of mr Daniells Copy destrayed 17.9.96 &

SILMAIL 36647

CONFIDENTIAL

PS/Michael Ancram 18 April 1994 From:

PS/SofS (B&L) - B PS/Michael Ancram (B&L) - B PS/PUS (B&L) - B PS/Mr Fell - B Mr Watkins - B Mr Williams - B Mr Bell - B Mr Daniell - B Mr Brooker - B Mr Maccabe - B Mr Smith - B Mrs Brown - B Mr Kyle - B Mr Archer, RID - B HMA Dublin - B

Some and the second contract of the second s

Mr Thomas - B

PAPER FROM THE IRISH SIDE

celling it islan is an an an extension access Michael Ancram has seen your submission of 15 April to the Secretary of State. His initial comments on the paper are recorded below: The lest three limes of the contract

Page 2 pare 4: I would seek the deletion of "Irlen belore

- "I take it that this is an opening gambit by the Irish, and that despite Mr Reynold's pre-conditions announced in his speech on Sunday 17 April they will be prepared to yield eventually towards a more malleable and "acceptable" position. I reiterate that I believe we should not be looking for an agreed text but for broader agreed parameters which will leave room for negotiation when the issue is joined with the constitutional parties in due course.
- 3. Even so, I believe that we should be very clear ab initio what is completely unacceptable to us and therefore not worth including as flexibly negotiable. It may be that we should meet to do so, but given time restraints the following is a first and somewhat hurried shy:- * pera 6(4): the acceptability of the last phrase will depart
- It is not for the two Governments both to draw up Page 1 para 2: a new and comprehensive agreement. They can on

FOCS 2 OF S

COMPTINES TELL

Signamic Course Signamed or animic convolves where himself we are all alter successive of animal constant with a security of animal constant to the constant of animal constant to the constant of the constan

种种种 第4章是自由

If the many classes where the amount by their and and and control of the product of the product

Miles disses "esercial estimates" makes (in this construction of a provide desercial desercial

李帝等 另一种中华

S months many the decimanisms of "totals" before the many and the phanomenous and and the phanomenous

-

The sense stands stands sitems of this paragraph are constant to the sense of the s

李安子学 第三条

MINISTER OF THE STATE OF SERVICE STATE OF THE PROPERTY OF THE SERVICE STATE OF THE SERVICE ST

新新华 第(第5)³

ANTONOMISE TRANSPORT BEFORE SERVICES SE

American in Appendix Profession

The accompositions as the inest phicage stable depends on the continue of the

CONFIDENTIAL

Page 3 para 7:

This is just liveable with as long as in other parts of the framework the Republic of Ireland's non involvement in or over Strand I institutions is made clear.

Para 8:

This is completely unacceptable. The Irish
Government has no direct concern on Strand I as
part of the exercise of a wider mandate other
than consent to the package as a whole. As
drafted, it would appear that the positions of
the two Governments on Strand I are the same, and
that we should both stand back. The UK
Government, while seeking the consensus of the
parties, has to be involved as the Government of
Northern Ireland. The Irish must keep right out.

Para 9:

The idea of a multi faceted Council of Ministers smacks of an over-arching institution which the Unionists would never approach. Individual Councils for different subjects might just wash. In any case which Ministers? Those from the current NIO or from an Assembly?

would need to be drafted to a way walch would be

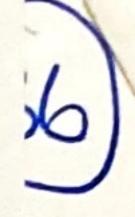
Page 4 para 10:

Replace "will" with "could". These must be matters for negotiation, and the extent of these might depend on each being a discreet Council rather than all part of an over-arching one.

Incidentally, reference to Sunningdale won't help to sell it to Unionists! I note that individual Departments may have views of their own suitability for inclusion.

Page 5 para 13:

As currently drafted it sounds as it the Council can of its own initiative expand, develop and extend its functions. Despite the need for consensus (the means of ascertainment of which is not defined) this would be unacceptable, particularly as the Council in its over-arching



state as described would almost certainly have a nationalist majority owing to power-sharing in Northern Ireland. It would be a recipe for a slippery slope which no Unionist could accept - and neither, I believe, could we in terms of our quarantees.

Page 6 paras 18, 19 and 20: While an improvement on the O'Reilly leaked paper, these paragraphs still smack of direct Republic of Ireland involvement in Strand I institutions and their working. I accept that new arrangements must have safeguards and remedies, as well as possible entrenchment, but bringing the Republic of Ireland into Strand I is a non starter. The role of the IGC should be limited to relevant non-devolved areas, and Strands II and III.

Page 8 para 26:

As currently phrased this would specifically have to have the consent of a majority of the people of Northern Ireland, as it would overtly seek to set new constitutional provisions. As such it would need to be drafted in a way which would be acceptable to the majority or it becomes nothing more than a useless piece of provocation.

Para 26(iii):

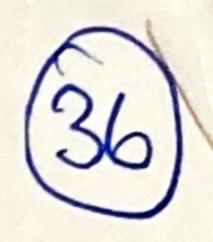
What does "equal operational weight" mean in practice, and does not the end of this paragraph suggest that the UK Government could not govern Northern Ireland well - or better than the south could - for fear of creating the "disincentive"? The UK Government could not sign up to this.

Para 26(iv):

What is meant by "allegiances"? Is this to include oaths etc and recognitions of jurisdiction? This could all become very troublesome! Again we have the "equally satisfactory" phrase. See my comments at para 3(iv).

CONFIDENTIAL Page 4 of 5

CONFIDENTIAL



FT

rage 9 para 27(i): Surely a similar Bill of Rights would be required in the Republic at the same time if disparities were to be avoided. Would the Republic of Ireland accept all the rights which would probably be enshrined in a Northern Ireland Bill of Rights? In any event, where would such a Bill leave the rest of the UK?

Para 27(ii),
28 and 29

What is this Charter of Convenant in terms which the Joint Declaration is not? Who are the elected representatives of all the people of Ireland — do they include Sinn Fein councillors in the north? At what moment and after what elections are they defined? I suspect that there is a "green" purpose which may be hidden in para 29 where it appears that the conditions for deciding the British Government's reaction to self-determination would be decided with us having no say in the format and possibly, as phrased, the Unionists being outnumbered in this regard as well. I would approach this Convenant with the greatest caution!

Page 10 para 31:

This seems to exclude the parties from the consent process and while I do not dispute the need for democratic ratification, it must come at the end. The whole paper diminishes the role of the parties and this is contrary to our own approach. This trend should be resisted."

Signed

KEITH JAGELMAN
PS/Michael Ancram