

**Dermot Nally  
Papers**

**UCDA P254/83**

gh

8/12/93

Joint Draft Declaration

Amendments and Commentary

This paper is based on a discussion between Seán O hUiginn of Department of Foreign Affairs, Mr Dermot Nally and the undersigned. ?

Para. 2 Irish Amendment

'Beginning now and over the coming generation, it is their aim to foster agreement and reconciliation, leading to a new political framework founded on agreement and consent'.

Comment

This amendment is vital, as it is the only indication of a target time-frame. The SDLP/SF agreement would be that there needs to be some pressure on Unionists, not to accept Irish unity, but to reach an agreement and accommodation with the rest of the people on this island. This is all the remains of the original key sentence in para. 4 relating to a time-period to be agreed between the two Governments.

Para. 2 British Amendment

'... agreement and consent encompassing arrangements within Northern Ireland, for the whole island and between these islands'.

Comment

Acceptable

Para. 2 Possible Irish Amendment

There is a reference at present to the guarantees which each Government has given.

This could be amended to read something like, 'including Northern Ireland's statutory guarantee, which the British Government here reaffirm'.

Comment

This would be a better position for a reference to the guarantee than para. 4.

Para. 4 British Amendment

The Prime Minister reiterates on behalf of the British Government that (while their fundamental interest in Northern Ireland is to uphold by all legitimate means the democratic wishes of its people as to their constitutional status), they have no selfish, strategic or economic interest (that would lead them to seek to retain Northern Ireland within the United Kingdom against the wishes of the greater number of its people).

Comment

As it stands, this is an amendment of the 1990 Brooke statement, which started the whole current phase of the move towards peace. It heavily qualifies and corrects it,

and would be read as a strident four-square commitment to the Union. It is therefore totally unacceptable, as it would sink the process.

#### Fall-Back Position

If the British were to insist on some expression of positive interest, we could perhaps agree, and it might actually be helpful, provided the language were toned down, and the word 'sole' substituted for fundamental to the following formulation, after the Brooke sentence is left as it stands in our text. The following would then be inserted:

Their sole interest in Northern Ireland is to uphold the democratic wishes of its people as to their constitutional status'.

Para. 4

#### Existing Text

The role of the British Government will be to encourage, assist and enable such agreement over a period through a process of dialogue and co-operation based on full respect for the rights and identities of both traditions in Ireland.

#### British Amendment

The role of the British Government will be to encourage assist and enable the process of reaching such agreement through dialogue and co-operation based on full respect for the rights and identities of both traditions in Ireland.

#### Comment

Unacceptable. The proposed change would show a reluctance to encourage agreement, as opposed to encouraging the process of reaching agreement. The question of who are the persuaders is now dealt with in para. 7. (Hume amendment)

Para. 4 British Amendment

They accept that such agreement may (as) of right take the form of agreed (independent) structures for the island as a whole'.

Comment

Unacceptable. The 'may' is very contingent. It will look as if the British are jibbing or chipping away at the very notion of Irish unity, even under the right conditions.

Para. 4 Self-determination

Irish Text & proposed Irish amendment

The British Government agree that it is for the people of the island of Ireland alone, by agreement between the two parts, 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.

British Text

The British Government reaffirm Northern Ireland's statutory guarantee, agree that the people of the island of Ireland North and South should be free separately without coercion or violence to determine whether a united Ireland should be established; and agree that it is for the people of the island of Ireland alone on this basis to exercise their

right of self-determination.

Comment

British formulation is clever, but will be seen as whittling away a theoretical right to vanishing point. The right is entirely derived from the current situation. The existing text states the general principle, and then, by adding conditions to it, makes it conform to the present situation. The concept of self-determination (alleged with consent) is one of the keys to the whole exercise. The theoretical notion can be retained on the basis North + South = the whole. Concurrently is a much better word than separately.

Fall-back position

We would be prepared to add the phrase 'without coercion or violence' to our text.

British Amendment Para. 4

Introduce legislative effect to any measure of agreement on future relationships in Ireland which the people living in Ireland may themselves freely and collectively determine'.

Comment

Deletion of 'collectively' is acceptable at this stage.

Para. 5 British Amendment

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 (new) political system which is refused allegiance or rejected on grounds of identity by a significant minority of those governed by it.

Comment

Unacceptable. They have to face the reality that stability and well-being has not been found in NI to date.

Para. 5 British Amendment to Taoiseach's paragraph

'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 - delete) (and substitute 'subject to' for 'with') the agreement and consent of a majority of the people of Northern Ireland'.

Comment

While we could accept as an additional phrase 'with and subject to the agreement and consent', we would be opposed to deletion of the words 'achieved and exercised with', which would imply the right does not exist.

