

S E C R E T A N D P E R S O N A L

FROM: Q J THOMAS, DUS(L)
27 SEPTEMBER 1993
DUSL/JEN/42000

NOTE FOR THE RECORD

JOINT DECLARATION INITIATIVE (JDI): MEETING WITH MR O HUIGGIN
24 SEPTEMBER 1993

It was envisaged at Sir Robin Butler's most recent meeting with Mr Nally that alongside the work the Liaison Group was tasked by the Anglo-Irish IGC to undertake on forming a joint assessment of an acceptable outcome from the talks process, the two Heads should continue an exploration of principles and language relevant to the Joint Declaration Initiative. The Liaison Group as a whole is to meet in Dublin on 1 October. In preparation for that meeting Mr O hUiggin and I met in London on 24 September. Our discussion on overt political development is recorded in more detail separately. The main transaction was that I gave Mr O hUiggin a first draft of the Joint Framework Document, as approved by the Secretary of State, and made it clear that we hoped for a serious engagement on this at the forthcoming meeting of the Liaison Group, and that we were ready to have as intensive a series of meeting thereafter as was needed to enable us to report jointly to the IGC scheduled for 27 October.

2. In fact most of our discussion was focussed on the Joint Declaration Initiative. Mr O hUiggin presented me with a new text (attached: marked JD8). As recorded below, we had a full if on my part necessarily off-the-cuff and without commitment, discussion of the text, focussed on the crucial paragraph 4.

3. In presenting the paper Mr O hUiggin made the following points:

(i) this new text had been seen and approved by

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Martin Mansergh, Mr John Hume and the Taoiseach. It had been prepared in response to the explanation that we had given of the difficulties the earlier text presented for us. O hUiggin said that JD8 will not be shown to the Provisionals at this stage. The Irish side clearly hope to secure a text to which HMG could assent before the Provisionals are approached again. Without that they see the prospect of lengthy and possible fruitless exchanges with the Provisionals. Though it was not said, the implication might be that if the Irish Government can generate a text acceptable to HMG they would put it, with Hume's support, to the Provisionals on a take it or leave it basis;

(ii) the Taoiseach remained firmly of the view that the Joint Declaration Initiative was the real way forward. He was worried that the work on overt political development might divert us from the Joint Declaration Initiative and he implied that the price of constructive Irish engagement in political development, including the work put in hand at the last IGC, would be evidence that we continued to take the Joint Declaration Initiative seriously;

(iii) the Taoiseach was very appreciative of the political sensitivities of the exercise from our point of view. Such was his commitment to it that he was ready for the Irish Government to continue to take the strain both in processing the Initiative and, if a successful outcome were achieved, in playing the major part in the steps which would follow the making of the Joint Declaration. The implication was that the Irish Government would do all it could to assist HMG in maintaining deniability of any active role in the consideration of the Initiative;

(iv) while there was no resiling from the commitment on the Irish side to engage with us in overt political development, it is clear the minds of the few key people in Dublin aware of this activity (and Mr John Hume) are inevitably focussed on the JDI.

4. In response I reiterated that HMG had difficulty in engaging actively on this exchange for reasons with which Mr O hUiggin was familiar. However, as with earlier drafts, I was sure that the British Government system from the highest level would of course wish to examine with the utmost seriousness the new text, given what he had said about it and that it came with the personal approval and advocacy of the Taoiseach. I was not sure whether further exchanges in respect of it would be handled in a further informal discussion between the two of us, by a further meeting of the Butler/Nally Group or indeed by Ministers. Mr O hUiggin suggested that if the Initiative seemed likely to prosper there would be much to be said for an informal meeting between the Secretary of State and Mr Spring, perhaps under cover of some forthcoming engagements in Dublin which they both share. We both noted that, even if we could see a way forward on the language of the JDI, there would be much to be thought about in terms of handling such a major démarche.

