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**DUBLIN 3 DECEMBER: AFTERNOON PLENARY SESSION**

After lunch, Ministers gathered in Plenary Session. The Prime Minister, Foreign Secretary and Northern Ireland Secretary were supported by Sir Robin Butler, HM Ambassador, Mr Chilcot, Mr Thomas, Mr Archer and others; while the Taoiseach, the Tanaiste and the Minister for Justice were supported by Mr Nally, Mr Murray, Mr Small, Dr Mansergh, Mr O'hUiginn, Mr Donoghue and others.

**Summary**

Both the Irish and British sides proposed amendments to JD14, as recorded in the attached Annex. The British side emphasised that an explicit reference to the constitutional guarantee was essential; that replacement of the Irish Convention with a firm offer of exploratory dialogue between the British Government and Sinn Fein within three months of an end to violence being announced and put into effect would be more attractive to the IRA; and that a commitment on reform of Articles 2 and 3 was an important balance to language about the possibility of Irish unity. The Taoiseach claimed the British amendments "totally and absolutely upended" the balance of the document, before breaking to consider them.

## Detail

Introducing what was billed as a line by line examination of JD14, the Taoiseach said that he had been satisfied that the draft produced in June would have delivered peace. The current draft took on many of the reservations expressed by the British side; he could not tell whether it would deliver peace until the current situation were clearer, but when the two sides were close to agreement he would give his best judgement. Below the PAC, there remained a strong mood for peace in PIRA, but it was difficult to get a feel for views within the PAC so a process lasting over 2-3 meetings would be helpful. It was notable that the document did not contain any of the traditional aims of PIRA. It also took account of unionist concerns and all those unionist representatives he had been able to show it to, including Archbishop Eames, believed it fair and well-balanced. It would freeze the present position and allow talks to get underway on an overall political settlement with a good prospect for success. There was now a generational opportunity to end violence; it needed to be put to PIRA with the aim of achieving an end to violence, so the language needed to accommodate this aim. It was essential not to leave PIRA as the only plausible caretakers of Irish nationalism.

The Prime Minister said that it had always been optimistic to expect agreement on this document that afternoon. Both sides had expressed their frustrations during the morning sessions but these now needed to be put behind. Agreement on a document of this sort was never going to be easy and there would doubtless be a frustrating process ahead, but

the aim was to achieve something which would marginalise the violent men. The document needed to be balanced, but the nature of that balance had to reflect the current situation in Northern Ireland; there was an increasing atmosphere of fear and uncertainty among the unionist community. While an attempt had been made to meet unionist fears, the current draft did so by rather loose and implied language, which could easily be misread. It would be the British intention to meet Unionist fears head on in clear language so that there could be no misunderstandings.

#### Discussion of Amendments

Commenting that "there is a lot of language here", the Taoiseach turned to specific amendments. These are listed in the attached Annex and referred to below by number.

Proposing amendment 2, Dr Mansergh said that it simply reflected existing principles and established the point that it was for each community to persuade the other. Mr Thomas said that the Anglo Irish Agreement did not in fact say what was claimed for it.

Proposing amendment 14, the Prime Minister said that it was a useful, but not essential, improvement. He also noted that a couple of sentences in paragraph 6 were not essential, but they were a matter for the Irish.

Commenting on amendment 17, the Taoiseach said that Articles 2 and 3 were the most emotive issue in the Republic and it was important not to hand advantage unnecessarily to Sinn Fein. The document had been checked with constitutional

lawyers and it already enshrined the principle of consent. The Irish were not "going to go down on their two knees" for what many unionists told him was a "green herring". The Foreign Secretary said that the amendment only paralleled the recognition of the possibility of Irish unity elsewhere in the document; both Governments were firmly attached to the principle of consent and it logically followed that if consent to a united Ireland were withheld, then Northern Ireland remained part of the UK and should be recognised as such.

Explaining the deletion of the Irish Convention (amendment 19), the Prime Minister said that he recognised that the Convention's purpose was to give Sinn Fein somewhere to talk. It was, however, a very sensitive issue for unionists and Archbishop Eames had said that it was inconceivable that any unionist party would attend the Convention. For Sinn Fein it was therefore likely to be a hugely frustrating experience in which they could not get to grips with those they really needed to debate with: the British Government and the unionists. It was always possible that the Irish Government could establish the Convention unilaterally, but it seemed more attractive to incorporate into the document what he had set out in his Guildhall speech. This gave Sinn Fein a place at the table and opened the way to talks with unionists. In the Convention, Sinn Fein would be talking only to nationalists: but through the proposed exploratory dialogue with the British Government they would begin to get to grips with substantive decisions and enter the Talks process. The British proposal was therefore the more attractive offer, although in line with existing policy.

The Taoiseach said that the Convention was not a big issue with unionists he had consulted. It was really just the same as the Conference proposed in the 1973 White Paper (Mr Thomas queried this). In any case, the British had in fact offered entry to exploratory dialogue in two months, not three. The Prime Minister conceded that "within three months" might be more appropriate.

Returning to the core paragraph 4, the Prime Minister said that there must be an explicit reference to the constitutional guarantee if the document were ever remotely to be acceptable in Northern Ireland. The British side had made this clear from the outset. The Taoiseach said that comment was unnecessary.

#### Overall Balance

Looking at the set of proposed amendments as a whole, the Taoiseach said that the balance of the document was "totally and absolutely upended": there was nothing left in it which "these fellas can hang their hats on". JD14 had been perfectly consistent with the principles of both Governments: that being the case, he had hoped that we might be generous with the words. Otherwise the exercise was futile: it would only serve to improve recruitment for the IRA.

The Prime Minister said that all the British amendments reflected existing policy agreed between the two Governments. Balance had to be two-way: we wanted a hook, but had to ensure others remained on their hooks. The document still offered the prize of democratic legitimacy

for Sinn Fein within a matter of a few weeks of a demonstrated end to violence. That was something they could not possibly have expected only a few months ago and which no other British Government would, or could, have delivered. The document was simply unsaleable and unworkable without a reference to the constitutional guarantee. Since it clearly envisaged circumstances in which the union would be destroyed, the balance of the document would be badly skewed if it did not also spell out the circumstances in which the union would be preserved.

Agreeing to an half-hour break to consider the proposed amendments, the Taoiseach commented "it's all down to words".

Copies go to John Sawers (FCO), Jeremy Heywood (HMT), Joan MacNaughton (Home Office), John Pitt-Brooke (MOD), Melanie Leach and David Blatherwick in Dublin.

Signed

JONATHAN STEPHENS  
Private Secretary