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FROM: M J WILLIAMS
US(POL)

19 October 1993

cc PS/PUS (L&B) - B
PS/Mr Fell - B
Mr Bell - N
Mr Watkins - B
Mr Brooker - B
Mrs Collins - B
Mr Cooke - B
Mr Maccabe - B
Mr Quinn - B
Mr Beeton - B
Ms Lodge - B
Mr Archer RID - B
HMA, Dublin - B
Mr Hallett via SIL - B
Mr Caine

Mr Thomas - B

AMENDMENT OF ARTICLES 2 AND 3: JOINT FRAMEWORK DOCUMENT

I am attracted by the ingenious approach set out in the enclosure to your minute of 18 October to Mr Watkins.

2. My one concern about the substance of the text is (as you would probably expect) paragraph 3(1). This reads in effect as follows:

"The British Government... accepts... the... validity of the... position... that [Ireland is indivisible and] there should one day be established a sovereign united Ireland".

This statement goes beyond what HMG has hitherto been prepared to concede to the nationalist ambition. The proposition that "Ireland is indivisible" would, if we accepted its validity, be inconsistent with the position which successive British Governments have adopted in other parts of the world regarding similar disputes, where we have always held that mere facts of geography do not form a sufficient basis for the assertion of a claim. Secondly, the Government's public pronouncement so far has emphasised a total commitment to the principle that only the people of Northern Ireland should have the right to determine their future. This principle is

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of course enunciated in the second sub-paragraph, but the first sub-paragraph seems to have HMG accepting the validity of the position that there should be a sovereign united Ireland.

3. I would suggest that, to avoid these two disadvantages, the words in square brackets should be omitted, and the words "by consent" should be inserted after "established". These amendments may mean that the Irish side would be less likely to accept the sub-paragraph as a full statement of their views, but I believe it would not be a misrepresentation of them. If the Irish side insisted on amendments, we should perhaps have to consider them, although I still believe we would have difficulty in accepting the formulation about Ireland being indivisible. An alternative way of making the text more acceptable might be to change the preambular part of the paragraph. However this would probably not wash, as we need something at least as strong as the existing wording in the first part of the previous paragraph, and clearly the same wording needs to be used regarding both the British and Irish Governments positions.

4. Regarding the handling, I very much agree that we need the Irish next to define their own position, including if possible their own wish list. It may well therefore be inappropriate to table your latest draft at the next Liaison Group meeting, depending of course on how the discussions go.

5. The Irish side will of course see this very much as a process of negotiation, with them attempting by whatever means they can adopt to wear down our position. We may have to be very firm in resisting this.

[signed MJW]

M J WILLIAMS

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