

**Dermot Nally
Papers**

UCDA P254/30

Butler-Nally ProcessMeeting with Mr. Quentin Thomas

1. I had a meeting with Mr. Quentin Thomas in London on 1st September, 1993. The meeting had been suggested at the last Nally-Butler meeting by Mr. Chilcot, possibly as a way around the expressed reluctance of Sir R. Butler to embark on any amendment to the draft text without formal clearance from the Prime Minister.
2. I began by again urging the significance of what seemed to be on offer - a cessation of violence on the part of the Provisionals in return, not for their traditional demand of British withdrawal at a specified time, but for a change in the terms of the British involvement. I said we did not underestimate the difficulties on the British side but a historic change of this proportion could not be expected to be effortless. The Irish Government for its part would be as helpful as possible in easing difficulties wherever they realistically could. At the same time I stressed we were neither principals or brokers, but rather using whatever insights we had gained to define for the British where openings to a cessation of violence might best lie. The British themselves would have to decide on their own account whether they wanted to follow up these potential openings. I urged strongly they should look at the overall balance of the text, some of which was very helpful, and not just the area which was problematic for them.
3. I said that for the British "to join the persuaders" for Irish unity would take all the tricks on the nationalist side. They had repeatedly told us that this was impossible

for the present Government. The question therefore was how they could advance from their present position of a theoretical neutrality (theoretical in the sense it could be argued that the operational basis of their involvement was preservation of the Union) towards a position which made clear that they were a benign influence in terms of future inter-Irish agreement, rather than a negative one, which was the traditional nationalist perception which had to be dismantled.

4. One possible approach for them, I felt, speaking personally, was to see an advantage rather than an obstacle in the characteristically theoretical approach of the Provisionals in relation to self-determination. In fact there seemed to be good formal arguments for saying the basic British position was a recognition of collective self-determination for Ireland, subject to unionist agreement. The distinct character of the Kingdom of Ireland was unquestioned in British theory up to the Act of Union and was the basis of various Home Rule Acts. The 1921 Treaty was drawn up in legal terms on behalf of the whole island (Belfast was included among the exempted ports on the same basis as, say Berehaven) with an opt-out clause for Northern Ireland. Would it be possible for the British to assert on a legal or constitutional basis (e.g. an opinion of law officers) that something on the lines of collective self-determination merely reasserted the basic legal theory which had subsisted all along?

5. If there were obstacles in that direction a second approach might be to develop British neutrality into a pro-active one, i.e. to take the objective of inter-Irish Agreement without external interference as the policy goal (without specifying the form of agreement) and then to ensure on an operational basis a level playing field between both aspirations, removing obstacles to agreement etc., with of

course full value remaining attached to the principle of unionist consent for any change in sovereignty. A joint declaration on those lines could emerge as a Strand Three agreed position. If it contained all the necessary elements it could be possible to obtain an IRA cessation through that route and the Governments might then seize that tide to push again for new institutions to reflect the particular character of Northern Ireland and North-South links.

6. Thomas said that Sir Robin Butler had had no instructions about redrafting the text on "political movement" and neither had he. (Note: The British have a bureaucratic shorthand where "political movement" refers to the search for an end to violence, while "political developments" relate to the three-stranded talks). However it was clear there was a very considerable "read-across" from the ideas put forward in the draft text and the discussions on constitutional balance in the Talks and Liaison Group, and this was an area he could discuss, at least informally. It was conceivable that ideas relevant to "political movement" could be enshrined for example in a joint position paper which the two Governments might put on the table in relation to future Talks.
7. While "self-determination" for Ireland was a difficult concept for them, Thomas did not totally rule out some form of qualified reference to it with careful drafting. After some further general discussion (on the lines already reported on in various Liaison Group meetings) he showed, and later gave me, as a kind of "exercise-book", he said, formulations which might be used for constitutional balance in any resumed Talks (and by implication, I assume, adapted to meet the needs of paragraph 4 of the other draft. See copy attached).
8. I said as an initial reaction I found the first sentence an

interesting one. I did not know how much the actual word self-determination was crucial but it seemed to me that something which said that the future of Northern Ireland was to be decided without external hindrance by the people of the North and of the South was the kernel of it and the text went a step in that direction. As regards the eighth paragraph I said that a better approach would be for the British Government to set inter-Irish agreement as its prime objective. The present text was more a passive hope of success and, furthermore, seemed to subordinate the process to the procedural veto given to the unionists under the agreed basis for the Talks. I stressed again the enormous importance attached to the direction of British policy and actions, which nationalists wanted to be weighted in some way towards promoting agreement rather than separation, subject of course to consent. The "weighting" of British policy in one direction or the other was the stake for both sides.

