

**Dermot Nally
Papers**

UCDA P254/45

R.B. 6/10/93

1

Q.T.

R.B.: J.H. - much to tell the world.

How long we can make, the better
once you fact. reports to a fact
publicly - given by J.H.

Extremely suspicious circumstances...

We are doing what we can to keep the quiet.

If anything proceeds, I will get a trial - a trial

* - (head it out to J.H. on a very confidential
basis.

- time is. - that fact shared by J.H.
activities

- Substantial call news: quite soon we
need to decide. How likely you can

X | Give us the better & to know you can

keep J.H. If on Castle also. We do
not, J.H. matter: in both an interest.

1 or 2 other things.

1. Important to confirm if print also

+ | get about no side agreements:
no advertisements than what is

in text.

+ | 2. Not incompatible with Call
Process

3. You perfectly clear, it won't

He is an answer to agree that SF
 had immediately take part -
 pol. dialogues. After a
 period (6 months?) before
 they can be admitted to pol.
 dialogues.

G. greatly helps a news., by giving
 it to T., his answer that if a
 H. decl. is made it will lead
 to H.A. giving up the struggle.

Secondly it is a part for the text.

JC. Can talk go ahead on
 concurrently with G.

Sokh. T. If video stops, he will
 announce St. Tally taking part in talks
 Place 1990. final: not incompatible

J. An int. ltn. leadership wot see the benefit of forcing quick talks.

A.T. R. Gurney article: A. T. is

R.B. w. split.

R.B. defend V. Declaration: we did it to get peace. It's proposal is that it wd get peace.

State
D.N. 3H. T.

Sohle were certainly by.

+ P.N. ^{R.B.} on P.C.O. terms, R. has not let us down: get agreement. If he says blood on cloth, we will have to take a/c. We can't trust anybody more reliable on this. Ends: wd. recent ltn. says 'this is really jointed on us'

R.B.

4.

Not into common with:

1. If conditions on his agreement
might be affected by it; not
get his permission to do it.

at least leaning towards it.

P.N. Not ~~conditional~~ - aimed at
without ^{one head} ~~one head~~.

O.T. Roy. Leases

R.B. Meadys.

1. Study pt. p. a. priv. to

X | K. office constitutional provisions.
They could not make a statement, in the
absence.

X | 2. other limits of language; no
ref. to arts. 2 & 3. immovably
held if we ed. include a reference.

Part 2 Meadys. red copy to address
set via 9

Part 4 "part": 5
N. public - expand.

- grateful for evidence of, rather
or self-determination
- sentence at end of par 4.

5th absolute conviction on the part
 Commission. 'limit of salesability'
 consent.
 | in this doc., enormous
 | problem

R.B. margin that we are on: just
 Absolutely to the limit to present
 the case of violence.

Q.T. 26/3/93 "in re offering
 to Mr. Galt's partition
^{was made} ^{as part of the}
 that ~~to~~ ~~the~~ ~~fact~~ ~~we~~
 not done with that is
 count of a group of it

people, ... " omit vol. ⁶

| "involving W. E. as part 1
to U.K."

Q7: 'Risk of misadventure
'diddled'

JC Trusty suggestion.

Q8 Pr-Min's cannot do it without
judging it is an act of state.

* ≡ Managing the unravelling

IN/TC "and guarantees ~~to~~ which
- ^{but which} each ~~party~~ ^{party} committed
itself" (par 3.).

I.C. / Gr. Govt. announced
/ statement of its guarantees
when this hits the street.

R.A. par 2 amended.
par 4 - probably
omit "pl."

D.T. "The D.F. acknowledges the
legitimacy of any exercise of
of self-det. by the people of the
Islands of Finland which
ratifies this agreement on a
basis of consent consent,
Norway & Finland".

- 'freely & conveniently given'
- 'that is the wish'
- 'freely & ~~conveniently~~ ^{selectively} given'.
- 'enable' 'the govt to encourage'.
- British Government.

and indirectly in the
 context of a new & wider
 spread his will goes
 to consider - -

- wld. be reflected in any
 constitutional amendments

- "all" omit par. 8.
- Constitutions, par. 7.

