

BUTLER/NALLY GROUP: MEETING ON 10 NOVEMBER

1. The Irish side has requested the meeting to test "ecclesiastical language" on us. It seems likely that, since the Taoiseach was told on 20 October that JDI was unacceptable, largely because of our judgement of the reaction of the Unionists/loyalists, they had been exploring alternative formulations, using Archbishop Eames, and perhaps others, as consultants.

2. The last text from the Irish side was JD11 (copy attached). This was conveyed on 8 October and reflected discussion in the Butler/Nally Group on 6 October. Any fresh Irish proposals will presumably build on this. JD11 includes, in paragraph 3, a muted reference to the constitutional guarantee. Ministers made clear that a minimum requirement would be a more explicit reference, but this point was not central to the eventual rejection of the JDI. (The text which Mr Molyneaux was shown and rejected did include, in paragraph 4, a reference to "Northern Ireland's statutory constitutional guarantee".)

3. In response to new language, the British side might:

- (i) show interest and ask any probing questions about its meaning and purpose
- (ii) ask about its provenance (from Archbishop Eames?) and whether the Taoiseach believes this establishes its acceptability to Unionist opinion
- (iii) agree, without commitment, to reflect on the language and report to Ministers.

4. More generally, the meeting will provide an opportunity to probe Irish Government intentions in respect of the "peace initiative". The Brussels Joint Statement included, in paragraph 5, agreement that "the two Governments must continue to work together in their own terms on a framework for peace, stability and reconciliation, consistent with their international obligations and their wider responsibilities to both communities". While the British side has glossed that by saying that we see the way forward as through the Talks process recent Irish Government statements have emphasised their perception that there should be a separate peace process, that it should have priority and that imagination is needed from the British Government.

5. Thus Mr Spring said, on 4 November:

"What we are seeking can only be achieved by negotiation. That will require talks involving all those who are prepared to allow democracy to work, rather than terror. That is the reason why the process we are engaged in has two elements - one seeking to secure the cessation of violence that would provide the most hopeful possible background negotiations, and the other aimed at facilitating all parties to enter negotiations with an open mind.

I hope that this process, or perhaps I should call them processes, will be given every chance ... All I can say about that is that the work that is going on behind the scenes is intensive, and being conducted in good faith."

6. Meanwhile the Taoiseach said, at his Ard Fheis on 6 November:

"Peace cannot wait for a political settlement. It is needed now. But peace will improve the prospects of achieving a durable political solution. While our first priority is to establish peace, which I see as a distinct but separate process, I also believe the Talks process must be resumed immediately. I repeat that in the event of an overall settlement, but not unilaterally, balanced constitutional change can take place."

7. In interviews over the weekend the Taoiseach appeared to go a little further and to imply that the Talks could not be expected to make headway unless peace was achieved first. For example he said on BBC1:

"The constitutional parties can sit down at the table at any day and keep going, but if the violence continues in that community, and certainly at anything like the level we have seen over the last two weeks, it's unreal to think that political talks can succeed. First of all we have to remove the violence."

Mr Mark Durkan, Chairman of the SDLP, has challenged that on the basis that peace could not be made a precondition for Talks. The Secretary of State has been briefed to emphasise that we cannot allow the paramilitaries to hold up political progress simply by maintaining their campaigns.

8. The British side may wish to convey doubts about this line, and the problems it may cause. Of course if peace could be achieved quickly then the Talks process would become much easier. But if peace is not achieved - and it is not in the gift of governments but in the hands of the paramilitaries - we ourselves would want to press on with the Talks process. It has after all made the progress it has since January 1990 against the background of terrorism. The two Governments have jointly made a number of statements in the last few months emphasising that the process is urgent, and that its objectives are valid and achievable. (This was said again in the Brussels Joint Statement for example.) The Statements were not linked to the idea that peace was a necessary prior condition.