

Dermot Nally Papers

UCDA P254/26

DN & Butter

14 July 93

Telephone Message



FORTE
HOTELS

11. Stand 11

12. Not sure

13. E. C.

14. Conventions - G. S. J. in line

15. no ~~sum~~

16. Net effect of par. C?

if P. A. were to remain - see
of events on ground?

* 17. In scale

* next

* period to be agreed *

London

GROSVENOR HOUSE



R.B. 14/7/93.

1.

- P.M. - relevant & forward: P.M. - 200
to vial c. Student would not - the

- not for external: p. a yr. prior
constructive att. to do - neither might.
∴ Not - business of drafts, tell you will
be see as wrong. & they were suggested. Come
see if any project - it stated. Everyone

- & then this agreement. What's wrong
1. (a) & (b) p. p. not collectively to
each determination - Key: ^{separate out} play / N.T. to
self det. - acknowledged - 75 for:
best got to be: or more.

(b) means to give 250 means to the
out: (to collective self determination)
A.M. following only of work 7 pt. / N.T.
to that effect. Surely there. by ahead?
exp. of opinion - finally not on.

(c) with 0 energy then comes to "here
nothing"

(d) is a sentence. var / But peak
no basis to know: 'independent'
'unity' a bit changed.

Par 1 'part subject' - uncertainty changed

- E.g. - par 2: going by the

- Self

- par. 6/8 - Comments: Un. with the
part but that not necessarily 7f.

overwhelmingly proven is par 4.

= + pts - no pol. point peacefully
but forward part

1. please to introduce by

3. feeling and violence: look at
whole story, 7 days over of war.

policy, 8/10, 10/10, 1/10/10:

only included in under

3C 3M. leads

SOL T. works in: Peace. 9th Murray condition

Declaration - initially sceptical. 3

- Step 1 - or they stop. TV will ind.
from - "urgent" self-determination.
diff. to reverse,
profound shift.

Un. not voluntarily accept - delayed.
from beginning.

- Sunny
1. Not as precise - one horn of dilemma
 2. Un. consent - large problem.
 3. Not pattern.

R.B. Self-determination - not really about independence
- for people of N.D. as a whole, only for secured
with consent.

- 3C
- people of the island should not be part of the
mechanism - not a problem
 - people of N.D. - not a problem. 1920 Act
not acceptable for N.D. as a whole, without consent

3c the people  - not that:

avoid ^{CROSS} that ^{NOR} house.

S. Oh ideology -

RB

1. get det.
2. p. 7 m. consent
3. exclude of Rgts.



3c. (4) inevitability of outcome - other direction?

Scotland.

9. N. Province fell.

Sohu not consent of timetable

RB over a period to be agreed - (1) key to be introduced.
(2) consent of p. 7 not to be achieved.

Sohu resistance of quest: then period for consent.
'will be by p. 7 spirit unity prior to consent.'

RB

FORTE

Rough 7 members! p. 4.



3C

GROSVENOR HOUSE

London

5

- Praxis for P. to get involved in: things not
going that way.
- Very deep hump of trouble -

RB

- (1) blind intervention - not good
- (2) constructively / large diff.
- (3) do not see the way across
the horizon.
- (4) Even if only then - town not a
fatal
- (5) difference in perception or call
as between 2 groups.
- (6) means **FORTE** with handles as
but more benefic.

6.



GROSVENOR HOUSE

London

(6) consider whether he wants to proceed.

TC this point less tenable.

Nothing? Not sure it!

— Any life left in it.

* lastly whether of August. *

Take notes as long as they are not too big!

FORTE
HOTELS

14/7/93

But/Ch.

I Confidentiality

(b) Violence / Art / life. Cabinet Officer.

II Realism - { Common / Govt
uns
media

Partisanship.

III Nats - { Ideology
Self determination
Consent
line & not predetermined.

not
phases

IV Uns

Guarantee

Fin

Violence / Wington

V Doc. - in itself / Not
Par. 4. Charade.

