

~~SUBJECT
MASTER~~

~~Filed on:~~

SECRET AND PERSONAL



File Page 209-c
of Joint - sm

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

12 December 1993

Dear Jonathan,

**JOINT DECLARATION INITIATIVE: DISCUSSIONS IN
BRUSSELS ON 10 AND 11 DECEMBER**

This letter should be distributed on a strict need to know basis.

In the margins of the European Council, the Prime Minister had an hour's discussion with the Taoiseach on Friday 10 December. I have sent you an account separately. Before that meeting, I had a long negotiating session with Irish officials, the results of which I reported to you. On 10 December, I stayed back at the end of the Council for a further discussion of the Joint Declaration, armed with your instructions. I enclose (for you and Melanie Leech only) a detailed account of the second meeting. This letter summarises the upshot of the three meetings.

We were not due to have lengthy negotiations in Brussels. The Butler/Nally meeting of 7 December had resolved many of the problems over the Joint Declaration. We had hoped that Brussels would enable the Prime Minister and the Taoiseach, assisted by me and Martin Mansergh, to tidy up outstanding details, and reach decisions on the end game.

Things did not work out like that. The Irish attitude evidently changed on the road to Brussels. Their position hardened on 10 December, and became intransigent on 11 December. The flexibility which they showed at the Butler/Nally meeting disappeared, and they reverted to the tactic of "all or nothing" propositions which they had used before the 3 December Dublin Summit. They made a late decision to add Sean o hUiggin to their Brussels team. At our Friday session, Mansergh was still able to negotiate in a reasonable way, interrupted by a number of hostile outbursts from o hUiggin. By the time of our Saturday meeting, o hUiggin had de facto taken over the

SECRET AND PERSONAL

SM

lead, and was utterly rigid and intractable.

The main point of argument was over the so-called "as of right" sentence in paragraph 4 (5th sentence). Since the 7 December meeting, we have changed our position on this sentence. The Irish have used that change to develop the broader thesis that we are seeking endless concessions by salami slices, are destroying the "balance" of the text, and will leave only an anodyne document with so little appeal to the Nationalists that it has no hope of attracting a cessation of violence.

A secondary Irish pitch is to try to reinsert paragraphs 10 and 11 of JD14, concerning the "Irish Convention". They may believe that they conceded too much on 7 December, and that we can be persuaded to reintroduce the paragraphs if the title of the Convention is changed to something like a "Forum for Peace and Reconciliation".

On other points, as my more detailed notes show, the Irish have either raised fresh difficulties or have declined to strike reasonable compromises.

Running through this process as a sub-theme is Albert Reynolds's dislike of dealing through officials. He made no bones about this in his meeting with the Prime Minister. In my second session with Mansergh, he had effectively been deprived of the power to negotiate. He said that he was under strict personal instructions from the Taoiseach, who wanted to take the matter into his own hands. He and O'Uiggin said that they could only discuss the text in detail with me if I conceded to Irish positions on the points of principal concern to them - especially the fifth sentence of paragraph 4. This was no basis for discussion, and as a result it was a fruitless meeting which broke up after less than three quarters of an hour. Mansergh was not comfortable, and evaded my suggestion that he should ride in my car to the airport so that we could have a further word.

There is no agreement yet on where we should go from here. The Irish said only that they would report back to the Taoiseach. Through the columns of the press, we learn that the Taoiseach proposes to telephone the Prime Minister on 13 December, and thinks that it will be necessary to hold two further meetings with him, rather than one. The Irish have not said this to us directly. Reynolds also told the press that officials would be working on the text in Brussels overnight: this of course was manifest deception, given the instructions he had issued to his officials.

This latest lurch in Irish handling of this tortuous initiative strikes me as a mixture of strategy, tactics and emotion. The Irish may well have impaled themselves on objectives which they now see to be unattainable. They could be preparing to break the negotiations, choosing the "as of right" sentence as a respectable reason from their point of view. Reynolds has certainly made the mistake of raising expectations far too high, by leaking details of his early drafts, talking of peace before Christmas, and no doubt showing texts to all manner of people. However, a breakdown would be a severe blow for the Taoiseach, who has invested heavily in the initiative. It is perfectly possible that the intransigent behaviour in Brussels was a tactic to try to extract the best possible position from us, against a suspicion in Irish minds that they may have conceded more than necessary over, say, the Convention. Emotion and mistrust are certainly not in short supply, especially with the likes of o hUiggin around. It is not surprising that the Irish should have reacted very badly to our change of tack on "as of right", which has appeared in successive drafts without demur.

The ball is now in the Irish court. They were offered the chance of moving ahead to publication of the Joint Declaration in the middle of next week, at a meeting in London. They have declined to take it. We now await the Taoiseach's next move.

I am sending copies of this letter to John Sawers (Foreign and Commonwealth Office), Jeremy Heywood (HM Treasury), John Pitt-Brooke (Ministry of Defence), Joan MacNaughton (Home Office), Juliet Wheldon (Law Officers' Department) and Melanie Leech (Cabinet Office); and by fax to HM Ambassador at Dublin.

Yours ever,

Roderic

RODERIC LYNE

Jonathan Stephens Esq
Northern Ireland Office