

SECRET AND PERSONAL

FROM: TONY BEETON
TALKS PLANNING UNIT
13 DECEMBER 1993

cc PS/Michael Ancram (L&B) [3&4] - B
PS/PS (B) [5] - B
PS/Mr Fell [6] - B
Mr Bell [7] - B
Mr Cooke/Daniell [8]
File [9]

PS/SECRETARY OF STATE (L&B) [1&2] - B

JOINT DECLARATION: ANOTHER ANNOTATED VERSION

I believe the Prime Minister expressed a wish for some explanatory marginalia. I attach a version of JD15B with annotations.

(SIGNED)

TONY BEETON
TALKS PLANNING UNIT
13 DECEMBER 1993
OAB EXT 6564

SECRET AND PERSONAL

SC/SIL/22469

JD15B - 9 DECEMBER

(JD 15 with British proposed amendments underlined with unbroken line and Irish proposed amendments underlined with broken line.)

1. The Taoiseach and the Prime Minister acknowledge that the many previous statements of both most urgent and important issue governments' positions. facing the people of Ireland, North and South, and the British and Irish Governments together, is to remove the causes of conflict, to overcome the legacy of history and to heal the divisions which have resulted, recognising that the absence of a lasting and satisfactory settlement of relationships between the peoples of both islands has contributed to continuing tragedy and suffering. They believe that the development of an agreed framework for peace, which has been discussed between them since early last year, and which is based on a number of key 'Key principles ...' For HMG principles articulated by the the constitutional guarantee and two Governments over the past consent formula, as well as 20 years, together with the recognition of need for 'parity adaptation of other widely of esteem' for both traditions. accepted principles, provides

SECRET AND PERSONAL

SC/SIL/22469

SECRET AND PERSONAL

the starting point of a peace process designed to culminate in a political settlement.

2. The Taoiseach and the Prime Minister are convinced of the inestimable value to both their peoples, and particularly for the next generation, of healing divisions in Ireland and of ending a conflict which has been so manifestly to the detriment of all. Both recognise that the ending of divisions can come about only through the agreement and co-operation of the people, North and South, representing both traditions in Ireland. They therefore make a solemn commitment to promote co-operation at all levels on the basis of the fundamental principles, undertakings, obligations under international agreements, to which they have jointly committed themselves, and the guarantees which each Government has given and now reaffirms, including Northern Ireland's constitutional guarantee, [delete: which the British Government hereby reaffirm]. It is their aim to foster agreement

agreement leading to a new political framework resulting from the talks process. This is the purpose

'Promote co-operation ...' Restates the existing position, for example, as partners in the EU and under the Anglo-Irish Agreement.

The Northern Ireland Constitution Act 1973 s1.

SECRET AND PERSONAL

SC/SIL/22469

and reconciliation, leading to a 'agreement ... leading to a new new political framework founded political framework' ... on consent and encompassing resulting from the Talks arrangements within Northern process. This is Talks language. Ireland, for the whole island, and between these islands.

3. They also consider that the development of Europe will, of itself, require new approaches to serve interests common to both parts of the island of Ireland and to Ireland and the United Kingdom as partners in the European Union.

4. [~~delete~~: The Prime Minister reiterates on behalf of the British Government that they have no selfish strategic or economic interest in Northern Ireland. Their concern is to uphold the democratic wishes of its people.] The Prime Minister reaffirms, on behalf of the British Government, that they will uphold the democratic wishes of the greater number of the people of Northern Ireland, whether they prefer to uphold the Union or to support a sovereign united Ireland. On this basis he reiterates that the British Government have no selfish strategic or economic

'... no selfish strategic or economic interest ...' - originally in Peter Brooke's 'British presence' speech, NN 1990.

PHS *13/12*

The latest 3 Irish proposed amendments. (ii) and (iii) are alternatives; Mr Thomas thinks (ii) is better than (iii). This will be printed as JD15c.

2.11.12

interest in Northern Ireland.

Consistent with this, their primary interest is to see peace, stability and reconciliation established by agreement among all the people who inhabit the island, and they will work together with the Irish Government to achieve such 'agreement ...', again through an agreement, which will embrace the Talks process.

the totality of relationships.

