FROM: Q J THOMAS, DUS(L)
29 September 1993
DUSL/MR/42067

PS/SECRETARY OF STATE(L&B)-[1&2]
(MR STEPHENS)*/+

cc Michael Ancram(B)-[3]*
PS/PUS(L)-[4]
Mr Deverell-[5]*
Mr Cooke-[6]+
Mr Rickard-[7]*
Mr C Glyn-Jones-[8]*
Mr Beeton-[9]
Mr May-[10]*
PS/Sir Robin Butler-[11]+
PS/Sir David Gillmore-[12]+
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* Mufax via Liaison(L)
+ via Liaison(L)

JOINT DECLARATION INITIATIVE (JDI):
PHONE CALL FROM MR O hUIGINN

Mr O hUiginn telephoned me to report that the Irish side have been looking again at JD.8 and would like to substitute a new paragraph 4 in JD.8 for the text he gave me on Friday. Using coded language and numbered sentences he conveyed this new version on the telephone. It is attached.

2. Mr O hUiginn mentioned in addition:

(i) appreciation on his side, including by his Ministers, of my phone call to him on Saturday evening suggesting the public line we would take on the Hume/Adams demarche. This, he said, had been most helpful;

(ii) the question of Hume's report to the Irish Government was surrounded in confusion. The Irish Government were clear that a report had not been made that they

were now talking in terms of a "briefing" probably in the middle of next week, this term allowing for the possibility that there was not any paper;

(iii) both the Taoiseach and the Tanaiste would be answering questions in the Dail in the early part of next week and it was relevant that it was convenient for them to do this on the basis that the "briefing" had not yet been received;

(iv) the Irish side very much hoped for a response from the British side soon, and it was hoped that I would be in a position to say something to him in the margins of the Liaison Group on Friday. If that was not possible - and I said that I could not say whether it would be or not at this stage - they would like to activate other channels quickly. (He did not say so in terms but I assume this was a reference to the Butler/Nally group.)

New Paragraph 4

3. I made no comment to Mr O hUiginn about the new formulation of paragraph 4 which he had given me on the phone. Nor did I say anything to suggest that we might have a new formulation of our own to offer.

4. In my judgement the new paragraph 4 is not acceptable. In particular we should need a reference to the constitutional guarantee, and a much more careful formulation if we are to accept a text including the words "self-determination". I believe this latest revision is a sign both of real Irish commitment and interest to this process, and to a genuine attempt to be responsive to our concerns. Two examples serve to illustrate this: first the change of "joint North/South

consent", to "concurrent North/South consent"; second, the removal of the reference to "unity" in what was previously the last sentence of that paragraph. The new text unhelpfully now refers twice to "self-determination", perhaps the Irish side are ready to be pressed to drop one of them.

5. Accordingly I am not sure it is necessary to trouble the Prime Minister with this revision in advance of the discussion planned for the margins of NI Committee. But the Secretary of State will no doubt want to mention this as evidence of the spirit in which the Irish side is engaged on this exercise.

[SIGNED]

Q J THOMAS
29 September 1993
OAB 6447