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Full

FROM Q J THOMAS, DUS(L)  
7 October 1993  
DUSL/MR/42289

NOTE OF MEETING OF BUTLER/NALLY GROUP: 6 OCTOBER 1993

Sir Robin Butler, accompanied by Mr Chilcot and Mr Thomas met Mr Dermot Nally, Mr Sean O hUiginn in London on 6 October.

2. Sir Robin Butler began by noting that the Hume/Adams demarche had meant there was very little time in which to respond to the Joint Declaration Initiative (JDI). The more time the Irish Government could create by withholding any formal or public report to the British Government as a result of their briefing from Mr Hume the better.

3. He went on to explain that Ministers were attempting to reassure Mr Molyneaux so that any reaction from him might be more restrained than would otherwise be the case. If the JDI made progress Ministers might at the moment wish to brief him on a text on Privy Council terms. The Irish side asked about the meeting of that expression and were clearly a little nervous of it. They were however reassured that the proposal was not to make the JDI dependent on Mr Molyneaux's approval, so much as to attempt to reassure him and soothe his reactions. On that basis the Irish side could see the merit of contacts with Mr Molyneaux.

4. Sir Robin then explained that his Ministers would need, either from this meeting or as a result of subsequent exchanges, reassurance from the Irish Government or the Taoiseach personally on a number of points:

- (i) Could the Irish side confirm that there were no hidden

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agreements and that the JDI involved no more or less than the text. The Irish side confirmed that they knew of no other side agreements;

(ii) was it the case that the Irish side regarded the JDI as compatible with the Talks process, and that they would remain committed to it. The Irish side confirmed that this was so though as a matter of political analysis they did not believe that there would be Talks for some time if the Joint Declaration were made. They envisaged that there would be a flurry after that, the Convention would be established and the Talks would be delayed in practice because not all the existing participants would be ready to continue the process, let alone to join a process to which Sinn Fein might soon be admitted;

(iii) was it the Irish Government's understanding that Sinn Fein could not be admitted immediately to the Talks process, and that Sinn Fein did not themselves expect that. The response to the Irish side noted that it was common ground that the ending of violence would open a way to the admission of Sinn Fein to the full range of political activity. But they accepted that this could not be until it was clearly established that violence had ended. The British side mentioned a widespread expectation that at least 6 months would be needed;

(iv) could the Taoiseach give an assurance that it was his judgement that the JDI would lead PIRA to give up the "armed struggle". There was no way in which HMG could satisfy itself about the Provisionals' intentions and therefore they sought some assurance from the Taoiseach. Again the Irish side thought there would be no difficulty about offering this assurance. It was the Taoiseach's judgement that the

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process would lead to an end of violence, though of course it was acknowledged that there might well be a split that a rump of the Provisionals might fight on and that INLA and/or Republican Sinn Fein might be a haven for dissidents. The Irish side thought however that Adams and McGuinness had made big efforts to hold the organisation together. South Armagh might be problematic and if they remained in the field could be a serious problem.

5. Summing up this exchange Sir Robin Butler said that the JDI was the Taoiseach's initiative it would be important for the British Government to say that we accepted it, if that turned out to be the case, in the expectation - given the Taoiseach's judgement - that it would lead to peace. It would be helpful if the various assurances mentioned could be confirmed by the Taoiseach, and it would indeed be highly desirable if he chose to do that in a letter to the Prime Minister.

Mr Hume's briefing

6. The Irish side explained that the Taoiseach and the Tanaiste would be briefed by Mr Hume the next day. Irish Ministers had tried very hard to stop his public demarche. They thought Mr Hume had taken the step because he was "crazy for kudos" and that he was afraid that the Irish Government might bring the initiative to fruition while he was absent in the United States and therefore he would not get the credit. (They quoted the Laurel & Hardy catchphrase "That's another fine mess you've got us in.") They acknowledged that managing Mr Hume in the next few days or weeks would not be easy but their hope was that the reaction to his demarche might have left him somewhat chastened and cautious.

7. The Irish Government would try to contain the report from Mr Hume as long as possible. In the first instance they envisaged that a report of it would need to go to the Irish

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Cabinet on Tuesday 12 October. Matters could be contained at least until then. The British side canvassed the idea that the Irish Government might seek to maintain for some time the line that they were grateful for Mr Hume's interesting report; that it raised a number of difficult and interesting questions; and that they were considering all the implications. The Irish side duly took note and readily accepted the British side's contention that once they acknowledged that they had reported to the British Government the initiative would be near the end of its life. Indeed the British side pressed the view that the Irish Government should only make an acknowledged report to the British Government if they knew that the JDI would come to fruition. In any other circumstances it was better for the initiative to be disposed of short of the report being made to HMG.

