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JOINT DECLARATION 8: COMMENTS ON THE TEXT

The new version of the Joint Declaration reflects a serious attempt by the Irish Government to produce a text which we might feel able to endorse. Nevertheless there remain a number of difficulties in the present draft.

2. Paragraph 1 is identical to JD.7 except for making "peoples" in the penultimate line a plural. Its content is apple-pie and motherhood and presents no real difficulties for us.

3. Paragraph 2 has changed, the new version being an attempt by the Irish to produce a more palatable version of the European dimension - it refers to the EC and the Single Market rather than to the European union but is otherwise unchanged. It seems quite likely that this paragraph is more important to John Hume than to the Irish Government or to Sinn Fein (although Hume has clearly had some success in shifting the latter towards his European line). It is hard to believe that we could not find words for this paragraph which would be more sensitive to our own perceptions of Europe, or probe the possibility of its deletion.

4. The third paragraph is identical to that in JD.7 until the end of the final line which adds "and its relations with the neighbouring island". Again this paragraph is largely apple-pie and the effect of the additional phrase is to give some recognition to a "British dimension". It is broadly consistent with the declared aims of the Talks process. Nonetheless we should seek wording less focussed on Ireland as an entity, and closer to the language of the Statement of 26 March 1991, which launched the Talks.

5. Paragraph 4 has already been commented on separately. The

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new draft (the latest version of which has developed since the Irish handed over JD.8) contains the key difficulties centred on the notion of self-determination and how that is to be exercised. Our possible alternative draft shows how the constitutional guarantee might be built onto the acknowledgement of the need for consent already in the draft.

6. Paragraph 5 keeps the wording from JD.7. This is of course the Taoiseach speaking for the Irish Government, but it is worth noting that in many ways this is a more forward position on consent than the Irish have taken before. It contains an explicit acknowledgement of Northern Ireland and arguably says what the Anglo-Irish Agreement said less directly, that the agreement and consent of the people of Northern Ireland will be necessary for any constitutional change in its position (although the code-words, "democratic right of self-determination by the people of Ireland as a whole" are used).

7. Paragraph 6 is once again a repeat of the paragraph in JD.7 that is largely uncontroversial. It is in the mouth of the Irish government.

8. Paragraph 7 contains the pledge to establish an Irish Convention. It drops the plan to create a permanent Irish Minister which featured in JD.7 and returns to the text of JD.6. It contains a specific commitment to non-violence and together with paragraph 8 (also unchanged from JD.7) would give the Provisionals a role from the beginning providing they have renounced violence. The British Government would, by definition, be excluded from participation in the Convention although all Northern Ireland political parties, including presumably the Conservative Party, would be entitled to membership. There appears to be little threatening in this paragraph although the implications of the Convention being under the authority of the

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Irish Constitution would need to be explored in the light of Articles 2 and 3 for example.

9. Finally it is worth noting that JD.8 has incorporated many of the amendments which JD.7 (Hume's version) made to JD.6 (the version originally sent by the Taoiseach to the Prime Minister). To that extent we can probably be confident that we are dealing with the definitive product of a single process.

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