ROINN AN TAOISIGH

Uimhir.....

SECRET & PERSONAL

Meeting with Cabinet Secretary Butler

Taoiseach,

I attach a note of our meeting on 14th July.

I think it would be well if Dr. Mansergh could now arrange for the gist of the British commentary to be conveyed to his interlocutor. The main point is that the British will not accept the document as a draft on which they will work - but they may, in time, come to accept the principles on which it is based. However, before we reach that point, the objections they make must be taken into account and weighed by the other side. Following this, we can consider what further action can be taken.

I am at present in London but will be available in Dublin from Thursday, 22 July.

Dermot Nally
14 July, 1993.

ROINN AN TAOISIGH

Misc.
F. 2.

Uimhir.....

SECRET & PERSONAL

Meeting with Cabinet Secretary Butler

Taoiseach,

As arranged, Mr. O hUiginn and I met Cabinet Secretary Butler and Secretary of the Northern Ireland Office, Chilcot in the Cabinet Office, London, on 14th July. The meeting lasted approximately two hours. In brief, the British were certainly not willing to dismiss the document and went through it carefully, making it clear that while they had considerable reservations, they wished their attitude to be taken also as constructive. They were careful to point out that if the document were to become the basis for any settlement, it could not be used, in its present form - and that they could not take part in an exercise which involved drafting changes to it. The settlement could incorporate the thoughts in the document but not the actual drafting (this is obviously a point of deep protocol significance to them). They accepted in full the importance of any outcome involving peace in Northern Ireland and said they were willing to take very considerable risks to achieve it. They noted, in particular, the Taoiseach's position and the distance to which the Provos were prepared to go.

Butler said that, in essence, their difficulties were -

- (1) on paragraph 4, the right of "the Irish people" collectively to self-determination, which they said was the key issue. They also noted that the separate right of the people of Northern Ireland to self-determination was put in the Taoiseach's paragraph. This had to be a basic principle of British policy and had to be ascribed to them - without, at the same time, implying any right of the people of Northern Ireland to separate "independence";
- (2) the question of the measures to give legitimate legislative effect to this right to collective self-determination. In the Anglo-Irish Agreement, the British had agreed, following expression of the wishes of the people of Northern Ireland, to sponsor legislation to that effect. The British questioned whether the document now before us went further than this;
- (3) the sentence to the effect that the British would lose their influence and energy to win the consent of the people of Northern Ireland gave them very considerable difficulties. They could not be "persuaders"; the British had no basis for assuming that their people wanted to see Ireland independent. They thought the reference to Irish "unity" a bit charged.

Further points of detail were that the reference to "past failures" in the first paragraph was a bit strong; that the reference to European Union in paragraph 2 might create problems; that the word "sole" in relation to

ROINN AN TAOISIGH

Uimhir.....

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their interest in Northern Ireland was a bit strong; and that in paragraphs 6 to 8, referring to the proposed Convention, they could not see the Unionists taking part but that this did not necessarily mean that the proposal for the Convention should not go ahead.

On the positive side, Butler went on to say -

- (1) that they had repeatedly said that no political point or objective would be excluded if it were put forward peacefully - nothing was out;
- (2) that they would pledge to introduce legislation to give effect to whatever was agreed in these circumstances (excluding independence for Northern Ireland); and
- (3) following the end of violence, they would look at a whole range of responses afresh in policy, law and order, administration of justice etc.: nothing was excluded from the agenda in that event.

The British concluded from this that if a set of principles could be reached which went through the sieve of their objection, there was considerable hope. Butler handed me a paper of ten principles, attached to this note. Chilcot said that these should be treated as indicative only.

On the question of the next step, Butler said that the discussion had been illuminating and that he envisaged that the Irish side would report to the Taoiseach. He said that he hoped that we would say that the British were not approaching the problem with intransigence but constructively. We indicated that we thought that, perhaps, the next move would be to convey to our interlocutors the sense of the British commentary. They could then report back to their principals and, following reactions from there, we could see where we were going. The need for urgency was adverted to, with the British emphasising that on a matter of this importance, we might find it impossible to rush it.

