

**Dermot Nally
Papers**

UCDA P254/74

DRAFT

Meeting - ec M. F. Murray
to Tanaiste + Dr M. Mansergh
Secretary Mr D. Nally
Mr T. Dalton

SECRET

(1)

WORKING MEETING BETWEEN TAOISEACH AND PM MAJOR: DUBLIN CASTLE, 1 DECEMBER 1991

Taoiseach on page 20 the balance of the text has been totally amended. To be noted

PLenary SESSION

in it on which there follows can have their rights. To balance of the document has been amended accordingly

A plenary session took place from 3 pm until 4.30 pm and, after a break to permit internal consultations, resumed from approx. 5 pm until approx. 6 pm.

The Taoiseach was accompanied by the Tanaiste and Minister for Foreign Affairs and by the Minister for Justice. Also present were: Mr P. Murray, Mr P. Teahan, Mr D. Nally, Dr M. Mansergh; Mr N. Dorr, Ambassador J. Small, Mr S. O hUiginn, Mr F. Finlay, Mr D. Donoghue and Mr P. Hennessey; Mr T. Dalton and Mr C. O hUiginn.

The Prime Minister was accompanied by the Foreign Secretary and by the Secretary of State for Northern Ireland. Also present were: Sir R. Butler, Mr R. Lyne; Mr J. Chilcot, Mr Q. Thomas, Mr J. Stephens; Ambassador D. Blatherwick, Mr G. Archer and Mr R. Savers.

The following is an account of the exchanges during the first part of the plenary meeting. It is in the form of direct speech and is based on detailed notes taken during the meeting. It does not, however, purport to be a verbatim record nor is it necessarily exhaustive of all the exchanges.

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Taoiseach

Welcome.

We have had the benefit of some good meetings before lunch. The Prime Minister and I have agreed to go straight into the document. We have outlined between us the obstacles to be overcome and have agreed to go through the text on a paragraph-by-paragraph basis.

We started off with a June document which we rightly felt would deliver peace. If I had been asked ten days ago if I thought that it would deliver peace, I would have said Yes. We carried on for quite some time with the June document, taking on board reservations expressed by Sir Robin Butler and others.

This brought us up to about a month ago, when things started to go wrong. Some people took the view that I was trying to blackmail the British Government into doing something it didn't want to do. That was not the case. We were always conscious of the genuine fears of the Unionist people as we knew them. I saw no new difficulties in this text from the Unionist point of view.

We must also take into account nationalist concerns and the stated objectives of the paramilitaries, if we are to succeed in achieving the prize of peace. Despite what has happened in the last week or two, there is still a mood for peace (though we must get a sense of Garry Adams' position at the moment).

We produced a document which, in our view, is very balanced and accommodating. It discards the known demands of the IRA. It ends the IRA demand for a declaration by the British of

their intent to withdraw. It ends the insistence on a majority in the island as a whole being free to override the veto of a majority in Northern Ireland. It drops the explicit demand that the British have to persuade the Unionists to accept a united Ireland. And it abandons the option of pursuing objectives by violence. These are four issues for the Provisionals which are not being accommodated. You have to look at the balance of the document as a whole.

The Prime Minister has read out about eight concerns, all of which are familiar to us. We have done everything possible to communicate to the Unionists what is in this document. The British Government have access to all the Unionists; we would hope that they would fill in the Unionists, or at least Molyneaux, on what's in it.

I put a balance into this document. Everyone believes that it is fair and well-balanced. It contains language which neither of us would like if we had freedom to change it. But remember - while such language may be distasteful to me or to the Prime Minister, there must be something which will accommodate the others out there. The objective of a cessation of violence is what this is all about.

The real fears of the Unionists, as I know them (and I have known them for a long time), relate to uncertainty about the future. This document freezes the present position in time and changes nothing. It provides for a cessation of violence in order to allow the talks process to get underway. It is no good if the two Governments get on well together but the two communities do not. We will have a far better future if we can pull out the violence.

There is a generational development among the paramilitaries. The present IRA leadership is composed of the "Young Turks" who got in twenty-five years ago. We now have an

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opportunity to stop the next generation of "Young Turks".

