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SECRET and PERSONAL

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Dear Robin,

BUTLER/NALLY GROUP: JOINT DECLARATION INITIATIVE

I have been reflecting following my discussion last Friday with O hUiginn, how matters might be carried forward and brought to a head. (I enclose a copy of the Note for Record and of the current text, marked JD.9.)

2. The Irish side will be "briefed" by Hume on Thursday or Friday. They will then be under pressure to pass the ball to us. The briefing is of course a fiction, since the Irish side know how far Hume has got. In theory one might decouple Hume from the Taoiseach's version of the JDI. But this is hardly practicable or credible; and it would require Hume (and, I suppose, Adams) to play along and there is no reason to suppose that he would. Even if the Irish side, as I urged O hUiginn, find some way of keeping the issue away from HMG for some time this will not hold for long. Accordingly the Irish side believe the next steps are these:

- (i) hold things publicly at least until the Hume "briefing", and, I hope, for longer;
- (ii) agree a text with HMG which the Irish side judge to be saleable;
- (iii) show it, through Mansergh/Reid (not Hume), to the Provisionals, on a more or less take it or leave it basis;
- (iv) if agreed, make the Joint Declaration. (Both governments would remain committed to the Talks process the objectives of which run very happily with much of the rhetoric of the JD: in practice they might well be in abeyance.);

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(v) the violence would end, though at first this might be in terms of a ceasefire declared in language which fell short of a permanent renunciation of violence;

(vi) the Convention would be established. Little thought has been given to how this would be organised and serviced, or what it would do. O hUiginn seemed ready to fall in with my suggestion that it might begin by working on some declaration of principles which would include a commitment to peaceful and democratic procedures (needed as much in the Republic as for our purposes);

(vii) and perhaps (I am not sure the Irish side is clear about this) if by this time there had been 6 months of peace, the Irish side might press for Sinn Fein to be included in the Talks process.

3. Thereafter (or conceivably before), O hUiginn believes difficult questions concerning amnesties, removal of political disqualifications etc. would arise, perhaps linked to arms surrender. He knows of no discussions or undertakings in respect of these matters.

4. Against this background, the aim of your meeting might be to confirm or develop as much of the scheme as possible, without commitment, in order to put Ministers in a position to make a rounded judgement. In particular, you might seek:

(i) to persuade the Irish side to contain the Hume/Adams report as long as possible;

(ii) to confirm that no more is expected by any party from HMG than is apparent from the face of the text; and in particular that there are no covert understandings, or potential misunderstandings, about amnesties etc. (HMG is publicly on the record as saying that all security measures would be reviewed in response to an ending of violence.);

(iii) to confirm that the Irish side regard the JDI as formally compatible with the Talks process and that they will remain fully and actively committed to it;

(iv) to confirm that they do not expect Sinn Fein to become instantly eligible to join the Talks; that they will not be seeking to persuade HMG of this; and that neither Hume nor Adams are under any misapprehension on this point. (You might press the idea I canvassed with O hUiginn that

eligibility for entry to the Talks might arise after, say, 6 months of peace and if during that period Sinn Fein had been brought through the work of the Convention to subscribe to some principles justifying a judgement that they had made a historic shift in their attitude to political violence.);

(v) acceptance by the Irish side that HMG could only proceed on the basis of some bankable (and, if need be, publicly useable) assurance concerning peace. In all the circumstances this could perhaps only take the form of a clear judgement from the Taoiseach to the effect that it is his considered opinion, in the light of all the evidence available to him, that the Joint Declaration would, without further undisclosed concessions, lead to the abandonment of violence. HMG's move might be made on, and defended by reference to, such an assurance. (In practice, HMG's judgement might draw on other information. There is, for example, some intelligence material which may suggest that serious preparatory steps towards a ceasefire are under weigh. Presumably we should provide an assessment in a suitable form for Ministers.);

(vi) to advance as far as possible, given the constraints, towards a text which HMG could find acceptable. (I think myself that the Irish side may find it difficult to "contain" the Hume/Adams report for long without some sign of "textual convergence".) I discuss the text in a little more detail below;

(vii) to probe Irish thinking (probably non-existent at this stage) about the stage management and general surround of the Joint Declaration, if and when it is made. Do they envisage, for example, that the Taoiseach and Prime Minister would be together when the statement is made? And, if so, would they, as I would expect, argue that this should be on the island of Ireland; and who else would be there (Hume; President Robinson)? There was a whole sub-negotiation about the location of the signing of the Anglo-Irish Agreement, before Hillsborough was settled on.