Mr. O hUiginn is making a separate note of the discussions which will include our contributions. In brief, we emphasised -

- (1) the need for confidentiality. So far the discussions had been kept to a very small circle-and confidentiality had held. It would be disastrous if this broke;
- (2) that the stakes were extremely high. It was unnecessary to emphasise the cost of human life and suffering and the economic costs of the present situation - which could go on and on. The Taoiseach's view was that peace was an extremely valuable objective - and that risks should be taken to achieve it;

ROINN AN TAOISIGH

Uimhir.....

-3-

- (3) that the British should appreciate the fundamental nature of the shift in IRA thinking which the document encapsulated. The importance of this shift and the need to grasp it could not be over-estimated;
- (4) that if full advantage were to be taken of the change, that any appearance of partisanship on the part of the British would not be helpful;
- (5) that on the question of self-determination, which was central to the approach in the document, their historical precedents could be invoked to show that the British had recognised the Irish right to self-determination in the past. The modification in this right - involving consent of the people of Northern Ireland - described in the document, was a change of historic proportions in IRA thinking;
- (6) apart from the question of self-determination, the other major issue, in practical terms, was the involvement of the Unionists. Both sides should think of ways in which they could be drawn into structures and discussions, without, at this stage, involving them in the current discussions. It might perhaps be unrealistic to expect that they would involve themselves but the initiative represented by the document should not be dismissed on that account. To allow the Unionists to paralyse progress would be disastrous.

Both Mr. O hUiginn and I took care to ensure that we were not seen as being in contact, directly, with the IRA or to be seen, in any way, as their emissaries. This point was fully appreciated on the other side.

Dermot Nally
14 July, 1993.

c.c. Mr. Sean O hUiginn, Assistant Secretary, Department of Foreign Affairs.

SECRET

Report of Meeting at the Cabinet Office, London.

July 14, 1993

1. Mr. R. Butler was accompanied by Mr. J. Chilcot. Mr. D. Nally was accompanied by the undersigned. The meeting lasted about 2 hours, over an office lunch.
2. Butler recalled the points made at the Summit by the Prime Minister. It was relevant and positive that the PAC had come to the point reflected in the draft but it was equally clear the statement in its present form was neither acceptable to loyalists or politically sustainable in Britain. However peace was a great prize and he wished to emphasise the British desire to be helpful and constructive. They were not drafting and not negotiating, but they would underline their difficulties with the text so that we could think over them and perhaps discuss them at a further meeting. He outlined their difficulties as follows:
3. Paragraph 4 was the main difficulty, viz

- The principle that the "Irish people have the right collectively to self-determination:"

The British believe that the people of Northern Ireland had a separate right to self-determination;

- "their readiness to introduce legislative measures to give effect to this right over a period, etc."

This was obscure to them. It obviously involved legislation of some kind. They had already pledged to give effect to legislation for unity under Article 1(c) of the agreement on

the conditions stated there. How did the draft carry them further? If it meant legislation before agreement there was no point;

- "use their energy and influence to win consent ... for these measures".

What did measures refer to? If to legislation passed by the British (on lines of Article 1(c) of the Anglo-Irish Agreement) then there was no problem. If it meant consent for a particular outcome (i.e. unity) he did not see how the British could agree;

- "acknowledge the wish of the people of Britain to see the people of Ireland ... independent".

He felt there was no warrant for that statement, particularly as regards "independent". (Chilcot thought unity possibly problematic also).

4. Butler listed subsidiary points which created some difficulty elsewhere in the text:

- The "recognition of past failures" in paragraph 1 seemed unnecessarily charged;
- the emphasis on European union (paragraph 2) was tactless towards the "Eurosceptics";
- the reference to the sole British interest being peace etc. in paragraph 4, was perhaps oversimplified;
- on paragraphs 6-8, (the matters which fell for action on the Irish side) it was a near certainty that unionists would not take part in the Convention, although that did not undermine it.