Loyalist violence is reactive. My information is that there is a lot of debate going on on the Loyalist side also. I am assured from three different directions that an opportunity now exists for that to stop also.

We cannot allow to go unchallenged the possibility, and the strong perception, that there is an opportunity for peace now which is waiting to be grasped. We cannot let the Provisional IRA get away with it. That would be untenable in political terms for the Irish Government. I have led my Government further down the road than anyone before me. Life would not be liveable for us if we let this opportunity go by.

We believe that we know what can bring a cessation of violence. I know that it is a question of judgment. Perhaps when we meet in Brussels we can make a better evaluation. My evaluation is that the mood is still there, although there may be some shock at the top of the system (due to recent events). I hope that we don't come out with the worst of all worlds - a split in the terrorist movement. If we are willing to confront them, there is a mood and a momentum out there to be seized.

We agreed to go through the document and to pick out areas of difficulty. Maybe we can agree it all today? (1)

Prime Minister

Well, that would be optimistic.

We both walked into the room this morning frustrated with what had happened over the past fortnight. I took the opportunity to discuss my frustrations with you and you raised yours with me. We looked at the problems very carefully next door. 11

Both sides have no doubt covered the same ground in the other meeting before lunch.

I am frustrated about things which seemed to emanate from Dublin and you are frustrated about other things. The only beneficiaries of this are the Provisional IRA and Loyalist terrorists. It was never likely that we would get a clear flight path without the kind of dramas of the past few days. And there could well be more before we are through. A lot of people could try to blow-sand in our eyes. It is important that we keep in touch with each other.

Let us think about what we are doing. We will have a perhaps frustrating discussion today about texts and the disagreements between us. But let us think about how unlikely this moment would have been even a few months ago - you and your senior officials and I with mine trying to write a text in the hope of putting-violent men to the extremes of the debate. We could not have had this ambition for a very long time nor resotely hoped to carry it through. Let us bear that in mind.

In your text you are seeking balance. The events of the past fortnight have, in our view, altered the position. You referred to your efforts to meet the genuine fears of the Unionists. In some ways, your document makes quite a lucid attempt to meet them. There are, however, some areas where something is implied which only sophisticates would understand. Let us perhaps try to make things clearer (in these areas) in order to avoid misunderstandings on the part of unsophisticated people and people whose mouths are very close to microphones.

I have some proposals to make in this regard. Some you will like and others you will not like.

⑥

Let us proceed on a sentence-by-sentence basis.

Taoiseach

A lot of effort has gone into this document from both sides and, indeed, from people outside. We have had Unionist help through Archbishop Eames.

A paragraph-by-paragraph reading of the draft followed.

Para 1 was agreed.

Prime Minister

I have two concerns in para 2. Here is the more important of them. I propose that the last part of the final sentence (after "encompassing") might read as follows:

"... arrangements within Northern Ireland, for the whole island and between these islands"

(as there is some doubt about the three elements involved).

Taoiseach

The important thing for us to consider is how all the changes proposed upset the overall balance of the text.

Mansergh

We have also proposed an amendment in this paragraph:

"Beginning now and over the coming generation, it is their aim to foster agreement etc..."

Taoiseach

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Since we left out of the document all of the IRA's fundamental aims, there could be certain readjustments which are required.

Prime Minister

You asked us to wave this document at one or two prominent figures in Northern Ireland and to get some perception from certain people, both clerical and non-clerical. From this one point emerged: nowhere in these documents (sic) have we stated what the present position is in relation to consent.

Mansergh referred to para 7.

Prime Minister

It is not in the form I want.

In para 5, I propose that we change the third line to read

"...under any new political system"

(as I do not want to imply that the present system is hopeless).

At the end of the paragraph, it would help if you would say that it would be wrong to seek a united Ireland unless a majority of the people of Northern Ireland freely consented to it. In that way, we would undermine our opponents.

Mansergh demurred at the formulation envisaged.

Prime Minister

What I want is the principle that I have mentioned. I accept that "seek" might be the wrong word.

In the middle of the paragraph, I would like to substitute the words "subject to" for "achieved and exercised with".

I am content with para 6. Two sentences in the middle could come out but, if you are content with them, I need not raise them.