RB: "Another meeting?"

(1) T. 1817. ?

Go to T. - report to A.T.

Another meeting?

OR no need for ^{or} argument?

(The main) - before it goes back
to process? =

- go to T. : that's already by us
before it goes to P.

^{or} No degree of report (to process) : it is

Gr. Scott's remark that this
water caught!

R.B.

11

Letter from T. to P.D. on
understands: after
conversations will also
ride.

After that, meeting. . . the
statement

J.C.
- - agreed handling plan.
from P.D.

Q.T. . . but it to Dr. Gant. . . a ban that
peace had been out. . . ?
Not on basis already agreed.
with Dr.

R.B. Summary Jan? *

5 J.M. both facts
I Concert

3 Unity only

13 Parts 2 & 3

4 Meets.

6 Reached.

London

Prior to meeting
on 6/10/93 - discussed
with Tomicich

7/10/93

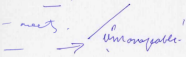
Medical
review
pot. decs.

- J.M.:

- M. / Privy Council.

- Conventy.

- meets.



Notes on B's
opening intervention

in
6/10/93

ROINN AN TAOISIGH

Uimhir.....

PERSONAL & SECRETNorthern Ireland

Taoiseach,

Sean O hUiginn and I met Cabinet Secretary Butler, Northern Secretary Chilcot and Quentin Thomas from the Northern Ireland Office, in the Cabinet Office yesterday. The meeting started at about 11.15 a.m. and went on, over Lunch, until about 2.30 p.m. Mr. O hUiginn is making a fuller note. The following is a summary of what I think were the salient points to emerge.

- (1) Butler said that the John Hume incident meant that we were all working to a much tighter time schedule;
- (2) There were many extremely suspicious Unionists about and they proposed, if they could get a text, to float it over Molyneux, on a Privy Council basis;
- (3) They wanted to talk substantially now and the more time we could make for this the better. Also, the more help we can give them and the more we can keep John Hume off their back, the better it would be for everybody;
- (4) There were certain points on which they wished to have our views or assurances -
 - (a) it was important for us to confirm that if the initiative goes ahead, there are no side agreements and no understandings other than what is in the text;
 - (b) they would like an assurance that the process was not incompatible, in our eyes, with the talks process;
 - (c) we should be perfectly clear that it won't be in their power to agree that Sinn Fein should immediately take part in political dialogue. After a period (which had to be determined but might be about six months) they could be admitted;
 - (d) it would greatly help their Ministers if they could have an assurance from the Taoiseach, that in his judgement, if the Joint Declaration were made, it would lead to the PIRA giving up the 'armed struggle';
- (5) They had also had a number of points which are incorporated in the textual amendments;

*Spoke to
Taoiseach
on
7/10/93*

ROINN AN TAOISIGH

Uimhir.....

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- (5) We said that, so far as we understood the situation, there were no side agreements and no undertakings other than what was in the text; we did not regard the process as being incompatible with the talks process; that we could not, there and then, give an assurance about Sinn Fein's attitude or their understanding that it might be six months or so before they could take part in political dialogue - our understanding was that this dialogue would be going ahead anyway over that period; and that we could not, at that meeting, speak authoritatively for you or give an assurance that if the Joint Declaration were made, it would lead to the FIRA giving up the struggle. We would come back to them on this after further consultations - but they should be aware, as we all were, that in the event of the Declaration being made, with the backing of the FIRA, there was always a possibility, no matter what assurances were given, that splinter groups or individuals would decide to act on their own initiative and that nobody could stop this.
- (7) We explored with them their proposals about briefing Molyneaux on a Privy Council basis. They said that Privy Council briefings were completely confidential and that, the practice was that even the existence of the briefing was not disclosed. They were not sure as to whether Privy Council briefings had been given prior to the Anglo-Irish Agreement (my understanding is that they were refused by the Unionists - and that they had not, in fact, taken place). Their purpose in giving the briefing was to try to get Molyneaux to understand that the document we were working at was aimed at getting peace and that, for that reason, was framed in a particular way. In an atmosphere of peace, people could talk sensibly about the future and the whole environment would be changed.
- (8) On the text, Butler said that there were two sticking points, in particular, for them:-
- (a) Ministers would want to reaffirm the constitutional guarantee. They could not make a statement in its absence;
 - (b) While they appreciated that the draft was going to the outer limits of language, they noted that there was no reference to Articles 2 and 3. It would help them immensely if the text could include a reference, no matter how oblique.

