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Immediate  
✓ Ms Lodge  
Mr Beaton  
NORTH  
IRELAND OFFICE  
22 NOV 1993  
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SIL DIVISION

FROM: D J WATKINS  
US CENT SEC  
DATE: 19 NOVEMBER 1993

- cc PS/Secretary of State (L&B)-B
- PS/Michael Ancram(DENI,L&B)-B
- PS/PUS (L&B) -B
- PS/Mr Fell -B
- Mr Thomas -B
- Mr Wood -B
- Mr Bell -B
- Mr Williams -B
- Mr Brooker -B
- Mr Cooke -B
- Mr Maccabe -B
- Mr Quinn -B
- Mr Morrow -B
- Mr Archer, RID -B
- HMA Dublin -B

MR THOMAS - B

IRISH DRAFT FRAMEWORK DOCUMENT

1. I daresay that you were as surprised as I was that the Irish draft has been made available, to anyone with 70p in the Republic (60p in NI because VAT is not yet applied) to pay for the 19 November issue of the Irish Press, before the British Government could be entrusted with it. It seems to me that we need to consider three things:
  - a. how to handle the inevitable fallout which publication of the Irish draft will create;
  - b. how to manage our relationship with the Irish, in light of the unorthodox and unacceptable means by which the Irish draft has entered the public domain;
  - c. how to respond to the draft as a draft, and what changes we believe are needed to it.

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2. There is plenty in the Irish draft that will agitate unionists (the "correction" of Mr Spring's 4th principle; the absence, in para 17, of a definition of NI's status; the absence of any specific references to Articles 2 and 3 - the last two possibly to avoid the risk of judicial challenge; the potentially wide-ranging and fundamental implications of the Forum Report language in para 18, which could be taken as a prescription for joint authority; the proposed entrenchment of North/South executive powers by UK/Dail legislation, apparently requiring the agreement of the two governments only; the vagueness of "appropriately mandated" in para 22; the IGC's oversight role in relation to both internal NI and North/South institutions; the IGC's powers of intervention and redress over a NI Assembly). Their agitation will not be diminished by the manner of the draft's publication, which they will see (and maybe they would be right) as the Irish Government cynically breaching confidence as a means of setting the agenda.
3. Against this background, we are already deploying some of the following lines:
  - a. if authenticated by the Irish, the document is an Irish draft, which the British Government did not see prior to its appearance in the Irish press;
  - b. HMG is not, therefore, committed to the document as a whole, though there are some elements of it which we find encouraging;
  - c. equally, there are elements of the draft which HMG does not believe would achieve the widespread agreement which is essential to a durable settlement;

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- d. HMG will continue to discuss the issues with the Irish Government, in confidence, with the aim of achieving an agreed document which would form a more promising basis for further discussions with the NI parties;
  - e. no binding commitments will be entered into by HMG without further discussions with the NI parties.
4. Lines (c), (d) and (e) deliberately go further than the lines you suggest in your 19 November minute, because I believe we should do this to establish a robust negotiating platform. These signals could be issued by briefing over the weekend.
  5. As regards the Irish, HMA has already made enquiries about the leak and doubtless made the strongest representations about the breach of confidentiality. We should not be too convincing in accepting their protestations of good faith. We should also seek further opportunities to make the point that publication in this way will inevitably provoke a unionist reaction which will reinforce the need for HMG to negotiate vigorously for a better-balanced document - and the Irish Government will have to be prepared to accept that the necessary concessions by them, relative to this negotiating position, may be more obvious than if confidentiality had been maintained. In other words, the very act of publication as an Irish draft makes it unsaleable to unionists; ineffective as a basis for broadly-based agreement; and therefore unacceptable to HMG as it stands.
  6. As regards the substance of the document, we will need to concert our drafting efforts urgently (though we should certainly not be bounced into agreeing any document by the

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3 December Summit). I will make more specific drafting suggestions shortly, so I will confine myself to the obvious general point at this stage. This is that, inevitably, the Irish draft is tilted too far in the nationalist direction. So our task will be to redress the imbalance and, I would suggest, to make it known that we are seeking to do so. In some ways, the unexpected publication of the Irish draft should assist with this because, however the Irish draft leaked, it will be widely understood as a negotiating position which the Irish cannot expect to achieve in full. Certainly we should make the publication of the draft their problem, and not ours.

Mr Archer, SID  
EMA, Dublin

7. You may think that an early meeting to discuss the Irish draft and our response to it would be useful.
8. On a separate point, I agree with you that the publication of this document gives us greater licence to publish our own proposals, in whatever form, if we think that is the best course.

[SIGNED: DJW]

**D J WATKINS**

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