

FROM:
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NOTE FOR THE FILE

**JOINT DECLARATION: MEETING WITH IRISH OFFICIALS, PALAIS
EGMONT, BRUSSELS, SATURDAY 11 DECEMBER**

After the European Council had finished, I met Martin Mansergh, Noel Dorr, and Sean o hUiggin to carry forward our discussion of the previous day about amendments to JD15.

Before the meeting, we had heard that the Taoiseach was briefing the press that the British were playing a minimalist game, and seeking to redraft what had already been agreed. Reynolds had said that a minimum communique would not contribute to an end of violence, and that he would not consider signing an anodyne document. Without referring directly to Reynolds' briefing, I began by defining what I saw as the framework for our meeting. I said that we were working to the objectives agreed at the 3 December Dublin meeting; that our aim should be to achieve the maximum degree of agreement on the text, so that it could be put to the two Prime Ministers over the weekend ad referendum, with very few, if any, points unresolved; and that, if they could then resolve these points by telephone on Monday, we could proceed to launch the document on Wednesday 15 December, as the Prime Minister and the Taoiseach had agreed on the previous day. I thought that the gap between us on the text was now fairly narrow, and that there were only two or three really difficult questions left. I invited the Irish side to confirm that they shared this understanding.

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O hUggin (who did most of the talking for the Irish throughout the meeting) said that he could not agree with my assessment. The Irish wanted to hear what I had to say about the text. They would form their view of the overall position in the light of that.

Mansergh tried to get started on the text. He said that in the first sentence, the names of the two principals should be inserted.

I then tried to deal with a list of points which did not seem to present major difficulties. O hUggin said that the Irish were not prepared to discuss them. I should lay out all of my points, and they would take note and report back to the Taoiseach.

This led into further debate about the purpose of the meeting. I said that I had come under the Prime Minister's instructions with a series of carefully worked out positions on the points which had been in question on the previous day. I thought this would help to move us very close to final agreement, and I was prepared to discuss all points constructively to that end.

In reply, the Irish said that they were not prepared to let the British keep taking salami slices off their text. The text was ^wnot unbalanced. All that was left in it for the Nationalists was paragraph 4. Even there, we were attacking sentences which lay at the heart of the paragraph. The Taoiseach had taken particular offence that we had withdrawn a formulation for the fifth sentence of paragraph 4 which we ourselves, they asserted, had put forward in the 7 December talks. He was not going to let this go on. He had decided to take the matter into his own hands. He felt that was the only way in which progress might be possible.

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The Irish team would therefore take note of what I said and report to him. He would make his own assessment. It would be pointless and a waste of time for us to try to discuss the text in any detail. (O hUggin put these arguments forward with well-practised hostility, and his usual brand of insult and innuendo.)

I made the obvious points in reply. Thereafter, with occasional excursions into other parts of the text, the discussion focussed largely on the fifth sentence of paragraph 4. O hUggin said that this was a litmus test of the British attitude to the whole text. If I was prepared to accept the Irish side's formulation, they would be ready to discuss other parts of the text with me. The Taoiseach would only allow discussion on this basis. Otherwise, there was no point in further talk, and we should pack up and go home. I asked if the Irish were now saying that the exercise should be abandoned. They replied that their instructions were simply to report to the Taoiseach, who would form his own judgment.

I said that the negotiation could not be conducted on an "all or nothing" basis. We had explained our difficulties over the sentence to Mansergh, and he had shown understanding. These difficulties were both legal and political; but there were a number of ways in which they could be resolved. "As of right" could be replaced by "properly", "legitimately", or "without further impediment". (Dorr showed interest in "legitimately", but was swept away by O hUggin when he tried to discuss it.) Alternatively, the balance of the end of the sentence could be changed by adding a reference to maintenance of the union. The difficulties were far from insurmountable. O hUggin replied with a flood of invective. We were trying to deny points which we had accepted in

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the Anglo/Irish Agreement. Were we not now prepared to say that Ireland had the right to independent structures? Mansergh suggested that the essential Irish requirement was to include the word "independent" either in the middle or at the end of the sentence. With reference to this sentence, and more generally, the Irish argued that it would be very difficult for them to make concessions, given that the text had now been seen by a number of people who would draw their own conclusions.

Given the Irish behaviour, I did not table our fallback position on the fifth sentence of paragraph 4. To make clear that we could not accept the 7 December formulation, I left it that the starting point for future discussions should be the JD14 version, the whole of which was to be square bracketed.

On other points, the position reached in the face of Irish reluctance to engage in serious discussions was roughly as follows:

- (a) Para 3: "statutory constitutional guarantee": I said the phrase should remain unchanged. It was clearly not a point of fundamental importance for the Irish. The Irish declined to respond.
- (b) Para 3: "the island of Ireland": agreement confirmed.
- (c)/(d) Para 4: first two sentences: I said that we would accept Irish amendments to the first sentence on condition that the second sentence remained unchanged and that an acceptable position was reached over the fifth sentence ("as of right").

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There was a direct relationship between the first and the fifth sentences. It was necessary for us, as well as for the Irish, that there should be proper balance throughout this paragraph. Again, no response.

- (e) Para 4: fourth sentence: I said that "assist" should be deleted, as we had repeatedly requested. This was not an important point for the Irish. Mansergh offered "help" in return. I did not accept. Given the atmosphere, I did not offer "facilitate". Point therefore unresolved.
- (g) Para 4: seventh sentence: no progress, for similar reasons.
- (h) Para 5: penultimate sentence: Mansergh said the Irish still intended to offer a draft sentence. We could take it or leave it as we wished.
- (i) Paras 10 & 11 of JD14: Mansergh said that the Taoiseach had "signalled his intention to come back to the Prime Minister personally" over the "Irish Convention" paragraphs. He added that, whatever happened, the Irish would now be prepared to give the Convention their new title of "Forum for Peace and Reconciliation". I replied that they knew full well that these paragraphs were not acceptable to us. The Irish side had agreed on 7 December that they should be deleted. They had worked out a careful scenario during that meeting. This was a cardinal point for us, and we could not

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NEW PARAGRAPH 11

(New para)

go back on it.

The Taoiseach and the Prime Minister are determined to build on the farvest... and animosities replaced by a climate of peace. They believe the... Ireland [all the... tradition, the... differences can... peaceful polit... grasp the opor... compromise no p... for either cras... incosurable y... cycle of violen... the people of... is Northern Ire... and social co-... potential for pro...

(j)-(n) Para 10: I indicated that, if satisfactory balance was achieved elsewhere in the text we would probably be able to accept the Irish amendments to this paragraph. (Given my condition, the square brackets should remain.) With regard to the additional phrase proposed by the Irish for the last sentence ("including the possible establishment of a Forum for Peace and Reconciliation"), I reserved our position. I said that I had come to the meeting with proposals to make about this point, but would not table them if the Irish were not prepared to negotiate seriously.

I said that

(o)-(s) Para 11: I had also prepared for a serious discussion of this paragraph. We were ready to consider ways of integrating the text proposed by the Irish with the additional sentence proposed from our side. To demonstrate this I left as a non-paper the attached revised version.

With no prospects of further progress, we ended the meeting.

RM/L.

RODERIC LYNE

11 December 1993

f/Irish.mfj

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