

BRIEF FOR MEETING WITH MR MOLYNEAUX: JOINT DECLARATION INITIATIVE

Points to make

1. I would like, once more, to take your mind on the prospects for securing an early end to the Provisionals' campaign. Before turning to that I should like to emphasise some points:

(i) Despite the statement made by Hume and Adams at the weekend, there is no question of the British government accepting that initiative. We and the Irish government remain committed to the judgement recorded in our Brussels Joint Statement of 29 October that there is no question of adopting or endorsing that.

(ii) The leak of an Irish draft paper in last Friday's "Irish Press" is a separate matter. We are told that this was an unauthorised leak; that the paper had not secured Irish ministerial approval; but that it has nothing to do with Mr Reynolds' "peace process". In any event the paper was not submitted to the British government and, if it had been, we should of course have pointed out that a number of its features could not remotely be considered acceptable either to the British government or, in our judgement, to unionist opinion.

2. Despite the turbulent and confused background, with a good deal of public jockeying for position, it remains our assessment that the Provisional movement as a whole, or significant elements in it, may be close to making the historic shift towards the renunciation of violence. We are not naive about this. But if there is any possibility of promoting this,

without compromising our principles and our publicly stated policies, it is our duty to consider it seriously.

3. It is against that background that we have had to consider Mr Reynolds' view that there may be some language in the form of a Joint Declaration which, if deployed by the two governments, could provide the pretext for the Provisionals bringing their campaign to an end. So far we have done no more than look at drafts which the Irish government has presented to us. As you know they have also consulted Archbishop Eames, and he has given them the benefit of his advice.

4. We have reached the view that a Declaration in the form the Irish government has drawn up - and you have seen one version of this - will not run. It is not wholly clear that it would provide the pretext the Provisionals may be looking for, but in any event the apparent shift it would require from the British government, though more in language than substance, would be a bridge too far. Your earlier advice on this was helpful in clearing our own minds. Nothing has been made easier by subsequent events.

5. On the other hand, we believe there is merit in testing with a text of a different kind, whether a cessation of violence can be brought about. There is a great appetite for peace, though also justified worries that an attempt might be made to secure it on improper terms. We have in mind showing the Irish government a text in the form of Communique from my next meeting with the Taoiseach which would enable the British and Irish governments respectively to set out where they stand on the constitutional issues. As you know, this is central to the Talks process and you yourself have been most vocal in urging the two governments to reach some understanding on the constitutional issues to provide a framework for the other participants in the Talks process.

6. I do not propose, at least at this stage, to show you the text which I am considering offering the Irish side. I believe you may prefer to be able to say subsequently that any statement, if it is eventually made, is not one on which you were invited to give a view. Of course if you would rather see it, I will be ready to show it to you.

7. Perhaps I could explain how this statement might work. There would be a Communique from the meeting I am to have with the Taoiseach. This might restate the gist of our joint statement in Brussels and confirm that both governments share the view that a new accommodation is best reached through the Talks process, but that the prospects for that would be further enhanced if all those using violence for political ends would renounce it.

8. We might express our hopes of securing an end to the violence and our wish to foster agreement and reconciliation leading to a new political framework founded on consent. We would say that in the hope of assisting the development of a new political framework we had agreed to set out our views on the relevant constitutional issues.

9. In an attached statement I would state the British government's view. [The Prime Minister might then speak to paragraph 2 of the annex on Constitutional Issues attached to the draft communique. In doing so he might emphasise the constitutional guarantee in paragraph 2(a) and the references to the need to reform articles 2 and 3 in paragraph 2(d).]

10. The statement will also include an account from the Taoiseach of the Irish government's attitude. It will be for the Irish government to decide the terms in which that is done, though I would hope he would take account of the advice which Archbishop Eames has given. I would also hope to secure from

him an acknowledgement of the need, in the context of a new agreement, to bring forward a referendum to amend Articles 2 and 3, together with a commitment to seek the necessary support for its approval.

11. It is possible that the Taoiseach remains attracted to the idea you saw included in the earlier draft: namely that he might establish a permanent Irish Convention to consult and advise him on the steps "required to remove the barriers of distrust which at present divide the people of Ireland". The important thing about this proposal is that the British government would not be party to its establishment, eligible to take part in it or expected to give any special weight to its deliberations.

Nonetheless if, as I believe, this is a feature of his thinking which you found particularly difficult we can explore the extent of the Taoiseach's commitment to that aspect of the matter.

[Note: It may be unsafe to commit the British government too far to resisting this proposal since it is not clear whether the Taoiseach can be persuaded to drop it.]

12. I thought it right to advise you of the step I am considering. I am anxious that we should achieve one of two things: either, without compromising our principles of not negotiating with the terrorists, or of departing from our clearly stated policies (including the constitutional guarantee and our desire to see amendment of Articles 2 and 3), we secure an ending of the IRA campaign; or we demonstrate, carrying the Irish government with us, that no statement we could properly make would in present circumstances have that result.

13. I would welcome your guidance on this. But I should make it clear that I do not think it right to invite you to approve what we have in mind. I acknowledge fully that it is the responsibility of the British government, taking account of its own assessment of the issues, to make a decision. Your own

advice will of course play an important part in that assessment but I appreciate that you may wish to keep your hands free. In particular I should make it clear that if we proceed in this way, and if the statement comes to be made, I will not claim your support or reveal that this consultation took place. Nonetheless it goes without saying that anything you could do, if only by silence, to exercise restraint would be greatly appreciated.

whether, by tomorrow, it will be in a position to make recommendations. If it is, the Government would not expect to make any immediate announcements but will want to consider the recommendations and how they might be implemented. (NOT FOR USE) We want to avoid complications over the handling of the Prime Minister's meeting with the Taoiseach next month.) The Prime Minister has already told Mr Molyneux, on 18 October, that the Procedure Committee was likely to recommend in favour and that the Government would be able to accept this.

Legislative Procedures

2. On legislation, the Prime Minister might develop what he said to Mr Molyneux on 18 October to the effect that -

- A number of Bills will apply to Northern Ireland, to one degree or another, in the new Session;
- Ministers are content in principle for as many Bills as possible to be applied to Northern Ireland provided that this would not create handling difficulties or create problems of interpretation or consistency;
- Each Bill is examined on its merits;
- Because there is a lack of uniformity between the law and practice in Great Britain and Northern Ireland there will continue to be requirement for Orders in Council on a number of issues this Session.
- Sir Patrick Mayhew would welcome a discussion on these issues with Mr Molyneux.