5. Mr O hUiggin reported one point of concern concerning premature publicity. Mr Hume is clearly under pressure to show results, because much usually friendly opinion within the Irish Republic and within his own party is critical of the continued Hume/Adams dialogue. Accordingly he had been thinking aloud about a fortnight ago of the possibility of himself and Adams announcing to the press that they had achieved agreement and remitted the matter to the two Governments. While it had been thought that Mr Hume had been dissuaded from this Mr O hUiggin thought it right

to warn me that it seemed the idea had not completely gone away. (By implication he was reporting on a recent conversation he had had with Hume himself.) I asked whether that scenario might involve the Provisionals announcing at the same time a ceasefire during which the two Governments would be pressed for a response. Mr O hUiggin said that he had heard of no such suggestion. Mr O hUiggin made it clear that the Taoiseach personally had been most forceful in urging on Hume that any premature publicity would be a mistake; but the Irish Government would be forced to repudiate any exchanges with the Provisionals save on the basis of a complete cessation of violence, and that it risked damaging the Initiative. We agreed that the two Governments would need to keep closely in touch in the event of any such public démarche; again Mr O hUiggin made clear that the Irish side would wish to be protective of our interests.

6. It is perhaps worth recording that at the time of our discussion neither O hUiggin nor I had seen whether the Prime Minister had replied to the Taoiseach's recent letter on this subject.

JD8: Textual Comments

7. In discussion it became clear that O hUiggin himself was the principal author of the new text. He briefly ran through the changes:

- (i) the ending of paragraph 1 has been softened to make less damning the acknowledgement of past failures;
- (ii) the references to the EC in paragraph 2 have been softened with the intention of making them more acceptable to HMG;
- (iii) paragraph 3 is unchanged;

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- (iv) paragraph 4 has been rewritten, and is discussed in more detail below;
- (v) the end of paragraph 5 has been adjusted with the intention of being more sensitive to Unionist needs;
- (vi) the words "over a period" have been added in the middle of paragraph 6 as it is something to which the Provisionals are thought to attach importance;
- (vii) paragraph 7 and 8 are I think unchanged.

8. We had a lengthy discussion of paragraph 4. It is possible that in the light of that the Irish side may prepare a further version, but even from our discussion it seemed clear that they may be ready to adjust the crucial third sentence concerning self-determination (a small change might be to replace "is freely agreed" with "secures agreement"); to remove the word "joint" from the fifth sentence; and to move the penultimate sentence to the end. This last would be a significant change because the British Government would then be invited to "encourage, assist and enable" agreement on how the people of Ireland might live together in [unity] and harmony and partnership, whereas as presently drafted the British Government could be read as invited to "encourage assist and enable" the exercise of self-determination in the form of a united Ireland. It may also be possible to remove or amend the word "unity" in what is at presently the last sentence. Without that, the sentence is very much one about "motherhood and apple pie".

9. Among the points I registered in these exchanges were the following:

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- (i) HMG could, other things being equal, go further in a piece of prose which included some version of, or reference to, the constitutional guarantee than it could in one which was silent about it (as this text is);
- (ii) other things being equal HMG could contemplate more advanced language in a text which involved reform of Articles 2 and 3 (as does the text I gave O hUiggin in connection with overt political development) than in one which did not, as JD8 does not;
- (iii) the concept of "self-determination" was a sensitive and difficult one. The third sentence was in many ways the crucial one. O hUiggin gave it as the judgement of the Irish side that the words "self-determination" had to appear in the text if it were to secure Provisional approval;
- (iv) HMG might be neutral on the achievement of Irish unity; and was clearly committed to implementing it if and when there was consent to it North and South, but it would not express a preference for Irish unity or undertake a persuasive role towards it. On the other hand HMG might contemplate warmth of language in respect of "motherhood and apple pie" formulations about healing divisions overcoming differences and so on. We might get some way with language which implied more than it said. (O hUiggin readily took this point since it is a characteristic of the text as a whole.)

