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From: Roderic Lyne
Date: 13 December 1993

PRIME MINISTER

DRAFT BRIEF FOR TELEPHONE CONVERSATION WITH
TAOISEACH, 13 DECEMBER

1. First telephone call, before lunch

(a) Text of Joint Declaration

- Robin Butler has reported his conversation this morning with Dermot Nally.
- I think there are three points which you and I can discuss. If we can find an appropriate balance between the three, I think our officials are virtually agreed on all the other details, and can confirm that without our help.
- Let me take the easiest point first. This is the new final paragraph (paragraph 11). Roderic Lyne gave Martin Mansergh a slightly revised version in a "non-paper". It ought to present no difficulty for either side. The only point of substantive concern to us is that it should contain a reference to the talks process. We have put this in simple and factual language ("**building on the progress already made in the talks process, involving the two Governments and the constitutional parties in Northern Ireland**")
- If you are content with the new version of paragraph 11, let us move on [if the Taoiseach is not content, suggest that Butler and Nally should revise the draft over the telephone].

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- My second point, and our biggest remaining difficulty, is in **paragraph 4**.
- We both recognise that this is probably the key area.
- We both want to make sure that paragraph 4, which addresses the Nationalists, has sufficient internal balance.
- The problem lies in the fifth sentence. You are insisting that it should include the words "**as of right**". These are very difficult for us, for legal and political reasons which my officials have explained.
- However, I can accept "as of right" so long as we agree on the right ending to that sentence, and do not have a problem over the other two difficult areas in the text [if asked: I mean the final paragraph, plus the question of a reference to your "forum for peace and reconciliation"].
- For me, the best outcome in this sentence would be to balance a reference to a united Ireland [or, "**independent Ireland**"] with a reference to the alternative option of maintenance of the Union.
- Your officials said you could not accept this. In that case, I could accept one of the variations which officials discussed. This would be:

"They accept that such agreement may, as of right, take the form of agreed structures for the island as a whole, including a united Ireland [? "independent Ireland"] achieved by peaceful means and through agreement, if the people of Northern Ireland so determine."

- [If the Taoiseach suggests instead that we should revert in the middle of the sentence to the phrase "agreed **independent** structures", say that we cannot accept this. It would confirm Unionist fears about the slippery slope to joint authority, especially after the leak of the Irish Government's paper.]

- [Fallback if the Taoiseach jibs at "if the people of Northern Ireland so determine". The Taoiseach might argue that "so determine" comes in two sentences later, and should not be repeated.]

- Because of the legal connotations of "right", we must have a balancing reference at least to "consent". Another way of doing this would be:

"... take the form of agreed structures for the island as a whole, including a united Ireland achieved by peaceful means and through agreement and consent".

However, I would not see a problem in adding a short reference to the Forum to the end of paragraph 10 so long as we can find the right words. This is what your officials proposed. We could put it in the following way:

The Irish Government, within their own jurisdiction, would also make their own arrangements which would enable Sinn Féin to enter into political dialogue, [These would include] OR [including] the possible establishment in the republic, for the purpose of advising the Irish Government on the steps required to remove the barriers of distrust, of a Forum for Peace and Reconciliation.

Irish proposal to establish a "Forum for Peace and Reconciliation"

- Your officials have said that you wanted to discuss this with me.
[Reynolds then makes his point.]

- [If Reynolds proposes reinsertion of paragraphs 10 and 11 of JD14, changing the title from "Irish Convention" to "Forum for Peace and Reconciliation"]:
 - this would be going too far for us. Our officials have agreed on the change of title, which is a good move. But we should not reinsert the detailed provisions for the Forum into the text. Malign elements would distort this, by claiming that the British Government was implicitly sponsoring the body and giving it additional status;

 - we must stick to the position agreed by Nally and Butler last Tuesday. Under that scenario, you will announce separately from the Joint Declaration, that you are setting up the Forum.

- However, I would not see a problem in adding a short reference to the Forum to the end of **paragraph 10** so long as we can find the right words. This is what your officials proposed. We could put it in the following way:

The Irish Government, within their own jurisdiction, would also make their own arrangements which would enable Sinn Fein to enter into political dialogue, [These would include] OR [including] the possible establishment in the republic, for the purpose of advising the Irish Government on the steps required to remove the barriers of distrust, of a Forum for Peace and Reconciliation.

(b) Arrangements for second telephone call

- I do not want to have to make an announcement in the House of Commons this afternoon about our next meeting;
- can we therefore discuss this in a telephone conversation after my statement? I can then use appropriate words if I am asked in the House;
- in the meantime, Robin Butler and Dermot Nally can go over the text again by telephone, and check that we are fully agreed on all points.

RODERIC LYNE

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