Mansergh

Our proposal is that para 7 might begin as follows:

"Both Governments have reaffirmed in the Anglo-Irish Agreement that Irish unity can be achieved only by those who favour this outcome persuading those who do not, peacefully and without coercion and violence, and that if in the future a majority of the people of Northern Ireland are so persuaded, both Governments will support and give legislative effect to their wishes".

Thomas

The Anglo-Irish Agreement does not quite say that. That is an important objection.

O hUiginn

It is intended to be a fair paraphrase of what is said in the Agreement.

Thomas

It is an interpretation rather than a paraphrase.

Nally

The Agreement reads: "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".

Dorr

We might say "...affirm through the Anglo-Irish Agreement" or "...affirm in virtue of the Anglo-Irish Agreement".

Prime Minister

I see what you are getting at. We will have to come back to this later - as, indeed, we will have to come back to all of these points.

The beginning of para 7 is Eames' language. (It is still rather begrudging). I would like to replace "despite" (~~MR The Prime Minister no doubt meant "notwithstanding"~~) with "while recognizing the reaffirmation...".

In the middle of para 7, we touch rather delicately on the sensitivity of Articles Two and Three. I would like to put at the end of of para 7 something which sets out the position more clearly. We might add:

"He confirms that, in the event of an overall accommodation being agreed, the Irish Government will put forward proposals for a change in the Irish Constitution whereby the claim of right to Northern Ireland is no longer exerted and the principle of freely given consent in Northern Ireland is fully reflected".

That would be the natural converse of what you have just inserted.

Taoiseach

I went through this in considerable detail with Eames and others. This is an area where you can clearly upset the balance. I will say no more. I am putting down a marker. It is the most emotive issue in this country. I explained it clearly on the Ernst programme. We are the guardians of that area and we must be very careful in relation to (retaining) the advantage which we have over Sinn Fein and the Republican movement in that respect.

Foreign Secretary

We have just heard an Irish amendment which sets out the circumstances in which unity might be achieved. There is a certain parallelism.

Taoiseach

We are not against giving certain signals but we will not be seen to be going down on our knees.

Foreign Secretary

This document touches on a very sensitive area.

Prime Minister

It is very sensitive in Northern Ireland also.

Taoiseach

The issue is now being seen as the "green herring" of Irish politics - and that description comes from Unionists.

Prime Minister

If we are agreeing an overall accommodation based on consent, there is no need to leave what is seen as an aggressive claim to territory.

Taoiseach

We are saying that something could be done as "part of an overall accommodation". - We don't know what that agreement might be.

Foreign Secretary

The principle of consent is a very strong one to rest on.

Taoiseach

This whole issue is a "green herring". Let us park it and leave it.

Prime Minister

As long as nobody understands that it is being put to one side.

Taoiseach

I have had the principle of consent checked constitutionally by two constitutional lawyers. They tell me that it is fully covered in this document.

Prime Minister

That is our advice also.

In para 8, we have no change to propose.

In para 9, we wish to insert the following:

"...will seek, along with the Northern Ireland constitutional parties through the talks process, to create institutions and structures..."

We now come to quite a big issue: the Convention. As I understand it, you have advanced a Convention because you see a danger of the Provisional IRA finding themselves with nowhere where they can talk and therefore in difficulties for what could be a lengthy process. You know from Eames how sensitive this issue is. We know that you could establish it in your own jurisdiction. Eames will have told you, as he told us, that it is inconceivable that Northern Ireland politicians would attend it.

We propose, therefore, that paras 10-11 be deleted but that instead I would publicly indicate that, in the event of a settlement, we would be prepared to enter exploratory dialogue with Sinn Fein three months after an unequivocal cessation of violence. That would remove the underlying argument. It would also give the Provisional IRA an opportunity to involve themselves in more constructive talks. I propose, therefore, a new para 10. (He read out a proposed wording which was circulated later in typed form by the British delegation and is attached as Annex 1).

Mansergh

This goes into fairly specific mode.

Taoiseach

The British Government's White Paper of 1973 proposed a

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"Conference". We could perhaps change the name to
"Conference".

