

FM

Ref: A093/3676

MR LYNE

Joint Declaration - Conversation with Mr Nally at 15.45

13 December

I spoke, as agreed, to Mr Nally. I said that, as a result of selective quotation of the self-determination formula (possibly from the Hume/Adams camp) and quotations in the Sunday Telegraph attributed to Irish officials in Brussels, we had some very agitated Unionists. A major effort would be needed to allay their fears this evening, in which the Prime Minister might have to take part. In consequence, we did not think that a useful substantive discussion with the Taoiseach could take place until Tuesday morning. Mr Nally said that he would report that to the Taoiseach, but that the Taoiseach might nevertheless like to have a short word with the Prime Minister this evening. I said I was sure that the Prime Minister would be willing to do that, if it could be arranged.

2. On the substance, Mr Nally handed on the following messages:

- i no problems about treating the Joint Declaration as a "political" rather than "legal" document and the Taoiseach would do whatever was necessary to achieve that.

? Reiterate

- ii on "assist" in para 4, the Irish wanted to substitute "help" and could not see the problem, since this was a quotation from Peter Brooke's speech. I said that this was no improvement.
- iii at the end of the "as of right" sentence, the Irish are content to drop "sovereign". They would like to end the revised sentence at "by peaceful means", thus omitting "... and through agreement between North and South respectively". I said that this abbreviated formula was no good: it was essential to make clear in any statement about a United Ireland how it could be achieved. Otherwise the sentence would be quoted out of context and do enormous damage.
- iv the Taoiseach wanted to discuss paras 10 and 11 and the announcement of the Forum with the Prime Minister. This was the remaining substantive point. I took note but said that, following the leak of the Irish paper about the convention, the inclusion of these two paragraphs had a symbolic significance for the Unionists. We needed to get them out, but include the reference with a changed name at the end of the following paragraph. (It occurs to me that we could argue, though I did not, that it would be disproportionate to give two full paragraphs to the Irish forum and only one sentence to our offer of entry to exploratory dialogue.)
- v the Taoiseach was content to leave it to us whether to include the word "within" before the three month period for the exploratory talks with Sinn Fein.

Apart from the points mentioned above, Mr Nally said there were no remaining problems.

3. It appears from this that we are down to 2½ substantive points. The two substantive points are the formula at the end of the "as of right" sentence and the treatment of the Forum. The half point is "assist", where there is no point in accepting the Irish amendment: I suspect that they simply want to keep to a piece of text which they regard as sacred. Also, of course, we have not formally conceded the "as of right" phrase: this is dependent on a satisfactory outcome to the document as a whole.

--- 4. I enclose a copy of the working text as put to Mr Nally. It does not reflect his reactions reported above.

5. I am copying this minute and the enclosure to John Sawers, (FCO) and Jonathan Stephens, (NIO).

R.E.R.B.

ROBIN BUTLER

13 December 1993