

THE JOINT DECLARATION INITIATIVE: BACKGROUND

1. This paper gives the background to the proposal put to the British Government by the Irish Government for a Joint Declaration to be made which, in the Taoiseach's judgement, will lead to a cessation of the Provisional IRA's armed campaign and a historic shift by Sinn Fein to wholly constitutional democratic politics.
2. The Declaration involves HMG acknowledging Irish self-determination in terms compatible with the constitutional guarantee to the people of Northern Ireland, while the Irish Government concedes in parallel that self-determination must be exercised with the agreement and consent of the people of Northern Ireland. The other features of the scheme in the Declaration are -
  - a. establishment by the Irish Government of a permanent Irish Convention, open to democratically mandated political parties in Ireland 'which abide exclusively by the democratic process', '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';
  - b. reiteration by the British Government that it has no selfish strategic or economic interest in Northern Ireland;
  - c. rhetorical warmth, short of active endorsement, towards the fostering of agreement between the people of Ireland on how they may live together in 'harmony and partnership';

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- d. commitment by the Irish Government to the reflection in 'any future agreed political and constitutional arrangements emerging from a new and more broadly based agreement' of the democratic dignity and the civil rights and religious liberties of both communities.
3. Although it makes no direct reference to the Provisionals, the text assumes their being able to acknowledge the Declaration as a significant development which allows them to eschew violence, and that in turn unlocks the door to their immediate participation in the Convention.
4. An important feature of this scheme is the limited nature of the action it requires from HMG. We are not committed to any immediate direct dialogue with Sinn Fein, nor to new political institutions in Northern Ireland, nor security policies which limit our scope for reacting to events on the ground. All the weight - beyond the making of the Declaration itself - is borne by the Irish Government.
5. The current text (JD12) is the Irish Government's attempt to take account of the principles which they, and we, require while ensuring that it remains saleable to the Provisionals. This is, of course, the key judgement involved in the Initiative. Although we know that the Provisionals have seen recent drafts, it is probable that they have not seen this version.
6. The calculus is complicated by the need to factor in any expectation the Provisionals might have of the Initiative leading to dialogue directly with HMG, and a place at the Talks table. There are indications that although it is not in the scheme the Provisionals' enthusiasm rests, at least in part on their construing the Secretary of State for Northern Ireland's Coleraine speech (16 December 1992) as a commitment to dialogue once they

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had renounced "unequivocally the use and threat of violence, and [demonstrated] over a sufficient period that [their] renunciation is for real ...", and that "in the event of a genuine and established cessation of violence, the whole range of responses that [HMG] have had to make to that violence could, and would, inevitably be looked at afresh ...".

7. For his part the Taoiseach, in presenting the initiative formally, would, subject to the necessary checks, give the following assurances -

- a. in his judgement, if the text is accepted, PIRA's violence will be brought to an end. If necessary, this judgement would be publicly usable by HMG;
- b. there are no secret deals beneath the surface of this text, and no expectations of HMG other than are apparent in it;
- c. the Irish Government believes the initiative is formally compatible with the Talks process (indeed much of the language points to the need for such a process of dialogue) and remains actively committed to it;
- d. the Irish Government will not be pressing for Sinn Fein to be admitted at once to the Talks process. The tasks of the proposed Convention are not clear and settled, but one idea is that it could first draw up some principles emphasising shared commitment to peaceful and democratic procedures. Assuming Sinn Fein were a party to this, and that peace had held through their preparation (which might take some months) then the Irish Government would believe that Sinn Fein should become eligible to join the Talks.

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8. Insofar as the Declaration itself is concerned the principal difficulties boil down to two issues which, in some respects, mirror one another -

- . Irish self-determination.
- . the constitutional guarantee

### Self determination

9. In public comments on the Hume/Adams démarche the focus has been rather insistently upon self-determination. Significantly, it was this to which the IRA's own statement last week referred, and its centrality to this scheme is as likely to reflect Fianna Fail concerns as Sinn Fein ones. From a Unionist perspective the right of national (= Irish) self-determination is believed to involve a fundamental denial of their different identity. The text attempts to address that concern by modifying the right in important respects. The sentence in para 4 reads thus, "The British Government agree that it is for the people of the island of Ireland alone to exercise their right of self determination on the basis of freely and concurrently given consent, North and South, to bring about a united Ireland if that is their wish." The protection this form of words gives to the majority of people in Northern Ireland who wish for the region to remain part of the United Kingdom comes in two ways but both consistent with HMG's prior public position. Firstly the right of self-determination is to be based on freely and concurrently given consent, North and South. In other words, there could be simultaneous referendums but they would be separate. Second, the conditional clause at the end of the sentence removes the implication that the Government sees a united Ireland as the sole and inevitable outcome to which the people of the island of Ireland would agree. Save only for the use of the term self-determination, this sentence (and the rest of para 4) was prefigured in the Secretary of State for Northern Ireland's Coleraine speech.

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10. In the following paragraph the Taoiseach accepts that the "democratic right of self-determination by the people of Ireland as a whole must be achieved and exercised with the agreement and consent of the people of Northern Ireland ..." This represents a significant recognition by the Irish Government of the need to secure Unionist consent to any change in the status of Northern Ireland.

11. Although there can be no doubt about the symbolic importance of HMG acknowledging Irish rights of self-determination, the caveats in the text reinforce our commitment to the principle of consent. However, as it stands this part of the Joint Declaration could exacerbate the fears and suspicions in the Unionist community which have already been aroused by the Hume/Adams démarche.

The constitutional guarantee

12. Less equivocal reassurance could be given by a direct restatement of the constitutional guarantee. The Irish Government recognise our need to give this some expression, and the text they have offered includes the following sentence in paragraph 3 - "They [Taoiseach and Prime Minister] therefore make a solemn commitment to promote co-operation at all levels on the basis of the fundamental principles, undertakings and obligations under international agreements, to which they have jointly committed themselves, and the guarantees which each Government has given". This is not unhelpful, but the absence of a restatement of the guarantee in paragraph 4, which is attributed solely to the British Government, would be noticed.

13. The Irish side will expect that we would accompany the Declaration with a forthright public restatement of the guarantee. But if this did not appear in the text itself, audiences in Northern Ireland would suspect duplicity. Ostensibly

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it ought not to be too difficult to persuade the Irish to take a decision to incorporate the words in the text. There are even some grounds, as the intelligence assessment indicates, for believing that the Provisionals might accept rather more than the Irish think they will.

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... it was principally through ... that ... brought to this point. The ... in 1969 ... this ... public ... but ... evidently ... particularly ... in 1969 ... of a ... by the ... as an ... to ... by ... the ... The ... in ... but ... had ... to the Irish ... The ... was eventually ... It was agreed that there would be a further ... on the basis of that text.

... on 10 January 1992 ... the ... privately ... and asked for authority to tell the Provisionals that the British government, like the Irish Government, saw a serious possibility of making progress with this initiative. After careful ... it was agreed that he could report his own ... of the Government's response, but not carry any message

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