

C O N F I D E N T I A L

FROM: TONY BEETON
TALKS PLANNING UNIT
17 DECEMBER 1993

The Taoiseach, Mr Albert Reynolds TD, and the Prime Minister, the Rt Hon John Major MP, acknowledge that the most urgent and important issue 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

- cc PS/Michael Ancram (L,B&DENI) - B&M
- PS/Sir J Wheeler (L,B&DFP) - B&M
- PS/Mr Atkins (L,DOE&DED) - B&M
- PS/Lord Arran (L&B) - B&M
- PS/PUS (L&B) - B
- PS/Mr Fell - B
- Mr Thomas - B
- Mr Legge - B
- Mr Bell - B
- Mr Deverell - B
- Mr Lyon - B
- Mr Steele - B
- Mr Watkins - B
- Mr Williams - B
- Mr Wood (L&B) - B
- Mr Brooker - B
- Mr Daniell - B
- Mr Dodds - B
- Mr Maccabe - B
- Mr Rickard - B
- Mr May - B
- HMA Dublin - B
- Mr Archer, RID - B

PS/SECRETARY OF STATE (L&B) - B

JOINT DECLARATION - ANNOTATED VERSION OF THE FINAL TEXT (JD 20)

On Wednesday we supplied the Prime Minister with an annotated copy of the final text of the Joint Declaration for use during his press conference and statement in the House. Because of the pressure of time this was not circulated within the office. I thought that it might be useful to rectify that today - with apologies for the hiatus - as others might find this text useful when briefing or responding to questions themselves, or for reference purposes.

2. The annotated text is attached.

(SIGNED)

TONY BEETON
TALKS PLANNING UNIT
17 DECEMBER 1993
OAB EXT 6564

C O N F I D E N T I A L

JD20 - 14 DECEMBER

JOINT DECLARATION

The Taoiseach, Mr Albert Reynolds TD, and the Prime Minister, the Rt Hon John Major MP, acknowledge that the most urgent and important issue 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 principles articulated by the two Governments over the past 20 years, together with the adaptation of other widely accepted principles, provides the starting point of a peace process designed to culminate in a political settlement.

Rhetorical opening drawing on many previous statements of both governments' positions.

'discussed ... since earlier last year' - important to distinguish JD from Hume/Adams. 'Key principles ...' - for HMG the constitutional guarantee and consent formula, as well as recognition of need for "parity of esteem" for both traditions. 'starting point of a peace process ...' - process necessarily including the Talks process.

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The Taoiseach and the Prime Minister are convinced of the inestimable value to both their peoples, and particularly for the next generation, of healing 'the next generation' - Irish divisions in Ireland and of (and others) may interpret this ending a conflict which has been as a timescale for unity. That so manifestly to the detriment is not what it says. 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 'promote co-operation ...' - commitment to promote restates the existing position, co-operation at all levels on for example, as partners in the the basis of the fundamental EU and under the Anglo-Irish principles, undertakings, Agreement. obligations under international 'the unified strategic or economic interest ...' - originally in Peter Brooke's 'British Presence' speech, November 1992. Ireland's statutory The Northern Ireland constitutional guarantee. It is Constitution Act 1973 s1. their aim to foster agreement 'agreement ... leading to a new and reconciliation, leading to a political framework' - resulting new political framework founded from the Talks process. This is on consent and encompassing Talks language. arrangements within Northern Ireland, for the whole island, 'encourage, facilitate and the enable ...' - an agreement based achievement of such agreement on consent. HMG's role is not to persuade.

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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.

The Prime Minister, on behalf of the British Government, reaffirms that they will uphold the democratic wish of a greater number of the people of Northern Ireland on the issue of whether they prefer to support the Union or a sovereign united Ireland.

On this basis, he reiterates, on behalf of the British

Government, that they have no 'no selfish strategic or selfish strategic or economic interest ...' - originally in Peter Brooke's "British Presence" speech, peace, stability and November 1990.

reconciliation established by agreement among all the people who inhabit the island, and they will work together with the Irish Government to achieve such

an agreement, which will embrace 'agreement ...' - again, through the totality of relationships. the Talks process.

The role of the British

Government will be to encourage, 'encourage, facilitate and facilitate and enable the enable ...' - an agreement based achievement of such agreement on consent. HMG's role is not to persuade.

