

F.T.D.

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FR: P N BELL, AUS(L)
5 January 1994

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- PS/Mr Fell [9]
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PUS 252
 - 5 JAN 1994
 110 LONDON

TAOISEACH'S LETTER TO THE PRIME MINISTER

I am responding to your minute of 4 January to Mr Daniell about our proposed response to the Taoiseach's letter to the Prime Minister of 30 December, which both complained about the Caraher judgement and also made a number of suggestions for presenting the Joint Declaration in a way that increased the likelihood of having its desired effect upon the Provisionals. I have subsequently discussed the terms of our proposed reply with Mr Fell, and what follows - including our suggested revised draft - represents the views of us both.

2. The changes we are suggesting to the Secretary of State's draft are designed, in part, to educate the Prime Minister as well as Mr Reynolds. They rest on two assumptions: first, that reassurance of the Unionists has now gone as far as it can usefully go (eg in the Prime Minister's most recent Belfast Newsletter article) without seriously damaging hopes of peace. Second, our priority at the moment must be to keep the Irish on side - even at the cost of swallowing some of our indignation at the Taoiseach's infuriating remarks about the Caraher case, and its implications about the independence of the judiciary.

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3. These two objectives happily march together. So, apart from minor editorial changes, the revised draft brings out the need to present the Joint Declaration as a 'balanced' document; also agrees with the Taoiseach that we must neither bribe, threaten, nor try to humiliate the Provisionals; and tries to turn the Taoiseach's remarks about Caraher so far as possible in the direction of reminding him of the unwisdom of premature comment on judgements in another jurisdiction. It would have been possible simply to 'soften' the language of the earlier draft. On reflection, however, the Secretary of State may prefer something more radical.

4. Otherwise, the drafts are meant to be self-explanatory although careful reading will reveal one or two other underplayed messages for the other side of Horse Guards. If the Secretary of State is content, they will pave the way for a rather fuller 'look ahead' for inclusion in the Prime Minister's weekend box, and the preparation and circulation of an agenda for a political stocktaking next week on the way ahead when we will be able to address, in more detail, reactions to the Joint Declaration and the numerous 'what if' questions that are now presenting themselves. The latter document, which SIL will be circulating shortly, will provide the opportunity for views from the Office as a whole.

(Signed PNB)

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