

MUFAXED

✓ PMs

1/14

You are attending x.
(Cabinet is at 10.30)
P.M.

✓ PS / Mr Fell

Stormont Castle - M

Ref. A093/3624

PRIME MINISTERAnglo/Irish Joint Declaration

Mr Chilcot, Mr Thomas, HM Ambassador Dublin and I had a meeting today with Messrs Nally, Dorr, O'hUiggin and Mansergh to carry forward the work on the Joint Declaration, following your meeting with the Taoiseach in Dublin on Friday. I attach at --- Annex A a letter from the Taoiseach which the Irish officials --- delivered and at Annex B an annotated version of the text which emerged from our discussion. It was agreed at the outset that all amendments to the text were ad referendum to you and the Taoiseach.

2. On the four principal points raised by the Taoiseach at the end of the Dublin discussion:

- We agreed to split up the sentence referring to the British Government having "no selfish strategic or economic interest in Northern Ireland" at the beginning of para 4 so that our reference to our interest in upholding the democratic wishes of the people of Northern Ireland appears as a separate and following sentence. With this arrangement, the formulation was acceptable to the Irish.
- We conceded the removal of the word "separately" and its replacement by "respectively" and "concurrently"; but there is no doubt that the text is always clear that two separate acts of agreement would be necessary before a united Ireland could be established. The Irish offered in the third line from the bottom of page 2, an additional qualification in the reference to self-determination leading to a united Ireland.

- Irish officials offered a more explicit reference to changing the Irish constitution at the end of paragraph 7, to which we proposed adding a final clause referring to the principle of consent. Irish officials emphasised that this was as sensitive for the Taoiseach as the reference to the constitutional guarantee is to British Ministers but said that they would try the reference to consent on him.
 - On the Convention, the Taoiseach's letter insists, and the Irish officials were under instructions, that the Convention is essential to the prospects for a cessation of violence. However, we proposed - and the Irish officials reacted favourably - that it should be omitted from the Joint Declaration and replaced by a final sentence to para 12 referring to the Irish Government's intentions to make arrangements, corresponding to the undertaking given by the British Government for future talks, for Sinn Fein to enter into political dialogue following a cessation of violence. This was on the understanding that, if Sinn Fein made it clear that the absence of the Convention was the obstacle to the cessation of violence, the Irish Government could announce it as their own separate initiative. We noted that this might be done, after the Joint Declaration is made, and only if it had by then become clear that it had been followed by a cessation of violence.
3. Other key points discussed were:
- the Taoiseach has agreed to the inclusion of a reaffirmation by the British Government of the Northern Ireland statutory guarantee, but his officials pressed very hard that it should be included in paragraph 2 rather than paragraph 4. Their reason is that they see paragraph 4 as the British Government's holding out an olive branch to the Nationalists and thus stopping the violence and argue that the reaffirmation of the statutory guarantee is just as effective, if not more effective, in the joint para 2. We reserved your position on this and have, as you will see, proposed an alternative place for the constitutional

guarantee at the beginning of paragraph 4. But we felt that there was some force in the Irish arguments and that the Joint Declaration may have a better prospect of achieving its purpose if the reaffirmation of the statutory guarantee is in para 2.

- We also secured an explicit acknowledgement for the first time in para 5 on behalf of the Taoiseach that it would be wrong to attempt to impose a united Ireland in the absence of freely given consent by the people of Northern Ireland. This sentence, which reflects an addition which you proposed at the end of para 5 is a significant advance. With this reinforcement, we did not press for the insertion of "new" before "political system" in the preceding sentence in paragraph 5.

4. There are other more minor amendments, explained in the footnotes to the annotated version attached, where the Irish officials either accepted the amendments you proposed on Friday or, where they modified them, did so in ways which in our view were acceptable.

Next Steps

5. Irish officials will now report to the Taoiseach, as we are reporting to you. Dr Mansergh will let Mr Lyne know in the next 24 hours or so what the Taoiseach's reaction is. Unless there are problems which could be resolved by further discussion at official level (which seems unlikely), the next engagement with the Irish will be when you and the Taoiseach meet in the margins of the European Council. It will be open to you then either to agree that the text is now close to being acceptable or to resolve any outstanding points of principle. We suggested, and the Irish officials agreed, that in either case both sides should play down the Brussels meeting. We do not think that the best result would be achieved by issuing the Joint Declaration in Brussels or by allowing that meeting to stoke up expectations or fears about the progress which is being made.

6. If, following Brussels, we are still on track for a Joint Declaration, we suggested to the Irish officials that we should work towards a further meeting in London between you and the Taoiseach in the course of the following week. Ideally this meeting should take place a little earlier than the media expect it and with no more than 24 hours notice. One possibility would be on the afternoon of Thursday 16 December. The Irish Government said that they would take the mind of the Taoiseach on that.

7. You may think that the next stage at this end is to take the mind of the inner Cabinet Group on the Joint Declaration as it is now emerging, before Brussels and preferably before Cabinet on Thursday⁰⁹³⁰. In that case the Northern Ireland Secretary might circulate the text to that group tomorrow, highlighting and commenting on developments since they last saw it. You will also want to consider whether and how Mr Molyneaux should be kept in touch. I do not think that anything has been done to the text which should create difficulties with him, particularly if the Irish agree to our proposal for removing the reference to the Convention.) x

8. I am copying this minute to the Foreign and Commonwealth Secretary, the Northern Ireland Secretary, the Defence Secretary, Mr Chilcot, Mr Thomas and HM Ambassador Dublin.

F.R.B.

ROBIN BUTLER

7 December 1993