

Discussion of JD15, Brussels, 10 December 1993, 1130-1400

Lyne vs Mansergh, Dorr, O hUiggin

(a) Para 2, third sentence

Irish request omission of either "statutory" or "constitutional".

Comment: Request from John Hume. Pushed mainly by Dorr and O'h. Not pressed hard. Not conceded by us.

To be resolved.

(b) Para 3: "the island of"

Agreed.

(c) Para 4, first sentence:

Irish redraft: "... they will uphold the democratic wish of a greater number of the people of Northern Ireland on the issue of whether they prefer to support the union or a sovereign united Ireland."

Explanation: Singular "wish" refers to the people as a whole.

"a" rather than "the" greater number refers back to an Anglo/Irish Agreement argument. Indefinite article lessens the implication that one is referring to the Unionist majority.

"The issue of" designed to make this sentence specific rather than a blank cheque for the enactment of Unionist wishes across the board.

Comment: Placed under UK reserve pending consultation.

Any reason why we should not concede?

(d) Para 4, second sentence:

Irish request to amend ending to "... no selfish interest of any description".

Comment: Said to be another John Hume request.

Rejected on the spot by the UK as totally unacceptable.

(e) Para 4, fourth sentence:

UK request for deletion of "assist".

Comment: argument made and resisted.

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Point left under reserve on both sides.
 Scope for creative suggestions for alternatives by UK side.

- (f) Para 4, fifth sentence:
 UK requested deletion of "as of right" and of "including a sovereign united Ireland".
Comment: bitterly resisted by Irish. One of the key sentences to appeal to nationalists.
 No willingness by the Irish to drop "as of right" in the face of the UK [Attorney General's] arguments. Claimed that Article 1(c) of the Anglo-Irish Agreement already incorporated this point in a legal document.
 Slightly more flexibility over final words. Irish would accept reversion to "agreed independence structures".
 As an alternative, they floated "... for the island as a whole, including an independent Ireland by agreement".
 Position left open. Instructions required. Recommend that we drop our objection to "as of right" and try another alternative for the second problem - eg "... the island as a whole, including, by agreement, an independent Ireland if the people of Northern Ireland so determined."
- (g) Para 4, seventh sentence:
 UK proposed insertion of "equally" and "so determine", and deletion of last nine words.
 "So determine" and deletion at end agreed.
 Mild Irish objections to "equally". Left under reserve. Irish likely to concede.
- (h) Para 5, penultimate sentence:
 Text of Irish insertion still awaited.
- (i) Paras 10 and 11 of JD14: Irish Convention.
 Following indications that James Molyneaux was not as strongly opposed to the concept as previously assumed, especially if the Convention was renamed a "Forum", the

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Irish made a strong pitch (which the Taoiseach later followed up) for reinsertion of the Convention paragraphs. UK claimed this was a misunderstanding of Molyneaux and insisted that the Butler/Nally agreement of Tuesday must stand.

Reluctantly accepted by Mansergh, but the Taoiseach has not yet finally conceded. His argument is that he will only give up the Convention if paragraph 4 offers enough to the nationalists and is not watered down by UK.

(j) First sentence of para 10:

UK resisted amendment suggested by telephone by Mansergh on 9 December.

After long argument, UK suggested following compromise:

"The British and Irish Governments reiterate that all those committed to the cause of peace have an absolute responsibility to renounce permanently the use of, and support for paramilitary violence."

Accepted ad referendum by the Irish.

(k) Para 10, third sentence:

Revised sentence accepted by the UK now reads: "The Prime Minister and the Taoiseach confirm that, following a renunciation of violence Sinn Fein would be free to participate fully ...".

(l) Para 10:

Long argument over UK proposal to delete "within" before "three months".

Point left under reserve. UK promised to consider Irish argument that "within three months" gave HMG helpful flexibility, without departing from previous position of principle.

Recommendation: accept Irish argument.

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(m) Para 10: last two sentences:
 UK accepted deletion of "IRA" in penultimate sentence and
 replacement of "permit" by "enable" in last sentence.
 Irish accepted "their own" in last sentence.

(n) Para 10, last sentence:
 Mansergh suggested addition of the following:
 "... political dialogue, including the possible
 establishment of a Forum for Peace and Reconciliation".
 He appeared to secure approval on the spot from the
 Taoiseach.
 UK saw attractions, but left the point under reserve
 pending further consultation.
Recommendation: we should accept. Strongly
 advantageous.

New paragraph 11

- first sentence: Irish want to replace "present"
 with "fervent". Comment: transmission error.
 Accept?
- second sentence: Irish resisted UK amendment "both
 parts of" Ireland. Argued that "Ireland" appeared
 unqualified elsewhere. Comment: drop amendment?
- same sentence: change "a basis" to "the basis".
 Transmission error. Accept?
- sixth sentence: UK amendment of "for the people of
 these islands" after "entails" accepted.
- new final sentence proposed by UK: long debate.
 Bitter Irish resistance to a reference to the talks
 process. Compromise proposal, ad referendum on both
 sides: "It would transform the prospects for
 building on the progress already made in the talks
 process, involving the two Governments and the
 constitutional parties in Northern Ireland through

intensified negotiations in which all could participate."

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