9. In terms of Articles 2 and 3, I said anything which seemed to reinforce the Union beyond what existed already was obviously problematic in terms of "political movement". We accepted of course that unionists would need reassurance but the form would have to be carefully considered. Thomas thought that a change in these Articles remained essential in unionist terms, and that for example a formal endorsement in the constitution of a new Agreement which qualified but did not remove the Articles would not meet the needs of the situation.

10. I stressed that the "political movement" document would require a response in its own terms. The Talks process could be used in a complementary way but not in any way blotting it out. Thomas accepted fully that a cessation, if it could be achieved, would transform the situation, including in relation to "political developments" even if

these case possibly at a later stage, and that the reverse was probably not the case. I urged the advantage, if Sinn Fein renounced violence and were to join talks ultimately, of having the constitutional issue settled between the Governments before then. Thomas, as Chilcot earlier, was at pains to stress that Sir Patrick Mayhew was in fact deeply interested in promoting "political movement" and in no sense hostile to it, although he had to be very cautious in his position. He accepted also my point that the parallels being developed with Scotland in remarks by Mr. Major and Mr. Mayhew were going in an unhelpful direction and agreed with me that a solution to the North would be found more by recognising the genuinely qui propteris nature of the problem.

11. Comment: It is understandably easier for the British to consider "political movement" in the wider context. It is probably also easier in terms of our own domestic politics if a cessation were to come as a response to a wider intergovernmental initiative rather than to one aimed specifically at the proponents of violence. While it would be important to ensure that integrating the two approaches should not lead us to lose sight in any way of political "movement" in favour of "development" (an aspect I emphasised very strongly) we should nevertheless explore further the possibility of a text or texts, covering the key points of the text discussed in the Butler-Nally format, but capable of being used as an intergovernmental document aimed at the Talks process and covering constitutional issues which Unionists themselves have argued are for decision between the Governments.


Sean O hUiginn
2 September, 1993.

Enc. 1

cc: Tánaiste
Secretary
Mr. D. Nally
Dr. M. Mansergh

*Text given to me informally
by Mr. A. Thomas, NIB on 2/9*

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2/9*

1. > Both governments agree that the future status of Northern Ireland should be determined on the basis of consent, North and South, of the people living in Ireland.

2. > Both governments accept that Northern Ireland is part of the United Kingdom in accordance with the present wishes of a majority of its people; and that it would be wrong to change that status without the consent of such a majority. [The British government affirms that it has no selfish strategic or economic interest in retaining Northern Ireland in the United Kingdom against the wishes of its people.]

3. > The Irish government wish the people and territory of Northern Ireland, with the other parts of Ireland, to comprise, in fact and law, a united Ireland.

4. > The British government acknowledge that a substantial minority of the people of Northern Ireland wish for a united Ireland, and that they have the right to pursue that aspiration from a basis of parity of esteem, by peaceful and democratic means[, and without impediment].

5. > Both governments accept and acknowledge that there should be a united Ireland if, but only if, a majority supported this in each part of Ireland.

6. > Both governments agree that, if in the future a majority of the people of Northern Ireland clearly wish for and formally consent to the establishment of a united Ireland, they will introduce and support in the respective Parliaments legislation to give effect to that wish.

7. > In the meantime, while Northern Ireland remains in the United Kingdom, the British Government will work to ensure efficient, effective and even-handed government there, [drawing with appreciation on the advice and support of the Irish government, within the relationship [partnership] which the two governments [have established] [and wish to develop].]

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8. The two governments acknowledge that, if the outcome of political progress were to widen the areas of shared interest, understanding and agreement among the communities in Ireland[, and bring them closer together,] they would welcome that.

9. Against this background, the Irish government declares that, if there is an agreed outcome from the process of dialogue established by the statement of 26 March 1991 consistent with these principles, it will take the necessary steps to initiate and support a referendum to amend Articles 2 and 3 of the Irish constitution to reflect the understandings in this statement.

Parity of Esteem

10 Both Governments agree that the Nationalist and Unionist identities are equally valid, and that the principles of equality of opportunity, equity of treatment and parity of esteem for all their citizens must be upheld and applied.

11 For its part, the British Government will work to ensure that, in the governance of Northern Ireland, this principle is fully reflected. [In discharging its responsibilities in this respect, the British Government would wish to benefit[, within their growing partnership,] from the advice of the Irish government.]

12 [Both Governments also agree that any new arrangements concerning the totality of relations, and in particular in the governance of Northern Ireland, should help to bridge divisions between the two traditions, promote reconciliation between them and avoid the domination of one tradition by the other.]