

COMMENTARY ON BRITISH DRAFT FOR DUBLIN JOINT STATEMENT

Structure

1. The British draft is divided into a Summit Communique and a Joint Statement by the Prime Minister and the Taoiseach on constitutional issues.

The Summit communique

2. Paragraph 4 repeats some of the key Brussels commitments, including that to the Talks process as well as to work on a framework for peace, stability and reconciliation.

3. Paragraph 5 reinforces this by confirming that a new political accommodation is best pursued through the Talks process. The latter part of the sentence makes clear that renunciation of violence by the terrorists need not be incompatible with the Talks process, and in the longer run could enhance its prospects.

4. Paragraph 6 and 7 pick up some of the introductory material in the first two paragraphs of the Irish Joint Declaration, although with some omissions and improvements. The reference in paragraph 7 to "guarantees which each Government had given" covers, among other things, the constitutional guarantee on the status of Northern Ireland.

Joint statement on constitutional issues

5. This leads up front, in paragraph 2(a), with a clear statement of Northern Ireland's constitutional guarantee. In contrast with the Irish Joint Declaration, it is immediately made clear, in the British Government's voice, that Northern Ireland is part of the United Kingdom. The language is that of the Talks Parliamentary Statement of 26 March 1991.

6. Paragraph 2(b)(i) repeats the "no selfish strategic or economic interest" formula. This derives from Mr Brooke's Whitbread speech of 1990. The Government has subsequently defended it on a number of occasions.

7. Paragraph 2(b)(iii) gets in at the beginning the Government's continuing commitment to the Talks process.

8. In paragraph 2(c), in (i), and at the end, the principle of Irish self determination, which is at the heart of the Irish Joint Declaration, is stated. The wording is, however, clearer than the Irish Joint Declaration in spelling out explicitly that any such rights of self-determination would be for separate exercise by the people of the island of Ireland, North and South.

9. Paragraph 2(c)(iii) echoes the commitment in Article 1 of the Anglo-Irish Agreement to legislate for Irish unity in the event that that is what a majority in Northern Ireland wants.

10. Paragraph 2(c)(iv) is not in context code for a united Ireland, but could equally refer to the agreed outcome of political Talks.

11. Paragraph 2(c)(v) is consistent with British policy on new North/South institutions which could emerge from a Talks settlement.

12. Paragraph 2(c)(vi) repeats the Joint Declaration language, although subject to the qualification of separate determination and consent North and South. In context, this is neither a commitment to enforce a united Ireland, nor one to implement the outcome of any Irish Convention which may be summoned by the Taoiseach, as envisaged in paragraphs 5 and 6 in the first of the two alternative versions at the end.

13. It would amount to a commitment to implement a united Ireland, or new North/South structures, but only if separately agreed North and South.

14. Paragraph 2(d) contains a very strong version of the need to change Articles 2 and 3 of the Irish Constitution. In particular, it calls for the territorial claim no longer to be exerted. The Irish Government may well argue that this is too much for them.

15. Paragraph 2(e) is an adaptation of Joint Declaration language, although purged of its more objectionable elements. HMG would not be committed to doing more than using its best endeavours to assist and encourage a Talks settlement.

16. Paragraph 3 is in the mouth of the Irish Government. The main reason it is so long winded is that it is largely a combination of the Joint Declaration language and Archbishop Eames' additions. The Eames' additions have been largely agreed by the Taoiseach, and also floated by the Archbishop with Mr Molyneux.

17. Paragraph 3(a) includes, in line 11, a small amendment proposed by Archbishop Eames and agreed by the Taoiseach. This is the insertion of a reference to "a majority of" the people of Northern Ireland.

18. The last sentence of paragraph 3(a), which is not in the Irish Joint Declaration, repeats in the Taoiseach's mouth the strong commitment to amend Articles 2 and 3 of the Irish Constitution. The Irish side can be expected to say that this goes too far.

19. In paragraph 3(b), the first four lines were contributed by Archbishop Eames, and accepted by the Taoiseach.

20. The last sentence of paragraph 3(b) is an adaptation of Mr Spring's fourth principle, and confirms that Northern Ireland's status cannot change without the freely given consent of the majority.

21. Paragraph 3(c) includes a specific reference to Articles 2 and 3. This was proposed by Archbishop Eames, but has not yet been accepted by the Taoiseach. The point is largely cosmetic: the earlier reference to the territorial claim no longer being exerted is far more important.

22. Paragraph 4, in another improvement on the Irish Joint Declaration, again makes explicit the link back into the Talks process, and the commitment to it.

23. The first alternative version of paragraphs 5-6 in square brackets follows the Irish Joint Declaration. This is the reference to an Irish Convention, along the lines of the New Ireland Forum. The idea is that such a Convention would provide political activity for Sinn Fein during the decontamination period before they could be admitted to any Talks process. The burden would be borne by the Irish Government, who would convene such a Convention.

24. Mr Molyneux is reported to have difficulties (unspecified) with these paragraphs. There are some indications that the Irish side might not regard them as being central to the whole scheme.

25. Accordingly, the second alternative version of paragraphs 5, in square brackets, drops all reference to the Convention, and instead repeats language from the Brussels statement of 29 October and from the Prime Minister's Guildhall speech.