The revised text (attached) takes these into account.

ROINN AN TAOISIGH

Uimhir.....

-3-

- (9) We agreed that we would bring the revised text back to Dublin for clearance and that if it were cleared here that we would tell them and they could seek clearance from their Ministers. If all is well, the document could then go to our interlocutors, with no indication that it had been agreed, even tentatively, with the British, whose position would still remain "reserved".
- (10) The meeting was very constructive, with the British obviously being deeply engaged.

Dermot Nally,
7 October, 1993.

c.c. Mr. Frank Murray, Secretary to the Government.
Dr. Martin Mansergh
Mr. Sean O hUiginn, Assistant Secretary, Department of Foreign Affairs.

Report of a meeting of the Nally-Butler Group
Cabinet Office, London.
5 October, 1993.

1. Butler said he wanted a full discussion of the issue on this occasion. The result of Hume's actions had now put everyone on a much tighter schedule. Once Hume briefed the Irish Government "the flies would be buzzing around us". Once we briefed the British Government the flies would be buzzing around them, including very excitable Unionists. They were doing what they could to keep matters calm. They had been giving some thought to floating the idea by Molyneaux on a privy-Council basis if the present exercise resulted in a text which Ministers could accept. Butler wished to devote the current meeting to a discussion about remaining British anxieties. Very soon British ministers would have to decide whether the project was "a goer or not". They hoped we would not only be able to keep Hume in line but to keep him off their backs also. Chilcot referred to the danger of awkward parliamentary questions.

2. Butler said that it would be extremely helpful if British Ministers could be given reassurance on a number of points:
 - (i) They wanted to be able to confirm that if the Declaration went ahead there were no side agreements or private understandings associated with it.

 - (ii) It would be helpful to have confirmation from the Irish side that we did not see the Declaration as incompatible with the Talks process.

 - (iii) In the event of a cessation they were of the clear view that Sinn Fein could not take part in talks immediately. They also of course agreed that in the

event of a cessation Sinn Fein could take part in due course. Privately they had a period of six months in mind.

(iv) It would greatly help British Ministers to have behind the Declaration an assurance from the Taoiseach that if the Declaration were made it was a basis for the Provisional IRA giving up the armed struggle. (He elaborated that if they made the Declaration in the expectation of peace, they would wish to justify this expectation on their side by reference to assurances from the Taoiseach, and not to anything which implied direct or indirect contacts with the IRA).

3. Mr. Mally made the general point that if agreement was reached, machinery should be put in place to ensure both Governments give compatible replies to the various very difficult questions which would arise. On the points raised by Butler, Mally confirmed there were no side agreements. The text was specifically designed to produce a result related to a certain set of people. It left out various other dimensions which could be covered in other ways. He confirmed the view that the Declaration would be compatible with the Talks process. If peace was established, the Talks process could complement the Declaration. On the fourth point he confirmed there were no direct contacts with the IRA on the Irish side either, so there could be no question of imputing direct contact to the British. He felt the Taoiseach would want to be helpful in the way they suggested.

4. O hUiginn said that if there was a cessation it would be difficult to justify a refusal to admit Sinn Fein to political dialogue in respect of their electoral support. As a practical matter, however, we assumed that the

Unionists would find it difficult to go to such a table, at least for some time, and the issue therefore was hardly likely to arise in that form. Chilcot wondered whether the Unionists, purely for tactical purposes, might urge talks among the constitutional parties only, as an alternative to any development relating to Sinn Fein. The Irish side assumed that in such an event the Irish Governments, and public opinion in Ireland generally, would be in favour of participating in such talks, as we always have been but without prejudice to the general desirability of having a peaceful Sinn Fein associated with any negotiations in due course.