10. Against that background I speculated that an acceptable version of paragraph 4 might be conceivable. It might be helpful to think of it in terms of various constituent elements:

- (i) some version of the constitutional guarantee;
- (ii) a restatement of the position that HMG has no selfish strategic or economic interest in Northern Ireland. (JD8 has introduced the word "political" into this formulation. I noted that this innovation might not be acceptable; O hUiggin suggested that since it was governed by the word "selfish" it could be.)
- (iii) language acknowledging HMG's general interest in peace, stability, reconciliation and any other appropriate formulation;
- (iv) some reference to self-determination, though its drafting would need the utmost care;
- (v) an acknowledgement that if there were clearly consent to a united Ireland by a majority of the people of Northern Ireland HMG was committed to implementing it;
- (vi) language which involved warmth on the part of HMG to some sort of process of reconciliation, healing divisions and bringing people closer together in a way which did not mean Irish unity, though it might be read as implying it;
- (vii) it is worth recording some other pieces of language which we canvassed. I reminded O hUiggin of a formulation he had mentioned when we last met: "The main wish or aim of the British Government (or people) is to see agreement reached between the people of Ireland, North and South, on arrangements, structures or institutions to which all the people on the island

of Ireland could give assent and support." O hUiggin said that even if such a formulation were acceptable to HMG it would not in his view remove the need to include somewhere the expression "self-determination".

(viii) I canvassed the following sentence: "Both Governments agree that it is for the people of the island of Ireland alone to exercise any rights of self-determination to bring about a united Ireland, on the basis of freely given consent, North and South." O hUiggin did not think this would take the trick with the word "any"; if that were replaced by the word "their" he thought it would be very interesting.

Conclusion

11. I agreed to report on this new text and on our discussion on it. The Irish side remains enthusiastic about the possibilities of the Joint Declaration Initiative, and I believe they will be anxious to secure an early response.

[SIGNED]

Q J THOMAS

DUS(L)

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PS. Over the weekend the Hume/Adams démarche became known. I then spoke to Mr Hume who gave me the text of the statement he and Adams had issued. He said that he would attempt to stand on this; but he would emphasise that this was progress so far. He said that he had deliberately couched the statement in terms of a report to Dublin to give HMG some cover.

I subsequently spoke to Mr O hUiggin (who made clear that he had encouraged Mr Hume to speak to the British side). I told Mr O hUiggin that I thought our response would be to the effect that any report or representation we received from the Irish Government in due course would receive careful and serious attention. We might also repeat our line on not talking to those engaged in terrorism. O hUiggin said that the Irish Government would say that they had seen the report and would await an account from Mr Hume. They would also, if necessary, repeat their line about not talking to terrorists. Mr O hUiggin said that he expected the report to be made face-to-face by Mr Hume and not to be made until Mr Hume's return from the USA, to which he departed on 26 September.

It should be noted that, if what Mr O hUiggin told me was right, - namely that JD8 had not been shown to the Provisionals - then, whatever Hume and Adams have agreed on, it is not apparently that text. When O hUiggin mentioned to me the remote, as it seemed to him, possibility of a Hume/Adams démarche I asked him what it was they were agreed on. He indicated in general the Joint Declaration Initiative, though he was not sure what precise text would be involved.

I subsequently learned from Mr Stephens that Mr Hume had forewarned the Secretary of State of this démarche; and that the Secretary of State had himself taken, with the Observer, a line of the kind I had suggested to Mr O hUiggin we would take. Mr Stephens confirmed that No.10 had been kept informed both on the Private Secretary and Information Service nets.

I should also record that when I spoke to Hume I asked whether there was any suggestion that this demarché would be accompanied by a ceasefire. Hume said that he did not know, though he had asked Adams for some sensitivity in this respect. He believed thought was being given to the matter on the Provisionals' side.

JOINT DECLARATION

It is, in my view, clear that we shall need to consider the implications in respect of the Irish proposal in the light of the proposals discussed at the weekend and the receipt of a new text (attached as 22.1).

The document expressly involves a report to the Irish Government, to give them some idea of the content of the "broad" principle which will be for wider consideration between the two sides. It can be expected that the Irish side will have a report, though it seems this may not be well timed. (It is not clear what the Hume/Adams approach is.)