Thomas

I think that the British Government were to be a member of the (1973) Conference. The difference here is that the British Government would not be part of the Convention.

Foreign Secretary

The aim is to give Sinn Fein a forum where they could put their points of view. These would be talks about the future government of Northern Ireland. Everyone would be involved and they could lead to agreement. It would be a better deal for Sinn Fein, as they would be where the beef is.

Prime Minister

The intention was to offer Sinn Fein something better, where they could influence things.

Taoiseach

Didn't some document mention a period of only two months?

O hUiginn

Yes. An exchange was published which seemed more generous.

Prime Minister

That has to do with when the document was issued. It was written in late October and envisaged a date in January for talks.

Foreign Secretary

How would the Convention actually work? It would be attended presumably by Sinn Fein, the SDLP...

Prime Minister

The Northern Ireland parties would not be there.

Secretary of State for Northern Ireland

Alliance might perhaps attend (?).

Taoiseach

What we're about here is asking an organization to change its entire ideology and to come into the constitutional process. The test must be what is likely to persuade them to do so.

Foreign Secretary

You are saying in your text that they must "abide exclusively by the democratic process".

Prime Minister

You would only have them in the Convention if they ended violence. However, the Convention would not let them get to grips with the decision-making process. What I am proposing is better from their point of view.

Taoiseach

Can you explain the thinking behind your proposal?

Prime Minister

I am a political realist. I want the violence to end. I am saying to them: What you get out of this, if the violence ends, is an opportunity to engage in the talks, to have a legitimate democratic input to the talks process. The Convention would mean that they would not get face-to-face with the Unionists or with the British Government. I am seeking to offer them more. The Convention would be just a unilateral offer by the Irish Government. The talks process, on the other hand, would be decision-making.

Taoiseach

How big an issue is the Convention, in your judgment, in Northern Ireland?

Prime Minister

Very big.

Foreign Secretary

As a result of the reaction to the Guildhall speech and the leak to the Observer, a lot of people in England and in Northern Ireland seem to accept that, after a cessation of violence, Sinn Fein should take part in talks. That is a new fact. Partly by accident and partly by design, there has been a move forward here.

Taoiseach

I have detected this mood for some time past. People are now prepared to accept something that they would not have dreamed of accepting six months ago.

Foreign Secretary

People are more willing now to accept Sinn Fein in talks.

Prime Minister

I am surprised that the Convention is a big issue, to be honest. But I have heard this from the Northern Ireland politicians. There is, of course, nothing on God's earth to stop you organising a Convention - or to force them to go to it. Eames and Molyneux have raised the matter with me.

Secretary of State for Northern Ireland

It is not just the politicians (who have reservations about it).

(At this point the British proposal was circulated in typed form. The Prime Minister remarked, as a jocular aside, that the Anglo-Irish Agreement had become his bedtime reading, supplanting Trollope; on balance, however, he preferred Trollope).

Nally

Para 4 of the text is the core issue to be addressed.

Prime Minister

I want to expand the first sentence of para 4 so as to give fuller emphasis to what it actually means. I propose that it would read as follows:

"The Prime Minister reiterates on behalf of the British Government that, while their fundamental interest in Northern Ireland is to uphold by all legitimate means the democratic wishes of its people as to their constitutional status, they

have no selfish strategic or economic interest that would lead them to retain Northern Ireland within the United Kingdom against the wishes of the greater number of its people".

That should remove any misunderstanding while retaining what we have traditionally said.

Taoiseach

We will park it. I want to see the overall effect on that paragraph.

Prime Minister

I would want the paragraph to continue as follows:

"The role of the British Government will be to encourage, assist and enable the process of reaching such agreement over a period through dialogue and cooperation. They accept that such agreement may of right take the form of agreed structures for the island as a whole".

Butler

I wonder if the significance of saying "the process of reaching such agreement" is clear to the Irish side. The point is that the British Government would not be joining the ranks of the persuaders.

Taoiseach

I recognized that the amendment was not in our favour anyway!

Prime Minister

It has never been our position to be a persuader. We

couldn't be.

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Taoiseach

What is the reason for deleting the word "independent" (as a description for the "structures")?

O hUiginn

That change is in contradiction with Art. 1(c) of the Anglo-Irish Agreement.

