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Deputy Under Secretary

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Sir Robin Butler GCB, CVO-[Copy No.1]
Secretary of the Cabinet &
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Brick
Const. guarantee
Art 263
Consent
[Irish Convention]

DUSL/MR/43815
6 December 1993.

Dear Sir Robin,

MEETING OF BUTLER/NALLY GROUP: 6 DECEMBER 1993

I attach what is I hope self-explanatory briefing for your meeting tomorrow.

As you will see the package includes "JD.14B" which marks both British and Irish proposals on JD.14.

As you mentioned on the telephone your main objectives will be:

- (a) to secure acceptance on the Irish side of our various drafting amendments, on the basis that the Taoiseach has said that there are only four outstanding points;
- (b) to confirm that the constitutional guarantee is not one of those outstanding points but regard it as in the bank;
- (c) on the major outstanding points to secure agreement, if the Irish side come with authority to give it; but, failing that, to broke a language for the Heads of Government to settle at their next meeting.

You invited us to think about the end-game, against the background that the Prime Minister sees a good case for bringing this to a head earlier than the media may expect. We can discuss this with the Irish side tomorrow. Relevant considerations might be:

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- (i) when we have a settled text we may need to leave time for the Irish side to put it to the Provisionals. This would not be for negotiation, but presumably the chances of eliciting the right response from them are increased if they are given some notice;
- (ii) if we make very good progress tomorrow it is conceivable that the text could be finalised without the need for negotiation at Ministerial level. There could be further exchanges on paper, by telephone or between officials;
- (iii) the Joint Declaration might best be given not abroad, and in the margins of a European Council meeting, but in somewhere in the British Isles;
- (iv) putting all these things together might produce the following scenario: we could let it be known that the Taoiseach and the Prime Minister will not be meeting on this subject, except in the briefest way, in Brussels; the cover story would be that officials are making good progress but have not yet reached the point of reporting to Ministers; a date for a further meeting of the Heads of Government could be announced a little way ahead, but this side of Christmas, assuming some mutually convenient date can be found; the text would be finalised under the counter and put, by the Irish side, to the Provisionals; the Heads of Government would meet and make the Joint Declaration, having lined up Mr Molyneaux, Mr Hume and any others it was thought right to forewarn. Arguably the Joint Declaration would be made even if there were no guarantee that it would lead to a cessation of violence (a possibility the Prime Minister canvassed in Dublin). We might reinforce tomorrow the idea that Ministers might wish to make the Joint Declaration anyway. This could encourage the Irish side to agree to put the text to the Provisional Movement even if they have doubts about its acceptability. They would have the comfort that the two Governments might nonetheless make some kind of high profile demarche. In putting it to the Provisionals they might say that the text was on a take it or leave it basis and that whether or not it led to a cessation of violence the two Governments would turn from the "peace process" and concentrate on the early launching of a new round of Talks.

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I am sending a copy of this to those attending your meeting on the British side, as well as to Roderic Lyne and John Sawers, and of course, Jonathan Stephens here. You asked me to say that, if Ministers have any guidance, you would be glad to receive it.

Yours sincerely,

M Peisels.

pp. QUENTIN THOMAS

cc: Mr Chilcot-[Copy No.2]
HMA Dublin-[Copy No.3]

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