5. On the positive side he wished to say:

- the British had repeatedly said that no political objective, peacefully advocated, need be excluded from political debate after cessation of violence;
- the pledge in Article 1(c) to legislate for unity if the people of Northern Ireland so wished still stood and could be restated;
- they had made clear they would look at a range of responses afresh following an end to violence - not only politically but also as regards security and material welfare areas.

Butler concluded by asking the Irish side what they saw as the net effect of paragraph 4 and what their view was of what would happen if it was implemented. A "basis for peace" was very vague.

6. Nally stressed the need for the strictest confidentiality in handling the discussion. The stakes were very high. The meeting was not a negotiation and we were not representing the IRA whom we abhorred. (The British side fully acknowledged this point). The conflict had colossal human and material costs. It would continue until something changed. The Talks might have achieved that, but they had gone down a blind alley, in spite of our best efforts. If the suggested approach was followed the presentational aspects would also have to be considered carefully. One possible approach might be to integrate it with "Strand Three". The Irish side approached the issue with great realism, and full awareness of current political difficulties in Westminster. We were aware also of the sensitive unionist dimension and wondered whether the British might have lines of influence there. People on the

unionist side were coming to appreciate demographic shifts and that they might find themselves one day on the other side of the fence.

7. Nally then dealt with a number of points raised by the British side, outlining the importance of the concept of self-determination in nationalist ideology, and recalling that it seemed accepted, at least theoretically, by the British authorities in the 1920s. He strongly urged the British side to give full value to the fundamental shift involved for the IRA in accepting unity only by consent. He noted that for the British self-determination was the key difficulty. The points relating to past failures and European union could readily be resolved. It was helpful that the British acknowledged that a failure of unionist participation did not mean the Convention should not go ahead. He concluded by urging again the importance of the initiative. If, as was likely, the Talks failed to materialise, the Governments could not allow a political vacuum.
8. Butler asked about the relationship between this initiative and the Hume/Adams talks. The Irish side explained the Taoiseach was greatly concerned to maintain confidentiality. Clearly the key issues had to be dealt with between the Taoiseach and the Prime Minister. On the substance of the approach, however, we were not aware of any substantial difference of view.
9. O hUiginn stressed the IRA were ideology bound, and were difficult to reach except in ideological terms. On the other hand an ideological shift by them was of correspondingly great significance. The Taoiseach always concentrated on the bottom line. In this case that was peace, and a cessation of IRA violence would be a decisive step in that direction. We assumed (as indeed the IRA

probably did also) that a cessation would prove irreversible, because of social and psychological factors and because the IRA's present strength was to an extent the product of capitalising on past confrontations and mistakes. Peace meant they either stopped or had to be stopped, and both Governments could measure the difficulty of the latter approach. The British should be clear what this initiative was about. It was designed to produce a cessation of IRA violence and should be judged in relation to that, and not some other objective. Solving that horn of the Northern dilemma would give scope to address the other, unionist, horn. Nothing had yet been found which solved both simultaneously. British acceptance of a doctrine of full self-determination for Northern Ireland would undermine their right to oppose, for example, independence, or to insist on power-sharing by the majority. What this draft sought to do was to balance a British theoretical acknowledgement of Irish self-determination against a full nationalist acknowledgement that its exercise required the consent of majority in Northern Ireland, which was an acknowledgement of separate rights for the unionist identity. The "collective" notion sought to express that.

10. Butler objected that it went in one direction only - towards unity. O hUiginn said that it encompassed exactly the two options for Northern Ireland mentioned in Article 1 of the Anglo-Irish Agreement.
11. Chilcot asked whether the phrase self-determination had "sacred significance" for the IRA. That British people should have no role in agreed inter-Irish mechanisms was acceptable (and, he repeated at several points, a resource "not fully exploited"). Anything which excluded the people of Northern Ireland from the decision process was not acceptable. Nally said paragraph 4 of the declaration had been carefully worked on and change would be correspondingly

difficult. He noted Chilcot's implied suggestion that the notion of self-determination might be excluded but a mechanism substituted which went in that direction.