The role of the British Government will be to

(i)

encourage ^{and facilitate} ~~delete~~, assist] and

enable the achievement of such agreement over a period through

a process of dialogue and Broadly Article 1c of co-operation based on full Anglo-Irish Agreement.

respect for the rights and

identities of both traditions in

Ireland. They accept that such

agreement may, as of right, take

the form of agreed structures

for the island as a whole, resulting from Talks could

~~delete~~ including a ^{sovereign} ~~sovereign~~

(ii)

achieved by peaceful means united Ireland.] The British

Government agree that it is for

the people of the island of

Ireland alone, [by agreement

between the two parts

respectively], to exercise their

right of self-determination on

the basis of consent, freely and

concurrently given, North and

South, to bring about a united

Ireland, if that is their wish.

'agreed structures ...' include such things as Tourism. This is Strand 2 business, but Irish may read as referring to a united Ireland.

^{or} (iii) "... achieved by peaceful means and through agreement between North and South respectively." (then delete words in square brackets)

They reaffirm as a binding Restates Anglo-Irish Agreement obligation that they will, for commitment. their part, introduce the necessary legislation to give effect to this, or equally to any measure of agreement on future relationships in Ireland which the people living in Ireland may themselves freely so determine without external impediment [delete: and on a basis of concurrent North-South consent]. They believe that the people of Britain would wish, in friendship to all sides, to enable the people of Ireland to reach agreement on how they may live together in harmony and in partnership, with respect for their diverse traditions and with full recognition of the special links and the unique relationship which exist between the people of Britain and Ireland.

5. The Taoiseach, on behalf of the Irish Government, considers that the lessons of Irish history, and especially of Northern Ireland, show that stability and well-being will not be found under any political system which is refused allegiance or rejected on

SECRET AND PERSONAL

SC/SIL/22469

grounds of identity by a significant minority of those governed by it. For this reason, it would be wrong to attempt to impose a united Ireland, in the absence of the freely given consent of a majority of the people of Northern Ireland. He accepts, on behalf of the Irish Government, that the democratic right of self-determination by the people of Ireland as a whole must be achieved and exercised with and subject to the agreement and consent of a majority of the people of Northern Ireland and must, consistent with justice and equity, respect the democratic dignity and the civil rights and religious liberties of both communities. These rights would The 'Magee list' intended to include in particular [the list specific rights to reassure "Magee list": to be provided on Monday]. These would be reflected in any future political and constitutional arrangements emerging from a new and more broadly based agreement. Talks language.

6. The Taoiseach however This, and paras 7 and 8, drafted recognises the genuine to incorporate suggestions from difficulties and barriers to Archbishop Eames to make the JD building relationships of trust more acceptable to Unionists.

either within or beyond Northern Ireland, from which both traditions suffer. He will work to create a new era of trust, in which suspicions of the motives or actions of others is removed on the part of either community. He considers that the future of the island depends on the nature of the relationship between the two main traditions that inhabit it. Every effort must be made to build a new sense of trust between those communities. In recognition of the fears of the Unionist community and as a token of his willingness to make a personal contribution to the building up of that necessary trust, the Taoiseach will examine with his colleagues any elements in the democratic life and organisation of the Irish State that can be represented to the Irish Government in the course of political dialogue as a real and substantial threat to their way of life and ethos, or that can be represented as not being fully consistent with a modern democratic and pluralist society, and undertakes to examine any possible ways of removing such obstacles. Such

an examination would of course have due regard to the desire to preserve those inherited values that are largely shared throughout the island or that belong to the cultural and historical roots of the people of this island in all their diversity. The Taoiseach hopes that over time a meeting of hearts and minds will develop, which will bring all the people of Ireland together, and will work towards that objective, but he pledges in the meantime that as a result of the efforts that will be made to build mutual confidence no Northern unionist should ever have to fear in future that this ideal will be pursued either by threat or coercion.

7. Both Governments accept that Irish unity would be achieved only by those who favour this outcome persuading those who do not, peacefully and without coercion or violence, and that, if in the future a majority of the people of Northern Ireland are so persuaded both Governments will support and give legislative effect to their wish. But notwithstanding the

This does not commit HMG to join the ranks of the persuaders. But it goes further than the Anglo-Irish Agreement.

solemn affirmation by both Governments in the Anglo-Irish Agreement that any change in the status of Northern Ireland would only come about with the consent of the majority of the people of Northern Ireland, the Taoiseach also recognises the continuing uncertainties and misgivings which dominate so much of Northern Unionist attitudes towards the rest of Ireland. He believes that we stand at a stage of our history when the genuine feelings of all traditions in the North must be recognised and acknowledged. He appeals to both traditions at this time to grasp the opportunity for a fresh start and a new beginning, which could hold such promise for all our lives and the generations to come. He asks the people of Northern Ireland to look on the people of the Republic as friends, who share their grief and shame over all the suffering of the last quarter of a century, and who want to develop the best possible relationship with them, a relationship in which trust and new understanding can flourish and grow. The Taoiseach also