5. It is arguable that Ministers would want firm assurances on at least some of these points; and there is a good case for it to avoid misunderstanding. If things look good we should try for a letter from the Taoiseach, which would nail down some of those points and also perhaps show us a "final" text? There would then be a clear and unambiguous proposal from the Irish Government (nor Hume/Adams), which HMG could approve. If things look bad, it is better if the Irish Government smothers this exercise without ever formally putting it to HMG.

The Text

6. The latest text (JD.9) is attached; this is JD.8 with the new version of paragraph 4 which O hUiginn phoned to me last week, slightly adjusted. Nally may well bring with him a new text. Following my last talk with O hUiginn this might:

(a) include some version of the "constitutional guarantee", not necessarily in paragraph 4;

(b) remove or dilute paragraph 2 with its Hume-ist Euro-babble;

(c) further adjust the crucial sentence about "self-determination", if only by adding the word "concurrent", which the Prime Minister was prepared to accept (in the different sentence in our rival version of paragraph 4: "confirms that the future status of Northern Ireland should only be determined on the basis of concurrent consent, North and South, of the people living in Ireland");

(d) remove "political" from the formulation that the British Government has "no selfish strategic [political] or economic interest in Northern Ireland". We should say: "in retaining Northern Ireland in the United Kingdom against the wishes of its people".

6. Given that we do not have authority to play in our version of paragraph 4, that if we produce it too late the Irish side may jib, and that in any case it may lead to exchanges with the Provisionals which are difficult to reconcile with our position that we will not negotiate with those who use or support political violence, the real choice Ministers may face is whether or not to go with the Irish text, as (further) amended. On the assumption that the "constitutional guarantee" is included*, and "concurrent" added, the whole matter may turn on whether HMG could accept this sentence or some amended version of it:

"The British Government acknowledges the legitimacy of any form of self-determination for Ireland as a whole which secures agreement on the basis of [concurrent] consent, North and South, of the people living in Ireland."

* It will not be. O hUiginn phoned to warn that the Taoiseach thinks this will make the text unsaleable. Could we, he asked, live with a reference in paragraph 3 to abiding by all the principles of the 1985 Agreement. I said this would be a difficult point for us too.

7. It does not help that media discussion has concentrated on this issue. The IRA statement of backing for Hume/Adams said that "Irish national self-determination" was a central issue.

8. If you feel your instructions allow you any freedom to engage in "textual barter", I suggest you concentrate on probing the extent to which that sentence can be improved, while remaining saleable. I indicate some possibilities:

"The British Government acknowledges the legitimacy of [any exercise] [any form] of [claims to] [rights of] self-determination [for Ireland] [made by the people of the island of Ireland] [which secures agreement] on the basis of [their] [concurrent] consent, North and south, [of the people living in Ireland]."

(Incidentally we can accept either "the people of the island of Ireland" or "the people living in Ireland". The Irish side has been helpful in not pressing for the "people of Ireland" at this point, though it does occur elsewhere and could, I suppose, be challenged.) A target sentence, on this approach (i.e. if we are not aiming to play in our own version later) might be:

"The British Government acknowledges the legitimacy of any exercise of rights of self-determination by the people of the island of Ireland which secures ^{their} agreement on the basis of ~~their~~ concurrent consent, North and South.

9. We are preparing a paper attempting a rounded judgement of the Joint Declaration Initiative. It cannot of course be completed until we know the outcome of your meeting, and perhaps not until we hear afterwards whether the Irish side can give us some of the proposed assurances. We may need to consider at that point whether the "rounded judgement" is offered to Ministers by you or whether we should invite our Secretary of State to put something to the Prime Minister and such colleagues as are brought in.

10. I am sending a copy of this to John Chilcot here and to Timothy Daunt.

Yours sincerely,

Quentin

QUENTIN THOMAS

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