Para. 5 British Amendment

'It would be wrong to seek a united Ireland, unless a majority of the people of Northern Ireland freely consented'.

Comment /Fall-back position

As it stands, totally unacceptable (the Willie Ross position). However, if amended and placed after the first sentence to read. 'For this reason, it would be wrong to

attempt to impose a united Ireland without the freely given consent of a majority of the people of Northern Ireland, it would be acceptable.

Para. 7 Irish Amendments to Irish text

Very minor verbal amendments (affirmed through the Anglo-Irish Agreement instead of in the Anglo-Irish Agreement) 'While recognizing' instead of 'But, notwithstanding' the solemn affirmation by both Governments etc.

Para. 7 Irish Amendment

Spelling out of Art. 1 and incorporating a John Hume paraphrase of Art. 1 of the Anglo-Irish Agreement 'that Irish unity can be achieved only by those who favour this outcome persuading those who do not'. By making it clear where the onus for persuasion lies, this amendment should be helpful to the British.

Para. 7 British Amendment

He confirms that in the event of an overall <sup>settlement,</sup> accommodation being agreed, the Irish ~~would, or not~~ <sup>would, or not</sup> Government ~~will~~ <sup>would</sup> put forward proposals for a change in the Irish Constitution <sup>with this word?</sup> whereby the claim of right to Northern Ireland is no longer exerted and the principle

of freely given consent in Northern Ireland is fully reflected, <sup>(entirely and fully agreed)</sup>

Comment

Totally unacceptable, as it stands, and would be enough on its own to sink the whole enterprise (reference to withdrawal of claim of right). It would be seen as attempting to reinforce the Union, and going off in the opposite direction.

Fall-back position



We could be prepared, however, to say:

He confirms that in the event of an overall settlement being agreed, the Irish Government will, as part of a balanced constitutional accommodation, put forward proposals for ~~change~~ in the Irish Constitution, *which would reflect the principle of freely given consent in Northern Ireland.*

It would be for further consideration, whether we should agree to add the phrase 'which would fully reflect freely given consent in Northern Ireland'. It should be noted that Molyneux and the Unionists are drawing back from this issue. It is not a quid pro quo for self-determination.

#### Para. 9 British Amendment

The British and Irish Governments will seek, along with the Northern Ireland constitutional parties through the talks process', to create institutions and structures' etc.

#### Comment

Should perhaps be slightly reworded to read 'along with Northern Ireland political parties through a process of political dialogue'. 'Constitutional' distinction should no longer exist, if violence ends. 'A process of political dialogue, is less specific and more generic than the talks process.

#### Paras. 10 & 11 The Convention

British propose deletion and substitution of their text (see below). Convention is probably vital element for SF - the only concrete alternative to the military strategy. It is entirely within the Irish jurisdiction. Apart from being a waiting-room, it would

enable the other parties to educate SF on the political realities. We would not be opposed, however, to adding the British offer to the text in a separate paragraph.

### British Offer

It needs to be slightly reworded at least to sound less patronizing

### Irish Amendment

The British and Irish Governments reiterate that all those claiming a commitment to the cause of peace have an absolute responsibility to permanently renounce the use of, and support for, paramilitary violence. Once such a renunciation of violence has been made and sufficiently demonstrated, new doors would open, and both Governments would respond imaginatively to the new situation which would arise. The British Prime Minister and the Taoiseach confirm that on this basis if the IRA were to end violence, Sinn Féin could participate fully in the arena of democratic politics and join the dialogue between the Governments and the other political parties on the way ahead. The British Government confirm that they would be prepared to enter preliminary

### British Proposal

The British and Irish Governments reiterate that all those claiming a serious interest in advancing the cause of peace should renounce for good the use of, and support for, violence. If and when such a renunciation of violence has been made and sufficiently demonstrated, new doors could open and both Governments would wish to respond imaginatively to the new situation which would arise. The Prime Minister and the Taoiseach confirm that if the IRA were to end violence for good then - after a sufficient interval to ensure the permanence of their intent - Sinn Féin could enter the political arena as a democratic party and join the dialogue on the way ahead. The British Government confirm that they would be prepared to enter preliminary exploratory dialogue with Sinn Féin

x

... flat

in time,  
and  
source!

for Sean

fully in the arena of democratic politics

and join the dialogue between the

Governments and the other political

parties on the way ahead. The British

Government confirm that they would be

prepared to enter preliminary

within

exploratory dialogue with Sinn Féin  
three months after a permanent  
cessation of IRA violence had been  
announced and established. 74

three months after a genuine and  
unequivocal cessation of violence by the  
IRA had been announced and  
established.

Paul Jay. will  
~~be~~ be open to  
interim dialogue.

→ the response to S.  
statement that they are  
going to stop.

Nov 6/12