5. There followed a brief discussion on the difficulties the IRA might find in taking all of their followers into the political mode. O'Connell stressed the size of the leap which they were taking, in terms of the culture of their own enclosed world, but it seemed that many precautions had been taken to minimise the likelihood of a split. It was agreed however that that could not be excluded.
6. Mally spoke of the difficulties caused by Nuzé's activities. His decision presumably reflected a fear that things would develop without him during his absence in the States. He assured the British side that the Irish Government understood their difficulties in this regard and were working very hard to minimise them.
7. A discussion followed on the wisdom of floating the proposal by Molyneux on a Privy-Council basis. The British said they had always found him utterly reliable in relation to the Privy-Councillors oath, which covered both the fact and the content of a briefing. It would help to minimise backlash on the Unionist side. The absence of a briefing on an initiative of this importance would be unusual and they wished to avoid the inference Unionists would draw from

that. In response to worries expressed by the Irish side, the British clarified that, in Butler's words, they were not "putting the Declaration into commission with him". It would rather be briefing him on the decision taken and hoping to put it in a context which would mollify him. They agreed however they could not rule out the possibility that Ministers might be influenced by his likely negative reaction. The Irish side again stressed that the Declaration was intended to address one specific dimension of the problem, and was not expected to meet with Unionist approval. At this point the meeting turned to the text, a revised copy of which was distributed by the Irish side.

8. Mr. Nally explained briefly the changes which had been made. The reference to the EC in paragraph 3 had been softened to meet the point they had made. The text of paragraph 3 had been amended to include a reference to cooperation being "on the basis of the fundamental principles, undertakings and obligations under international agreements to which they have jointly committed themselves". Mr. Nally explained that this included the Anglo-Irish Agreement, but in fact went beyond it, for greater reassurance to the Unionists. He had some concern that the reference to "any measure of agreement on future relationships in Ireland ..." etc., in paragraph 4 might somehow be construed as covering independence for Northern Ireland. The text might have to be looked at in that respect. In relation to paragraph 7, we accepted the reference to the Irish Constitution would clearly be difficult for Unionists. On the other hand it was important to be clear that if Sinn Fein were participating in the Convention they were doing so on the basis of full recognition of the legitimacy of the Irish State. This was an area which the Irish side could refine further.

9. Butler said that there were two major concerns on the British side. In their judgement a sticking point for British Ministers would be to reaffirm the British constitutional guarantee to the Unionists. A statement of this scope without a reference to it, would be a step too far for British Ministers. Unionists would home in on its absence. The second point, again related to Unionist concerns, was the absence of any reference to Articles 2 and 3. The Irish side had earlier argued about the need to go to "the outer limits of language" to improve the presentational aspects of the Declaration in terms of the nationalist extremes. They were now asking that us to do the same in relation to Unionist sensitivities.
10. Butler said that the reference to the European Community, if it was merely "Hume-speak" might be reviewed, since its sensitivity in terms of the current debate in Westminster was evident to all. He welcomed the proposed amendment relating to the Irish Constitution, and indicated they would leave it to the Irish side to draft language which covered the point of the legitimacy of the institutions of the State and at the same time avoided difficulties for the Unionists.
11. O hUiginn argued strongly that an explicit reference to the British guarantee about the UK status of Northern Ireland would simply not be saleable in this context. It was clearly understood that this guarantee stood. It was clearly understood that the Anglo-Irish Agreement was not amended in any way by this Declaration, which had lesser formal status. There would be no inhibition on the British Government reiterating the guarantee in the appropriate context. However, it had not been necessary to include such guarantees in any communiqué between Prime Ministers made since the Anglo-Irish Agreement - not even the Hillsborough Communiqué - since the Agreement was clearly understood to

reflect a guarantee by both Governments. The British side argued that such a guarantee was in the March 26th statement establishing the three-stranded talks. It would be a statement by the British Government which bound no-one but them. O hUigin pointed out that the entire draft was written on the assumption of tacit endorsement by the Provisionals. If they were offered an "a la carte" option, then they might also disregard points of great importance to us, such as peaceful resolution of difference. The inclusion of guarantee would therefore be tantamount to inviting the Provisionals to endorse the UK status of Northern Ireland. That contingency was so remote that it did not seem worth expending energy on it.