SECRET AND PERSONAL

acknowledges the presence in the Constitution of the Republic of elements which are deeply resented by Northern Unionists, but which at the same time reflect hopes and ideals which lie deep in the hearts of many Irish men and women North and South. But as we move towards a new era of understanding in which new relationships of trust may grow and bring peace to the island of Ireland, the Taoiseach believes that the time has come to consider together how best the hopes and identities of all can be expressed in more balanced ways, which no longer engender division and the lack of trust to which he has referred. He confirms that, in the event of an overall settlement, the Irish Government will, as part of a balanced constitutional accommodation, put forward proposals for change in the Irish Constitution which would fully reflect the principle of consent in Northern Ireland. A (loose) commitment to consider Articles 2 and 3 in the context of an overall settlement (presumably) reached through Talks process.

8. The Taoiseach recognises the 'put forward and support proposals...' is, though, more advanced language than previously used by the Irish. need to engage in dialogue which number of forms. HMG believes would address with honesty and integrity the fears of all and this can be the Talks process.

traditions. But that dialogue, both within the North and between the people and their representatives of both parts of Ireland, must be entered into with an acknowledgement that the future security and welfare of the people of the island will depend on an open, frank and balanced approach to all the problems which for too long have caused division.

9. The British and Irish Governments will seek, along with the Northern Ireland constitutional parties through a process of political dialogue, to create institutions and structures which, while respecting the diversity of the people of Ireland, would enable them to work together in all areas of common interest. This will help over a period to build the trust necessary to end past divisions, leading to an agreed and peaceful future. Such structures would, of course, include institutional recognition of the special links that exist between the peoples of Britain and Ireland as part of the totality of relationships, while taking account of the special links between the peoples of the two countries. Again, this could take a number of forms, but Talks will be important. 'structures ...' established as part of an overall settlement. Would be based on the Anglo-Irish Intergovernmental Council (AIIC), the Intergovernment Conference (under Anglo-Irish Agreement) (IGC), the British-Irish Interparliamentary Body (BIIPB) etc.

270

account of newly forged links
with the rest of Europe.

10.*The British and Irish Paragraph draws on Brussels Governments reiterate that statement (29 October) Guildhall [delete: all those claiming a speech, and November 5 document commitment to the cause of peace sent to the IRA leadership. have an absolute responsibility to renounce permanently the use of, and support for, paramilitary violence.] true commitment to the cause of peace will be demonstrated on all sides by a complete and permanent cessation of violence. Once such a renunciation of violence had been made and sufficiently demonstrated, new doors would open and both Governments would respond imaginatively to the new situation which would arise. The Prime Minister and the Taoiseach confirm that, on this basis, [delete: if the IRA were to end violence for good] Sinn Fein [delete: could] would be free to participate fully in democratic politics and in due course join in dialogue between the Governments and the other political parties on the way ahead. The British Government

SECRET AND PERSONAL

SC/SIL/22469

confirm that they would be prepared to enter preliminary exploratory dialogue with Sinn Fein [delete: within] three months after a permanent cessation of [delete: IRA] violence had been announced and established. The Irish Government would also make their own arrangements which would permit Sinn Fein to enter into political dialogue.

11. The Taoiseach and the Prime Minister are determined to build on the present wish of both their peoples to see old fears and animosities replaced by a climate of peace. They believe the framework they have set out offers all the people of Ireland whatever their tradition, a basis to agree that from now on their differences can be negotiated and resolved exclusively by peaceful political means. They appeal to all concerned to grasp the opportunity for a new departure. That step would compromise no position or principle nor prejudice the future for either community. On the contrary, it would be an incomparable gain for all. It

SECRET AND PERSONAL

SC/SIL/22469

...of ...
...
...
...
...
...
...
...
...
...
...
...
...
...
...
...
...
...
...
...
...
...

...
...
...
...
...

...
...
...

61/611/7956A

would break decisively the cycle
of violence and the intolerable
suffering_____it entails,
particularly for both
communities_____in Northern
Ireland. ___It would allow the
process of economic and social
co-operation on the island to
realise its full potential for
prosperity_____and_____mutual
understanding. _ It_____would
transform the prospects for
early negotiations in which all
could participate to shape new
arrangements for the future.

NOTE:

Paragraphs about the Irish
 Convention have been removed.

* Previously paragraph 12