Purpose of JDI

8. In a general account of the purpose of the JDI the Irish side explained that the Taoiseach saw it as aimed simply at getting the Provisionals to end the violence and to achieve peace. He was seeking a change in their political posture and in particular to imbed in their ideology a recognition of Unionists' needs and identity. Given that this was the purpose of the exercise, they acknowledged that the text was not wholly balanced. It was a text designed to achieve a purpose; ending the violence was a stepping stone to a broader and wider settlement involving all the constitutional political parties. It was for that reason also that the text was silent on Articles 2 and 3, a point which Sir Robin Butler had registered.

The text

9. The group then turned to look at the text. The Irish side

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handed over a new text (attached JD10). They explained that they had made a number of changes. Paragraph 2 had a gentler reference to the EEC. Paragraph 3 had a new sentence, in an attempt to meet our need for some reference to the constitutional guarantee, which repeated the commitment of the two Governments to fundamental principles undertaking and obligations. Paragraph 4 had been adjusted, principally by the removal of one of the two sentences in JD9 which had dealt with self-determination. The Irish side also gave notice that they proposed to amend paragraph 7 to remove the reference to the Irish Constitution. They could see that that would be provocative to Unionists. They nonetheless wanted to make clear that the proposed Irish Convention would operate under the authority of existing governmental institutions, in order to avoid any argument from the Provisionals that the convention might constitute a new and rival source of authority to the existing Irish Government. (Also attached, as JD.11, is the text as the Irish side is likely to amend it following the meeting.)

Constitutional guarantee

10. The British side began discussion of the text by urging the political need to include in it a full statement of the constitutional guarantee. Using illustrative language it was suggested that paragraph 4, drawing on a formulation used in the 26 March 1991 statement, might begin by saying:

"In reaffirming the British Government's position that Northern Ireland's present status as part of the United Kingdom will not change without the consent of a majority of its people, the Prime Minister reiterates on behalf of the British Government that they have no selfish strategic or economic interest in Northern Ireland."

11. In responding, the Irish side made it clear that they

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accepted that this was the substantive British position; and that even if the JDI went ahead it was assumed that the British Government would wish to repeat that guarantee whenever and wherever wished. However it was the judgement of the Taoiseach that including that formulation in the Joint Declaration itself would simply make it unsaleable to the Provisionals. They did not believe that the Provisionals misunderstood the situation. It would simply be difficult for the leadership to claim that they had achieved something from the Joint Declaration when there was such a conspicuous assertion of something which they found unpalatable.

12. The British side made the following points:

- (i) There was no question, as the Irish side had at time implied, of expecting either the Irish Government still less the Provisionals to accept the constitutional guarantee as representing their own position. But the text under discussion would, in paragraph 4, be attributed to the Prime Minister or the British Government.
- (ii) Ministers might well take the view that there was a political imperative on them to include in a document of this kind a full statement of the guarantee. It was not the case, as the Irish side had implied, that since the 1985 Agreement the British Government had not found it necessary to include the constitutional guarantee in formal communiques and documents. The 26 March 1991 Statement was an example when it had been included.
- (iii) There was another argument for including the constitutional guarantee. If it were not explicit

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there was a genuine risk that the Provisionals would either be proceeding on the basis of a fundamental misunderstanding or in bad faith. In either event there would be the prospect of subsequent accusations and recriminations. Since the matter was so fundamental to the British Government's policies for Northern Ireland there was every merit in stating it.

13. Once it had been made clear to the Irish side that British Ministers might well regard this as a sticking point, the group considered, without commitment, a suggestion from Mr Chilcot that paragraph 3 might be adjusted to provide a more discreet allusion to the guarantee. On that basis it was agreed that the third sentence might be adjusted by the addition at the end of "and guarantees which each Government has given". If such an approach proved acceptable, the Irish side acknowledged that it would be open to the Prime Minister to make in parallel with the JDI a statement which included the constitutional guarantee in its fullest form.

14. There was then a discussion of the rest of paragraph 4 in the light of which the Irish side indicated that they would put a number of possible amendments to the Taoiseach:

- (i) The removal of the word "political" from the first sentence;
- (ii) amendment of the sentence about self-determination so that it would read: "The British Government agree that it is for the people of the island of Ireland alone to exercise their right of self-determination on the basis of freely and concurrently given consent, North and South, to bring about a united Ireland, if that is their wish;

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- (iii) the words "freely and collectively" would be removed from the next sentence;
- (iv) the word "encourage" in the last sentence would be replaced by "enable".