12. After such discussion on this point, Mr. Nally suggested that the most fruitful approach would be to insert a reference to "guarantees" in paragraph 3. After further discussion it was agreed to insert the phrase "and the guarantees which each Government has given" at the end of the relevant sentence in paragraph 3. This was of course ad referendum on both sides.
13. The British side said they had a problem with "no political" interest in the first sentence of paragraph 4. They wished also to qualify the word "interest" by adding the phrase "in retaining Northern Ireland in the UK against the wishes of its people". After some discussion it was felt that the most likely way of reaching agreement would be to leave the original (Brooke) text as it had been pronounced, omitting both the word "political" and the proposed addition.
14. There was some further discussion of the text of the new paragraph 4. This resulted in some amendments (see revised text attached).

15. In relation to the reference to Articles 2 and 3, Butler explained the tremendous symbolism which this issue had for Unionists and the great value of having some indication in the text that the Irish Government would be prepared to amend them in certain circumstances. The Irish side pointed to the great sensitivity of that issue in Irish terms. It was difficult for the Government to deal with this area even in relation to the three-stranded talks process. The psychology of introducing this note in this particular context would be extremely negative. It was very unlikely that the Irish Government would be able to agree to this suggestion. It was possible that the Taoiseach might be prepared, in the context of the Talks process, to repeat the general sentiments he had expressed in the United States which went in that direction, but it was also likely his very strong feeling would be that it should be kept out of this context.
16. On Chilcot's suggestion it was agreed finally to refer back, in square brackets, the following addition to the end of paragraph 5: [which would be reflected in any future agreed (political and) constitutional arrangements emerging from a new and more broadly based agreement]. This would refer to "democratic dignity etc." and not specifically to clauses of the Constitution.
17. There was a brief discussion on the reference to the Convention being open to all democratic parties. Did this mean fringe parties? It was agreed that the word "all" might usefully be dropped from paragraph 8 for that reason.
18. While the drafting was not precisely settled in all instances, the feeling on both sides of the meeting was that the main point of political difficulty had been addressed. It was agreed that both sides would consider the new text and consult via Thomas/O hUiginn very shortly as to whether

it was thought useful for the Taoiseach to use that text as the basis for further exploration with intermediaries.

19. If that process proved successful, Butler envisaged that the Taoiseach might then write to the Prime Minister, dealing with the understandings on the various points raised at the outset of the meeting, and sending a text which, in his considered judgement, would lead to a cessation if pronounced by both Heads of Government. The Prime Minister would then be formally seized of it and consider it at that point.

20. Butler envisaged that such a process would take about one month and envisaged that, if successful, a Summit for this purpose would be likely to take place in November. It was agreed the European Council at the end of October would give cover for substantive discussion between the two Heads of Government on any problems which might need to be ironed out. However the Declaration itself would issue from a Summit expressly dedicated to Anglo-Irish matters.

21. A discussion followed on how to deal with the Hume dimension. The British again repeated the enormous difficulties which would be caused for them if the proposed Declaration were seen to emanate from that quarter or even from some generalised nationalist impetus. They were most anxious that the Government should, if possible, bide time in making its response to the Hume briefing and should keep the handling of it as far as possible internal to the Irish Government for the time being. They mentioned approvingly that there had been some implication that the matter might come for consideration at the Intergovernmental Conference, welcoming the notion that it could be kept off their desks formally for such a period.

22. There was a brief discussion of the proposed Law Society debate involving the Tanaiste and Mr. Mayhew in Dublin next week. The British view was that a bilateral was best avoided at this point and that the proposed commitments should be reviewed on both sides, probably via the Secretariat.

Sean O hUiginn
7 October, 1993.

Enc.: Revised draft