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NOTE FOR THE RECORD

RESUMED PLENARY MEETING, DUBLIN CASTLE,

3 DECEMBER 1993, 1710-1800

The Taoiseach said that the Irish delegation had considered the amendments tabled by the British side. They continued to feel that the British amendments would disrupt the balance of the document. There would be no point in producing a document which had no chance of taking the trick of a PIRA cessation of violence.

The Irish saw four amendments as presenting major difficulties:

- the revised first sentence to paragraph four, in which we hedged the "Peter Brooke" formula ("no selfish strategic or economic interest") with qualifications;
- the amended self-determination formula in the fifth sentence of paragraph four, which for the first time incorporated the term "separately" to describe the exercise of self determination in Ireland. It would be better to use "concurrently", as before, though this too presented problems for the Irish;
- withdrawal of the "claim of right" through the additional sentence which the British wished to add to paragraph seven. ("He confirms that, in the event of an overall accommodation being agreed, the Irish Government

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will put forward proposals for a change in the Irish constitution whereby the claim of right to Northern Ireland is no longer exerted and the principle of freely given consent in Northern Ireland is fully reflected".)

The Taoiseach described this amendment as extremely provocative, as it would contravene a ruling of the Irish Supreme Court;

- the proposed deletion of the Irish Convention (paragraphs ten and eleven of JD14). The Convention lay within Ireland's own jurisdiction. The Prime Minister pointed out that, if the talks which we were prepared to offer instead to the IRA, after an interval, failed to start, there would be nothing to prevent the Irish Government from setting up the Convention unilaterally.

The Taoiseach argued that these four amendments would make it impossible for the Irish Government to accept the Joint Declaration.

The Prime Minister argued, with some vehemence, that JD14 had been unbalanced from a British perspective. We had argued for inclusion of the constitutional guarantee in every meeting on the text. It still did not appear in the draft. He could not overestimate the importance for us of the guarantee. Its omission would not be defensible in parliament.

Sean o hUiggin acknowledged that the guarantee had been discussed in talks between officials. But the "psychology" of the Joint Declaration was aimed at the particular audience which the Irish wished to persuade. Paragraph two included an oblique reference to the guarantee.

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Sir Robin Butler said that the text was explicit about a united Ireland but only oblique over our balancing concern.

The Foreign Secretary said that it was unreal to aim only at one audience. We were prepared to offer Sinn Fein an opportunity to come in from the cold. The concept of balance was crucial. We could not offer readiness in principle to dismantle the Union without balancing this with the constitutional guarantee.

The Prime Minister said this was a difference of presentation rather than of policy. It was not sufficient to make explicit the points which were attractive to Nationalists while leaving points reassuring to Unionists only oblique.

Martin Mansergh said there was nothing in the document which undermined the Union. Two of the British amendments would reinforce it - our qualification of the "Brooke formula" and the withdrawal of the claim of right.

Sir Patrick Mayhew pointed out that over the past year he had repeatedly used the qualified version of the Brooke formula. After a number of further exchanges on the case for balanced generosity of language, the Prime Minister said that we should choose between three possible courses: continuing this meeting for as long as it took; commissioning officials to meet next week and report back; or deciding that success was unattainable.

The Taoiseach said that the Irish could not accept the document if the British amendments were unnegotiable. All he wanted was to offer the right language as the price for peace.

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The Prime Minister said that there would be no settlement in Northern Ireland unless we could carry the majority of the Unionists.

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In reply to a question from the Prime Minister, the Taoiseach said that he could not be certain that even his version of the Joint Declaration would produce a cessation of violence. He would have been sure of this ten days ago. But he thought it would be about another ten days before he could make a further judgement. However, he was certain that the British amendments would not take the trick.

Dermot Nally said that he did not think the differences were insurmountable.

The Taoiseach and the Prime Minister then agreed that Sir Robin Butler and Dermot Nally should hold an early meeting to go through the text in detail. He and the Taoiseach would then take stock in Brussels. He was looking for an agreement, not for delay. There could be no cast iron guarantee that the Joint Declaration would take the trick. There were arguments for and against issuing the text even if we judged success unlikely. A decision on this would have to be taken later.

The Taoiseach said that the Irish Government might have to issue a text unilaterally if agreement could not be reached. It could not allow PIRA's propaganda to continue running around Ireland.

Dermot Nally said that the pressure on the Provisionals would be immense if the two Prime Ministers could agree on a text.

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The Prime Minister said that a unilateral statement by the Irish would have little chance of achieving anything but would open up a yawning chasm between the two governments. If the Irish took this course, we too might be forced to issue a unilateral position.

There was a brief discussion of the line to be taken with the press. The Prime Minister suggested that there should not be further negative briefing or attribution of blame.

3 December 1993

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