NOTE OF MEETING OF BUTLER/NALLY GROUP: 1 NOVEMBER 1993

Sir Robin Butler, accompanied by Mr Chilcot and Mr Thomas met Mr Dermot Nally and Mr Sean O hUiggin in London on 10 November.

2. In advance of the meeting the Irish side furnished a new text (JD13). Before turning to it Mr Nally made a lengthy introductory presentation. First he explained, in respect of the four points raised in earlier exchanges that the Taoiseach confirmed:

(a) that the JDI involved no side agreements;

(b) that the Taoiseach agreed there was no incompatibility between the JDI and the talks. Indeed he believed making the Joint Declaration would facilitate talks;

(c) that there was no expectation that Sinn Fein would gain immediate access to the talks. (Mr Nally speculated about a period of quarantine of six months.);

(d) on the fourth point, namely whether the Taoiseach could give an assurance that the JDI would lead to PIRA's giving up violence Mr Nally explained that he could not at present give a clear answer. The latest text (JD11 probably) had been passed on through an intermediary but there had been no response from the Provisionals, perhaps because they were deliberately treading water. Mr Nally noted that press reports suggested that Adams was getting edgy on two points: the possibility of a time limit for British withdrawal; and the need for consent for a majority in Northern Ireland. Mr Nally said that the Taoiseach was adamant on both points and if there were any wobbling on them from the Provisionals the enterprise could not proceed.

3. Mr Nally explained that the Provisionals were not at this stage being shown the latest ecclesiastical additions to the text (ie JD13). In his view was there was no reason for them to object to them. The focus of their attention was paragraph 4 and that had not been changed.

4. More generally Mr Nally repeated the Irish assessment that there was a real head of steam behind the "peace process". If the Taoiseach and the Prime Minister were not able to carry matters forward at their next meeting on 3 December there would be a dangerous anticlimax. All observers would point to the two Governments as having missed the opportunity created by the Hume/Adams démarche. The position would be intolerable for both Governments. Therefore he hoped that today's meeting would provide a firm indication that the JDI was on in principle. The meeting between the Prime Minister and the Taoiseach was only three weeks away and there were very high expectations of it.

5. Elaborating the general background, Mr Nally explained that the Taoiseach's belief was that there had never been such a "fever for peace" in the Republican ghettos. But the IRA was not on its knees and would not give up for nothing. The opportunity would not last forever. There was a window of opportunity for perhaps a month. The Irish side agreed on the need to distance the JDI from Hume/Adams, though not from Hume personally.

6. Finally Mr Nally explained that the latest text had been shown to Archbishop Eames and that most of the addition to it had been offered by him and accepted without further amendment. He was enthusiastic for the document.

7. In response Sir Robin Butler made clear that we could not get to the point in this meeting of concluding that the JDI was a serious possibility. He explained that before he had been despatched to see the Taoiseach on 20 October Ministers had met several times to discuss the matter. They too shared the sense of an opportunity. They had however concluded that the effect of the Hume/Adams démarche on the Unionists had made the Joint

Declaration - with its trade-off between something largely acceptable in substance though clothed in green language - a hopeless route. There would be a reaction from the Unionists and this would in turn spill over onto the Loyalist paramilitaries. Despite the helpful Joint Statement at Brussels, and the line the Taoiseach had taken which had been immensely helpful, recent experience and public expectations and worries had if anything confirmed the judgement Ministers had then taken. Public statements by the Unionists and what had been said by Mr Molyneaux and Dr Paisley separately when they met the Prime Minister had not dispelled these concerns.

8. The consequence of the Hume/Adams démarche was that anything which appeared to stem from that would be contaminated. While the British side realised the unique opportunity they despaired of separating the initiative from its perceived origin in Hume/Adams. Therefore he had been instructed to say to the Taoiseach that the British side did not think the matter could be pursued. Recent events had intensified that judgement but the British side was open to suggestions of an alternative way forward. Sir Robin stressed that he did not wish to give the misleading impression that the JDI was the most likely route forward. The probability was that it was tainted fatally.

9. In response Mr O hUiggin asked whether what Sir Robin Butler had said had meant that the Brussels meeting had not changed the essential judgement conveyed earlier to the Taoiseach. Sir Robin Butler confirmed that it had not. Though it had been a good meeting and had resulted in a helpful Joint Statement and though the Prime Minister had indicated a willingness to listen our essential assessment had not changed.