Prime Minister

I was surprised to see the word in the text.

O hUiginn

Art. 1(c) clearly commits you to legislating for unity if there is agreement. The idea of independent structures for the island as a whole follows from that.

Prime Minister

It is also very provocative. As the Taoiseach has said, we must be very careful about perceptions. This would create a malign perception.

Taoiseach

I could describe some of the other points you have raised as likely to create malign perceptions. I do not understand how something which is in the Anglo-Irish Agreement could not be put in the document.

Prime Minister

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The Anglo-Irish Agreement is not very popular.

Thomas

If we want to repeat Art. 1(c), it reads as follows: "If in the future etc".

Foreign Secretary

It's already in the text - as⁴ your suggestion.

Prime Minister

Let's park this point.

We now come to the most important issue of all: the constitutional guarantee. It is not in here and it will need to be if there is even to be a remote chance of agreement. I propose the following:

"The British Government reaffirm Northern Ireland's statutory guarantee; agree that the people of the island of Ireland North and South should be free, separately and without coercion or violence, to determine whether a united Ireland should be established; and agree that it is the people of the island of Ireland alone on this basis to exercise their right of self-determination".

The constitutional guarantee has been necessary from the outset.

I also have one tiny observation in the next sentence: we might remove the phrase "and collectively".

Mansergh

So your sentence about self-determination would replace the existing one in the text?

Prime Minister

Yes.

That is our lot.

Taoiseach

I have to say that my overall impression is that the balance of this text has been totally and absolutely offended. There is nothing in it on which the fellows can hang their hats. The balance of the document has been overwhelmingly disturbed.

Let us think about the psychology which is involved here. As long as we are not interfering with principles, we should not interfere with the wording. Four key IRA positions are absent from this document: the demand for British withdrawal is not there; the insistence on the majority on the island as a whole being free to override the wishes of a majority within Northern Ireland is no longer there; the explicit demand that the British have to persuade the Unionists to accept a united Ireland is not there; and violence as a means of pursuing political objectives is abandoned.

If somebody was trying to produce something which would give the IRA an opportunity to recruit for the next generation of parasilitaries, I would have to be very careful.

Let's adjourn for half an hour.

Prime Minister

You should look to see whether there is anything (in what I have proposed) which we have not said between us at some stage. Balance is a two-way operation. I do not want to replace IRA violence at one end with Loyalist violence at the other. What is in it for the IRA is democratic legitimacy within a few weeks. No other British Government would have been in a position to deliver this.

Let us not take an extravagant position on either side. There are some "bows and-knots" here. I want to give the Provisionals a hook to get into talks.

Taoiseach

I ask you also to consider my point, which is that the balance of the text has been very seriously disturbed. Can anyone show me where any British Government principles have been infringed (in the text as we have it)? We would be freezing the present Unionist position in time. Why not be generous with words if the basic principles are OK?

Prime Minister

The words have to mean something. They must mean what our policy is. I and my two Ministerial colleagues have had to reaffirm on countless occasions what the constitutional position is. What are we to say if we reach a unique, solemn and binding agreement which does not make reference to this...

Foreign Secretary

- but which envisages the possible destruction of the Union?

Taoiseach

Do you think that that is in the document?

Foreign Secretary

It is spelled out in a sentence which we have not sought to change. The balance is skewed unless the constitutional guarantee is spelled out.

Taoiseach

A lot of changes have been made here. Work on this document has been going on for the past six months. If things were so badly askew, I would have expected to hear from you about this before today.

Prime Minister

If we are saying that we are ready to legislate for Irish unity on a given day, it is not a practical proposition for us not also to incorporate the constitutional guarantee. We would be setting out clearly the circumstances in which the two Governments would be prepared to admit the IRA to legitimacy.

Taoiseach

The ultimate test must be whether the text we produce will bring us the big prize. My reaction is that the elements which might have enabled them to hang up their hats have now gone out of the text.

At this point, the meeting adjourned for half an hour in order to facilitate internal consultations.

When the meeting resumed, the Taoiseach indicated four key difficulties which the amendments proposed by the Prime

Minister posed for the Irish Government. No note was taken
of this discussion.