

**Dermot Nally
Papers**

UCDA P254/27

General

1. The Joint Declaration is a proposal of the Taoiseach's. John Hume was also involved in the drafting. The Taoiseach would not understand any reticence on formal or protocol grounds about discussing a proposed draft between the two Prime Ministers. It is not a SF draft, but we have been assured that its acceptance by the two Governments would lead to a cessation of violence.
2. Naturally, we would be prepared to adapt the draft somewhat to meet legitimate British concerns. Indeed, our aim would be to agree a draft with the British, which would be an adaptation of the existing text. We do not propose to go back to our intermediaries on a piecemeal basis, but with an improved text, as amended and agreed.
3. The Taoiseach wishes to build on the progress achieved over the space of 15 months and more. He could not contemplate going back to square one, which would be the equivalent of killing off the initiative.

Specific Points raised

4. The concept of self-determination is critical, but we could take on board as well the concept of inter-Irish agreement, which is implicit in the text. One concept is ideological, the other pragmatic. There is merit in both approaches.
5. The Taoiseach has made it very clear that self-determination has not merely to be collectively exercised but also jointly (a concept endorsed by McGimpsey). No statement in the text should be read in isolation from the rest of the text. Para 3, 4 and 5 must be read together. We have made it clear at all times to our intermediaries that consent and consistency with our international obligations are crucial.

The key concepts in the document which balance each other are:

Collective self-determination
Consent of a majority in Northern Ireland
Agreed Ireland as the goal

6. The exercise of self determination need not necessarily result in Irish unity (but of course it could - see para. 4) either in the short to medium-term or the longer-term. The emphasis is on agreement, if you like, inter-Irish agreement.
7. Legislative effect to self-determination can operate at two levels, in the (long-term) sense of Art.1c of the Agreement, or to support an interim exercise which results in an agreement that may involve the establishment of new institutions and only limited constitutional change (as, for example if the current talks process were to succeed). Our interlocutors may have in mind by legislative effect formalization of the acceptance of the right of self-determination (which would not be necessary, for example, if the Joint Declaration were to be registered as an Agreement with the UN).
8. Most opinion polls in Britain have shown a high degree of support for a united and independent Ireland, but sentiment as expressed may not be essential or central. 'European integration' and the 'the European Single Market' could be substituted for European Union. 'Sole British interest' being peace (again, text could be modified, by removing the word 'sole'. Instead of 'independent' one could substitute 'in ways they themselves have determined'.
9. Without withdrawing the existing text, for the present, we would be willing to explore the possibility of getting agreement to a new text based on it, which if acceptable to the British could be given to intermediaries.
10. The present text is not fundamentally inconsistent or irreconcilable with any of the 10 British principles, though the language employed may be different. Bearing in mind the purpose for which the document is intended, the judicious use of language is of course important.
11. The Irish Government's position is that it is not seeking through this means a predetermined outcome, though it regards Irish unity as the desired long term outcome and a fully legitimate objective. While unity (by agreement) may for us be the desirable outcome, it is reasonable for us to ask the British to regard it as a desirable outcome.
12. We could look at the text, to see if more reassurance could be provided to Unionists.