10. Mr O hUiggin, visibly perturbed, said that in the light of that it might be better not to waste time on the text. In the Irish view the Hume/Adams initiative had changed the picture in Northern Ireland irrevocably. That fact needed to be faced. If we failed to bring the JDI to fruition there will be new political alignments; there would be recriminations and we might find that

the Primates, the US Administration, the Irish Government and Hume all took the view that the British Government had made a misjudgement. All this would have deleterious consequences. The meeting between the Heads of Government on 3 December would on that analysis lead to a greater parting of the ways than at any time since the 1985 Agreement was signed. The Irish Government would inevitably be lined up with the Nationalists and the British Government with the Unionists. He thought the only thing to talk about was damage limitation. (During the subsequent exchanges it became clear that Mr Nally took a less apocalyptic view of the prospects, and was embarrassed by the apparent readiness with which Mr O hUiggin appeared ready to paint a negative scenario. He said that the important thing was that the two Governments should remain together.)

11. In response Sir Robin Butler repeated the British interest in capitalising on an apparent opportunity to secure peace. He acknowledged the upsurge of opinion for peace in both communities. The British side was not rejecting the pursuit of peace but was asking how any opportunities should best be exploited in a way which would not lead to antagonism from the Unionists. (At one point Mr Nally asked directly whether the British side had shown Mr Molyneaux a text, though wondering that Privy Councillor privilege might make the question difficult to answer. Sir Robin said that the British side's assessment of Unionist reaction had been its own.)

The Text (JD13)

12. In a discussion of the new text the following points were made:

(i) the Irish side made clear that the additions had been produced by Archbishop Eames and that the Irish side had accepted them more or less wholesale. They reported Eames as advising that the text as amended should be acceptable to the Unionist community; that he was personally enthusiastic about making the Joint Declaration; and had implied that he might have

cleared the text with senior Unionists, perhaps Mr Molyneaux. Indications were that Mr Molyneaux had not said yes or no but had indicated that he could live with it. After further probing of this point the Irish side urged that the matter be tested directly with Dr Eames and/or Mr Molyneaux;

(ii) the British side agreed that the new text was an improvement and that the Irish side had gone to great lengths in incorporating the Eames amendments to reach out to the Unionists. Though some of it would clearly be helpful, the Unionists might react grudgingly by suggesting that most of the forward language concerned impossible accommodation of the Unionists within the Irish jurisdiction, which was not a matter in which they were greatly interested;

(iii) the additional wording in paragraph 1 was clearly designed to decouple the Joint Declaration from the Hume/Adams initiative. But the British side were sceptical whether it would in practice succeed. At one point the Irish side had suggested that Mr Hume would indeed be given great credit for the JDI; at another time they suggested that the JDI could be distinguished from Hume/Adams because it had no time limit for British withdrawal and emphasised the principle of consent. (It was put to the Irish side that Mr Hume might claim that his own initiative had also solved these problems.);

(iv) the British side noted that an explicit reference to the constitutional guarantee would be needed if this text were to make progress;

(v) the Irish side confirmed that this text did have the Taoiseach's support and that his judgement on it in the light of the soundings he had taken was that it would work in carrying the constitutional Unionists;

(vi) the text with the Eames additions had not been tested on the Provisionals but the Irish thought that they would primarily focus on paragraph 4 and not take exception to the Eames additions.

13. The British side agreed to reflect further on the new text and to report to Ministers. Mr Nally made it clear that he would be available for further consultations in London where he would be staying until Monday. But the importance the Irish side attached to this exercise was such that they would be willing to engage in further exchanges at short notice.

14. In a concluding discussion about the broader scene further attempts were made by the British side to challenge the apocalytic view which Mr O hUiggin had earlier described. Even if progress on the Joint Declaration proved impossible the two Governments should remain together and avoid the recrimination in which others might indulge. There remained the Talks process and the British side enquired about the possibility of seeing the paper which the Irish side had long promised through the Liaison Group, in response to that tabled by the British side on 24 September. Mr O hUiggin explained that in the Irish view the peace process and the talks process were complementary but if the peace process stalled he was doubtful about progress on the talks. In further exchanges it was almost explicitly acknowledged (again to Mr Nally's embarrassment) that Irish engagement on the Talks process would be made dependent on British cooperation on the peace process.

15. In these exchanges it became clear that the Irish side had been seared by their experience in the last week of the influence Mr Hume carried in Dublin. The apparent dismissal of Hume/Adams by the Irish Government, marching step with the British Government, had caused something of a revolt. If Ministers had not appreciated it before, they now knew the political reality was that they must join with Hume rather than with HMG. They showed some relief at Mr Chilcot's suggestion that the British Government might from now on be able to give some help in Hume management.

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JD14

ANNEX B

1. The Taoiseach and the British Prime Minister 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.

2. The Taoiseach and the British Prime Minister are convinced of the inestimable value to both their peoples 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 cooperation of the people, North and South, representing both traditions in Ireland. They therefore make a solemn commitment to promote cooperation 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. It is their aim to foster agreement and reconciliation, leading to a new political framework founded on consent and encompassing the whole island and its relations with the neighbouring island.