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over a period through a process Broadly Article 1c of
of dialogue and co-operation Anglo-Irish Agreement.
based on full 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 'agreed structures ...' -
as a whole, including a united resulting from Talks could cover
Ireland achieved by peaceful such things as tourism. This is
means on the following basis. Strand 2 business, but Irish may
The British Government agree read as referring to a united
that it is for the people of the Ireland.
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.
They reaffirm as a binding Restates Anglo-Irish Agreement
obligation that they will, for commitment.
their part, introduce the point. Recognition of consent
necessary legislation to of people of NI by the Taoiseach.
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. They believe that
the people of Britain would
wish, in friendship to all
sides, to enable the people of

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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 peoples of Britain and Ireland.

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 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

The 'Mages list' intended to list specific rights to reassure unionists.

'wrong to attempt to impose a united Ireland ...' - a key point. Recognition of consent of people of NI by the Taoiseach.

Talks language.

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Northern Ireland and must, consistent with justice and equity, respect the democratic dignity and the civil rights and religious liberties of both communities, including:

- the right of free political thought; The 'Magee list' intended to list specific rights to reassure unionists.
- the right to freedom and expression of religion;
- the right to pursue democratically national and political aspirations;
- the right to seek constitutional change by peaceful and legitimate means;
- the right to live wherever one chooses without hindrance;
- the right to equal opportunity in all social and economic activity, regardless of class, creed, sex or colour.

These would be reflected in any Talks language. future political and constitutional arrangements

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emerging from a new and more broadly based agreement.

The Taoiseach however recognises the genuine difficulties and barriers to building relationships of trust either within or beyond Northern Ireland, from which both traditions suffer. He will work to create a new era of trust, in which suspicion 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

This and the following two paras drafted to incorporate suggestions from Eames to make JD more acceptable to unionists.

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

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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.

Both Governments accept that This does not commit HMG to join Irish unity would be achieved the ranks of the persuaders. only by those who favour this But it goes further than the outcome persuading those who do Anglo-Irish Agreement. not, peacefully and without

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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 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 a 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

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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 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 A (loose) commitment to consider the event of an overall Articles 2 and 3 in the context settlement, the Irish Government of an overall settlement will, as part of a balanced (presumably) reached through constitutional accommodation, Talks process. put forward and support 'put forward and support proposals for change in the proposals ...' is more advanced Irish Constitution which would language than previously used by the Irish.

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fully reflect the principle of consent in Northern Ireland.

recognition of the special links

The Taoiseach recognises the need to engage in dialogue which 'dialogue ...' could take any would address with honesty and number of forms. HMG believes integrity the fears of all 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.

Paragraph drawn on Brussels statement (29 October).

The British and Irish Governments will seek, along with the Northern Ireland

in the event of an established cessation of violence this would

constitutional parties through a process of political dialogue, to create institutions and structures which, while 'structures ...' - established 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

Again, this could take a number of forms, but Talks will be important.

As part of an overall settlement. Could be based on Anglo-Irish Intergovernmental Council (AIIC), the Intergovernmental Conference (under the Anglo-Irish Agreement) (IGC), the British-Irish Interparliamentary Body (BIIPB) etc.

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structures would, of course, include arrangements 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 newly forged links with the rest of Europe.

The British and Irish Paragraph draws on Brussels Governments reiterate that the statement (29 October).

achievement of peace must involve a permanent end to the use of, or support for, paramilitary violence. They confirm that, in these circumstances, the democratically mandated parties which establish a commitment to exclusively peaceful methods and which have shown that they abide by the democratic process, are free to participate fully in democratic politics and to join in dialogue in due course between the Governments and the political parties on the way ahead.

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In the event of an established cessation of violence this would include Sinn Fein.

They confirm that, in these circumstances, the democratically mandated parties which establish a commitment to exclusively peaceful methods and which have shown that they abide by the democratic process, are free to participate fully in democratic politics and to join in dialogue in due course between the Governments and the political parties on the way ahead.

The Irish Government would make their own arrangements within their jurisdiction to enable democratic parties to consult together and share in dialogue about the political future. The

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Taoiseach's intention is that these arrangements could include the ~~regular~~ establishment, in consultation with other parties, of a Forum for Peace and 'Forum ...' an Irish body which Reconciliation would make would not involve HMG in any way. recommendations on ways in which agreement and trust between both traditions in Ireland can be promoted and established.

The Taoiseach and the Prime Minister are determined to build on the fervent 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 the people of Ireland, North and South, whatever their tradition, the 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 would break decisively the cycle of violence and the intolerable

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suffering it entails for the people of these islands, 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 building on the progress already made in the Talks process, involving the two Governments and the constitutional parties in Northern Ireland. The Taoiseach and the Prime Minister believe that these arrangements offer an opportunity to lay the foundations for a more peaceful and harmonious future devoid of the violence and bitter divisions which have scarred the past generation. They commit themselves and their Governments to continue to work together, unremittingly, towards that objective.

15 December 1993

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