



PS
M. Beeton
SECRET & PERSONAL

HCS 1056/93

FROM: D FELL
24 November 1993

PUS (B) Copy No 1 of 2

*1. cc Mr Thomas
Mr Cooke
Mr May
Mr Beeton*

2. PUS

SUMMIT JOINT STATEMENT

1. I note from Tony Beeton's minute yesterday that, contrary to your expectations, yesterday's meeting(s) did in fact result in some drafting changes to the British draft of a possible Joint Statement. I have therefore, I suspect, almost certainly missed any opportunity to comment on the draft, but I nevertheless offer, for what it is worth, a few observations on the latest version (though I expect that, by the time you receive this, things will have moved on further in any event).
2. You will, no doubt, be able to give me more details when we next meet about the strategy which underlies the latest draft, but clearly it has been substantially strengthened, from HMG's point of view, to the point where some aspects of it will prove very difficult for the Irish to accept.
3. As I mentioned to you, I have been somewhat reluctant to offer observations on the drafts that I have been seeing over the last week, largely because I have no detailed background knowledge about the antecedents of particular sections. It is therefore with some trepidation that I offer any comments at all, lest I offend; (and for that reason I am not copying this beyond yourself though you may feel free to pass on any of my comments if you think them relevant). So, for what it is worth, I now venture the following observations (including some very minor drafting points) on the section of the draft dealing with constitutional issues:-



Para 2(b)(ii): purely in terms of accuracy, this would benefit from the addition of the words "of Ireland" after the word "island".

Para 2(c)(ii): the term "each part of Ireland" is rather loosely expressed - it could, for example, be interpreted by some as meaning "each County of the island of Ireland", thus opening the door to those who may wish to argue that the unit of determination can be altered, County by County.

At Para 2(c)(iii) I think it important to make it clear that HMG will legislate only if the people of both Northern Ireland and the Republic clearly wish for and formally consent to the establishment of a United Ireland. It would be a mistake to assume that, at the moment when, at some point in the future, a majority in Northern Ireland might vote in favour of a United Ireland, the consent of a majority of the people of the Republic will automatically be given. I suggest, therefore, that before the final word in the fourth line, words something like "and at the same time, the people of the Republic of Ireland so consented" be added.

4. Tony Beeton's commentary makes it clear that Para 2(c)(iv) and (v) are not, in context, code for a United Ireland, but could equally refer to the agreed outcome of political talks, and are indeed consistent with British policy on new North/South institutions which could emerge from a Talks settlement. I have to assume that there is deliberate and studied ambiguity in the drafting of these paragraphs, presumably building on language in earlier documents, but the combination will undoubtedly be interpreted by Unionists as effectively providing for a veto by the Irish Government on internal structures of administration in Northern



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Ireland - which they will represent as undue interference by the Irish Government in the internal affairs of the United Kingdom.

5. Generally, I believe that those parts of the paper which are in the mouth of the British Government are infinitely superior to those in the mouth of the Irish Government. I fully accept that, since the latter words were drafted by the Irish, it is difficult for us to do more than offer the most modest amendments (as indeed the latest draft does). However, it would be a pity, if we were not able to point out to the Irish that some aspects of the words, which they wish to utter themselves, may miss their target. In particular, Paragraphs 3(b) and 3(c) are not only (as Tony points out) long winded, but also rhetorical, confusing, representative of a misreading of Unionist thinking, and, frankly, in many places of little to do with "constitutional issues". But you will hardly thank me for those observations. Other drafting points which occur to me in reading from Paragraph 3 onwards are as follows:-

At Paragraph 3(a), I am intrigued by the use of the word "following" in line 10. This seems to me to be a move away from the concurrent expression of popular consent, North and South, on the constitutional issue, to one which requires the Republic to vote on the matter only after the North has consented to a United Ireland. (My suggested amendment to Paragraph 2(c)(iii) would have to be worded to take that intent into account, if I have read it accurately.)

Three lines further on, I find it difficult to understand the meaning of the term "democratic dignity" in a section dealing with the democratic right of self determination. Others may understand it!

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Five lines from the end of Paragraph 3(b) it is not entirely clear why the term "this ideal" is used. I have to assume that it refers back to "that objective" in the previous sentence.

In the penultimate line of Paragraph 3(c) the coded term "more balanced ways" is used. I merely state the obvious here, that the leak of the Irish draft document in the Irish Press last week, has given the public a clearer understanding of the Irish perception of what "more balanced ways" means, and will therefore cause more suspicion to be attached to the term in future.

6. Lines 19 to 23 of Paragraph 3(b) are the most obvious manifestation of the Irish misunderstanding of Unionism. Unionists at present have little interest in any elements "in the democratic life and organisation of the Irish state", threatening or otherwise; they have little interest in involving themselves in Southern Irish affairs, and concentrate all of their energies in ensuring that the Irish Government does not interfere in Northern Ireland affairs. All of that said, it may be no bad thing for the Irish Government to encourage Unionists to think longer term about how they might make valuable contributions in a wider political arena.
7. I note that there is some possibility of the "Convention" idea being dropped (though it is intriguing to find Frank Millar referring to it in this morning's edition of the Irish Times). Against the likelihood that the Taoiseach will wish the concept to be retained, I offer just 2 observations on the first version of Paragraph 5 of our document. The first is to wonder to whom the Convention is (line 4) to offer advice. The second is to again state the obvious that, because the Convention must perforce, as the penultimate sentence of Paragraph 5 says, operate with full

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respect for the authority of the institutions established by law "in the state", it seems highly unlikely that Unionists would participate. But if they do not participate, then it is not clear to me how the Convention can adequately address its agenda of seeking to remove barriers of distrust between the divided people of Ireland, and promoting respects for the rights and identities of both traditions in Ireland. Without Unionist participation, such objectives will be difficult to properly address: but the Convention is clearly not established in a way which would attract Unionists. That seems a contradiction. But then, as would be apparent to any feline or canine for some time after entering the UK from abroad, that is part of the trick

.....
 H.M. Ardahan, V. Doherty, John Chiffa, Quentin Thomas and John Deane

Copies of this letter should not be circulated beyond the Private Offices of recipient Departments.

The Secretary of State described discussion of the ...
 ... from Albert Reynolds, Archbishop Egan, and ...
 ... for the lack of an Irish government document ...
 ... could not take any further part ...
 ... to the ... a press statement ...
 ... on flawed advice. Sir Patrick ...
 ... by telephone over the ...
 ... this his own party, and also ...
 ... the DUP

David Fell
 DAVID FELL



The following para was added:

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