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FROM: M J WILLIAMS
US(POL)

Copy No [] of 17

9 December 1993

cc PS/Michael Ancram (L) - B [3]
PS/PUS (L) - B [4]
PS/Mr Fell [5]
Mr Legge - B [6]
Mr Deverell - B [7]
Mr Bell - B [8]
Mr Brooker - B [9] - *Destroyed*
Mr Cooke - B [10]
Mr Rickard - B [11]
Mr Maccabe - B [12]
Mr Beeton - B [13]
HMA Dublin - B [14]
Mr Archer RID, FCO - B [15]
File/Float [16/17]

PS/SofS (L&B) - B [1&2]

JOINT DECLARATION INITIATIVE

I had been planning to highlight my concern that paragraph 9 of the draft enclosed with Mr Thomas' minute of 8 December may understate the risks which would be attached to a Joint Declaration in the form of JD.15. Mr Maccabe has also expressed his own concerns about unionist reaction in a minute to me, which I now attach.

2. The problem with JD.15 is that, read as a whole, it clearly envisages a future which sees Ireland as a unit. A solution to the problems in Northern Ireland is seen solely in the context of the island of Ireland, and relations between North and South. Although the text includes a reference in paragraph 2 to the constitutional guarantee, that reference appears as the last in a series of conditions in a subordinate clause, in a sentence whose main clause is about the promotion of co-operation at all levels between the people North and South. Similarly, in paragraph 4, although there is a reference to the Government's concern to uphold the democratic wishes of the people of Northern Ireland, this is immediately followed by a statement of HMG's "primary interest", which is reconciliation established by agreement among all who inhabit the island, and a commitment on the part of HMG to work with the Irish

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Government to achieve such an agreement. Although the document contains no specific statement that HMG will seek to persuade the people of Northern Ireland to join a united Ireland, the whole thrust of the text is to look forward to that outcome as the way of resolving the current problems.

3. The possible amendments to JD.15 proposed at Annex A would be extremely helpful. However even if the Irish agree them, they would not alter the general import of the paper.

4. The reaction of the DUP to a paper along these lines does not need to be spelled out. "Betrayal" will be one of the milder words which can be expected from Dr Paisley. More substantively, it is difficult to see Dr Paisley, or any of the other current prominent leaders within the DUP, being prepared to rejoin the Talks process, at least for several years. Yet without the DUP, it is not clear how valid a Talks process would be; in practice the Talks process would be suspended.

5. Within the UUP, there are already indications that the acquiescence of Mr Molyneaux may not succeed in carrying his party. Mr Maccabe has reported widespread concern and dissatisfaction, as evidenced most recently by the speech by Mr John Taylor. There must be a serious risk of the party splitting; alternatively there may be large scale defection to the DUP.

6. There must also be a risk of a substantial upsurge in popular unionist disaffection. The populist movement is substantially weaker now than it was in the early 1970s and a repetition of the General Strike which brought down the power sharing government, (based upon opposition to the Council of Ireland provisions rather than to power sharing itself), is no longer foreseeable. However obstructionism on the part of unionist sympathisers in local government and quasi-government bodies must be expected, leading to possible instability within the Province.

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7. Even if the Joint Declaration succeeds in putting a stop to PIRA violence, a major upsurge in Loyalist violence must be expected, primarily directed at ordinary Catholics and at symbols of Ireland within the Province and within the Republic. For some Loyalists the mere fact that the Declaration persuaded PIRA to stop would in itself render it suspect, especially if Gerry Adams were specifically to endorse it as justifying the suspension of the armed struggle. The weapons shipment seized at Teesport demonstrates the determination, the blood thirstiness, the organisation and the resources which the Loyalist paramilitaries have available. If Loyalist violence gets out of hand, there will be strong pressure on Republican terrorist movements also to re-engage.

8. If JD.15 succeeds in securing a total cessation of Provisional IRA violence, this will indeed be a major prize. In addition, if the cessation of violence is sustained and genuine, thinking unionists may accept that this is a sufficient reason to justify HMG signing up to the Declaration. It may be that the alternatives could produce even worse consequences. However a very adverse reaction by Unionists to JD.15 would be inevitable, and the risks are real that it will lead to very serious Unionist disaffection and consequent instability in Northern Ireland.

[signed]

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