Articles 2 and 3

15. The British side urged the merit of some reference in the document to the possibility of constitutional reform by the Irish Government. If the British side was being pressed to the "outer limits of acceptable language" it would be helpful if the Irish side could be seen to be indicating some potential flexibility also. The Irish side agreed to put to the Taoiseach a possible addition at the end of paragraph 5 which would read: "which would be reflected in any future agreed political and constitutional arrangements emerging from a new and more broadly based agreement.

16. Apart from the removal of the reference to the Irish Constitution in paragraph 7, which the Irish side had already signalled, they indicated that they would remove the word "all" from paragraph 8. This was in response to a suggestion from the British side that this would give them more discretion in deciding who would be admitted to the proposed Irish Convention.

Next steps

17. After discussion it was agreed that the next steps would be:

- (i) For the Irish side to offer the Taoiseach the text revised in the light of discussion and to invite him to confirm the undertakings which had been discussed earlier in the meeting;

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- (ii) if the Taoiseach was happy to proceed on that basis the Irish side would communicate as much to the British side;
- (iii) Ministers on the British side would then be invited to consider the scheme, and the text, and to indicate whether they were happy with it in principle;
- (iv) if Ministers were content the Irish side would be informed;
- (v) the Irish side would then put the text to the Provisional movement, through intermediaries. The British side emphasised that it was important that there was no indirect negotiation by the British Government with the Provisionals. The Irish Government should give no indication that the text had been shown to the British Government, or that it would be acceptable to them. They should say to the Provisional movement that this text represented the Taoiseach's judgement of the outer limit of acceptability to the British Government. If they were content with it he would then put it to the British Government.

18. It was also agreed that there would be need for close consultation if it became clear at any point that the JDI would not prosper. It would be much better if the Irish Government did not in those circumstances put any formal proposition to the British Government. It would be unfortunate if the aftermath were to create dissension among any of the constitutional political groupings involved. It would be better if it were the Provisionals who rejected any proposal; or if the matter were

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smothered in some other way. One difficulty was that Mr Hume and Mr Adams were publicly linked in support of some unknown proposal.

19. The Irish side acknowledged that, given the publicity, it would be very difficult to bring matters to a smooth soft landing if the JDI did not prosper.

20. The Irish side also acknowledged that if the JDI went ahead, or even if it did not, in a way which led political opinion in the Irish Republic to form the judgement that his initiative had directly stimulated a great increase in Loyalist violence he would be politically exposed. Mr Nally indeed offered the terse judgement that in that situation "he would be finished".

Making the Joint Declaration

21. Both sides agreed that if the Joint Declaration were to be made it would probably come most naturally at the end of a meeting between the Taoiseach and the Prime Minister arranged for the purpose. It was possible that if there were an EC Summit on 28 November they might be in a position to discuss relevant issues, but the occasion would not be suitable for making the Joint Declaration.

22. It was also agreed on both sides that if the Joint Declaration was made it would be important to have as many common lines to take agreed by the two sides as possible.

23. The British side made a further suggestion concerning the ending of violence. If the initiative reached the point where the Taoiseach put a text to the Provisionals might he do it on the basis that he would, assuming the text was accepted by the Provisionals, put it to HMG only if a ceasefire had already

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taken effect. This would enable the British Government to consider the proposal in a context where violence had been brought to an end even if only, pending the making of the Joint Declaration, on a temporary basis. The Irish side saw the merit of the suggestion and agreed to consider it further.

Possible meeting between Mr Spring and the Secretary of State

24. It was noted that Mr Spring and the Secretary of State had both indicated that they would attend a debate in Dublin on Wednesday 13 October, and that Mr Spring had suggested that the Secretary of State might take that opportunity for a private meeting with the Tanaiste. The Irish side now wondered whether, given public interest and excitement, it was a good idea for both Ministers to attend this occasion (which Mr Hume and Mr Ken Maginnis were also due to address). The British side noted that there was clearly some difficulty about a private meeting between Mr Spring and Sir Patrick Mayhew since it could not plausibly be claimed that there would be no discussion at such a meeting of the Hume/Adams report. The British side thought that the Secretary of State might be reluctant to abandon the debate, though they agreed to consider the matter further and that the two sides should keep in close touch on the issue.

25. In drawing the meeting to a close Sir Robin Butler repeated the hope that at some point the Taoiseach would write confirming the various undertakings and understandings, and convey his approved text. The Irish side indicated that because the pressure of time they thought they would report again to the British side soon.

[SIGNED]

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