Molyneaux. The manuscript additions are additional non-essential bargaining points, designed to produce a more Unionist-friendly text.

6. The Irish side will resist even looking at the British Version: At the least it can be a quarry for language more friendly to British interests. The main issues emerge from the text, in particular from JD14A. They include:

- (i) the need for a reference to the constitutional guarantee. This has been added to paragraph 4 of JD14A. The British side should refuse to contemplate a statement of this formality in respect of Northern Ireland which lacks the constitutional guarantee. If agreement cannot be secured this is a good issue on which to break. So far the Irish side has maintained that its inclusion would render the Joint Declaration "unsaleable" to the Provisional Movement. If that is so it suggests that the Provisional Movement is not ready to make the necessary historical compromise as Hume/Reynolds claim.

- (ii) the needs for a reference to the right of Irish self-determination. One British proposal is included in paragraph 4 of JD14A, but this has not been shown to the Irish side. There was a different formula in the British Version: the whole of paragraph 2(c) of which is designed to provide a context where the words "self-determination" can be safely used. The relevant sentence in paragraph 4 of the JD14 might be acceptable: it has not attracted particular attention from Mr Molyneaux. Its acceptability turns on the word "concurrently" carrying the clear implication that there are two separate, if simultaneous, consents required, North and South.
- (iii) the need to secure some more forward language on Articles 2 and 3. This is not at present in JD14A, and is not a point which Mr Molyneaux seeks. It would however be a considerable prize both for British interests, as a platform to relaunch talks, and to render the whole exercise more saleable to unionists. (Mr Molyneaux may not find lack of movement on Articles 2 and 3 a problem: it provides a good alibi for arguing for an "internal settlement" on the basis that the Irish Government is too intransigent to make an Irish dimension negotiable.) There is possible language in paragraph 2(d) (attributed to the British) and paragraph 3(a) of the British Version.
- (iv) the removal of reference to the Permanent Irish Convention in paragraphs 10 and 11 of JD14. (This is the largest element of the Joint Declaration which is omitted from the British Version or JD14A.) The Irish side appeared ready to concede this in exchange for a reference to the willingness of the British Government, or both Governments, to enter exploratory dialogue with Sinn Fein after a demonstrated end to the Provisionals' violence campaign. Paragraph 10 of JD14A, which the Irish side has

not seen, contains possible language. The Convention is, in substance, a harmless talking stop of no concern to HMG. Symbolically it is more troubling and Mr Molyneaux takes exception to it. The British side can argue that it is unnecessary given HMG's agreement to meet Sinn Fein after a relatively brief quarantine period. Failing that, the Irish side can be urged to announce the Convention separately from the Joint Declaration. (We could not stop them doing so, in any event.)

- (v) The possible need for some more language acknowledging in novel and unambiguous terms Irish acceptance of the consent principle in respect of Northern Ireland and/or of its present status as part of the United Kingdom. One formulation, which the Irish side is unlikely to accept, is that in the British draft of the "Join Framework Document":

"Both Governments accept that Northern Ireland is part of the United Kingdom in accordance with the present wishes of a majority of its people and that it would be wrong to change that status without the consent of such a majority."