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FROM: P N BELL, AUS (L)
19 NOVEMBER 1993

DESK IMMEDIATE

MR COOKE - B

cc: PS/Secretary of State (L&B) - B
PS/Michael Ancram (L&B) - B
PS/PUS (L&B) - B
PS/Mr Fell - B
Mr Watkins - B
Mr Williams - B
Mr Wood (L&B) - B
Mr Maccabe - B
Mr Brooker - B
Mr Cooke - B
Mr Dodds - B
Mr Quinn - B
Mr Kyle - B
Mr Caine - B
Mr Archer RID - B
HMA, Dublin - B

IRISH DRAFT FRAMEWORK DOCUMENT - PREPARING A MORE CONSIDERED ANALYSIS

The unconventional method of publication of the long awaited Irish response to our Framework Document has already produced a flurry of constructive comments. This has largely equipped us, I think, to satisfy Michael Ancram's recommendation (in his Private Secretary's minute of 19 November) that there should be available some considered analysis of the Irish paper and how we should respond to it at Monday's Political Development meeting. But there may be advantage in slower time in pulling together the varied strands in a single piece of paper which probably falls to SIL to provide. This note is partly designed to provide a starter for this exercise.

2. The background is well set out both in this morning's Dublin telegrams, recording Irish "surprise" at the leak (since reinforced over the 'phone), tempered by some scepticism by Mr Thomas in his submission of 19 November, which also provides a clear 'line to take'.

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3. That submission also provides a useful starting point for a more structured discussion. It has since been helpfully glossed by Mr Watkins' minute of 19 November which identifies (in para 2) some of the elements in the Irish paper most likely to agitate Unionists. To my mind the most worrying feature of a paper which, in many respects - had it been handed over more conventionally, and some time ago could have provided the basis for constructive exchanges - are the constitutional passages, especially in para 17 which calls on HMG to "acknowledge the full legitimacy and value of the goal of Irish unity by agreement" and "the consequential need for practical provisions to give that objective equally meaningful operational expression and opportunity, including in any future structures within Northern Ireland and between North and South". You are already familiar with my strictures on the evils of ambiguous constitutional drafting (whether in Article 1 of the Anglo-Irish Agreement - to which para. 17 also refers - or anywhere else). They apply, I believe, with particular force to this formulation.

4. It is also noteworthy that much of this paragraph is an almost verbatim repeat of a passage from the Tanaiste's address at the John Hopkins University on 17 November - in which Mr Spring, unhelpfully in my view, chose to reach out to Unionists by means of what might easily be (mis)construed as a threat: reminding them of the recent Guardian opinion poll on GB attitudes to Northern Ireland, and also claiming that the protection of the Unionists depends not only on securing agreement with the large and growing nationalist community within Northern Ireland, but also through agreement with the nationalist tradition in Ireland as a whole. (I believe there may be scope for helping the Irish help themselves on such matters in future). More generally, I believe the Irish text should be read closely in conjunction with the Mr Spring's speech (including the curiosities to which Mr Brooker has separately drawn attention - not to all) with which it coincides at more places than I have mentioned here.

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5. As to handling, we are back with Mr Thomas (as modified, in part, by Mr Watkins). While I am in sympathy with the supplementary "lines to take" Mr Watkins has suggested, I think Ministers will want to address with an open mind whether it is now politic to be seen to be negotiating with the Irish on the basis of this particular text. My own view is that the Irish have 'blown it': what could have primed a valuable negotiation leading to a compromise text seems to have turned into one with which they are now stuck and on which only we can move - and therefore cannot. Hence, of Mr Watkins suggestions, the only one I would favour deploying immediately is that in his para 3(c), which has already been fed, I understand, to Press Office.

6. Another of the considerations at the back of my mind is that given the previously large, and now almost insuperable difficulties of reaching an agreed document with the Irish which would remotely help in future Talks, it will not only make it easier, as Mr Thomas has already pointed out, to put our own proposals in the public domain, it has also made it less difficult to do so without having to clear them in advance with the Irish.

Next Steps

7. Would it now be unreasonable to look to SIL, taking aboard comments other colleagues might have, to try and produce a more structured and detailed analysis of the substantial issues in the Irish paper? For even if we cannot generate an agreed document on the lines mandated by the IGC - we shall have to address them at some point and by no means the whole of the Irish paper is objectionable. Far from it). But I doubt whether this is now necessary (or possible) in time for Monday's discussion.

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8. I am not sure what, in present circumstances, a meeting of the Liaison Group might now usefully hope to achieve before 3 December. There certainly seems no need for us to press for one. Much depends, however, on the judgement as to whether we should seek to produce a joint document, or decide, instead, to "go it alone" for which the Prime Minister and the Irish have, in their rather different fashions, now paved the way.

Mr Williams - 2
Mr Brooker - 2
Mr Morgan - 2
Mr Spinks - 2
Mr Quinn - 2

PS/Secretary of State (Bel) - 2

IRISH PRESS ARTICLE ON "SECRET PLAN" - 19 NOVEMBER 1993

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has seen the Emily O'Reilly article in the Irish Press detailing a paper purporting to be an "Irish draft joint working paper". The Minister's initial view is that the NIO reaction (if any) should be on the lines that the document represents a useful contribution to the process, but at this stage it should be made very clear that the document emanates entirely from the Irish side and has not been considered or agreed by HMS. (I understand that the NIA line to enquirers confirms this to be the case.)

2. Michael Aarish has further indicated that he would find it useful to give a briefing document on the article prior to the political development meeting which has been arranged for 1630 hrs on Monday 22 November in order to focus a short discussion on the issues involved and its implications.

Signatures

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