12. Butler reverted to his question about "legislation over a period". Chilcot asked whether self-determination had only one permissible outcome. O hUiginn said the concept of consent was basic. The Taoiseach had insisted on this as the sine-qua-non for any further action. It followed that the "legislative action", admittedly unclear in the text, involved either legislative recognition of the right in the abstract, or some agreed step towards its realisation (such as some North-South structure on the lines envisaged in the Talks). There could be no question of legislating for unity itself prior to consent. The Taoiseach had been clear that to make consent subject to a fixed deadline would leave it meaningless.
13. On Chilcot's point, whether self-determination would be accepted as legitimate if it involved something other than unity, i.e. agreement to differ, the Irish side said the whole traditional logic of the IRA position was such that they would find it difficult to challenge any decision on self-determination taken collectively by the Irish people as a whole, including agreement to differ.
14. Chilcot said that their best information was that the "demographic shift" was a myth. It related to one particular age-cohort, which would not be repeated. Given that some Catholics were likely to be pro-union there was no foreseeable prospect of a nationalist majority in the North. He worried that that might be an underlying assumption of the document. Nally said that if violence stopped, people North and South would discover their common interests. He listed various social, economic and business areas where this was already apparent. He stressed again the

significance of an IRA acceptance of the principle of consent. O hUiginn said the crucial underlying message of the text was that an IRA cessation was now possible, not as heretofore in return for British withdrawal, but in return for a change in the terms of the British involvement. The British probably faced some such change in any scenario, even if one had come from the Talks. Any imaginable accommodation in Northern Ireland involved major change, if only for psychological reasons, to give people something new to relate to. Such change would probably be away from strict unionist positions. The initial terms of partition had been so favourable to unionists that they could not last and some new balance seemed inevitable. The question was how such a new balance could be struck. A cessation of IRA violence in terms compatible with the basic British moral obligation to the unionists was something never before on offer. If achieved it would open entirely new possibilities.

15. Butler thought that if the implication was the British should "join the persuaders" for unity, the political obstacles were insuperable. O hUiginn suggested, in response to Chilcot's earlier point, that they might consider an objective of inter-Irish agreement without a specified goal as to the nature of the agreement.
16. Chilcot thought the Provos might have concluded that things were not going their way and needed to sell to their troops some outcome which gave them involvement. The Convention served that purpose. The British Government would be sympathetic, without wanting to take part. If it was all too obviously a talk shop, then there was a serious risk peace would not hold. O hUiginn cautioned against the notion that a cessation could be secured without some genuine movement on the British side. With such movement the texts could be looked at. If it was palpably absent it

was doubtful if mere drafting would work. A solution to this problem could never be effortless. The present process involved considerable political risk for the Irish Government. They would shoulder those in the interest of peace, but the essential question was whether the British saw it as worth a serious effort on their part. (There had been some slight implication that the British were casting their role as one of obliging us).

17. In reply to a question from Nally there was a brief discussion on how the unionist dimension might be managed in the event of the initiative materialising. Chilcot thought Eames might be helpful. He was dismissive of McGimpsey and thought Robinson would be definitely "hors de combat". He thought the unionist reaction would be initially vehement opposition, followed by greater acceptance if it brought peace.
18. Towards the close of the meeting Chilcot handed over ten principles (attached; essentially an anthology of stated British positions). He said it should be taken as indicative. If the proposal could be filtered through the sieve of these existing principles everyone would be happy. Otherwise the mesh might have to be changed.
19. Nally made clear they had not come for a drafting exercise. He enquired how the meeting might be presented.
20. Butler said he considered it had been illuminating on both sides. He hoped the British view would be reported to the Taoiseach as one "not of blind intransigence" and that they had taken a constructive approach. They had used the meeting to describe the nature of their difficulties. The question was now whether we saw a path across the quicksands. Even if this was the "only show in town" (Chilcot here demurred dutifully on the Talks) it had to be

handled so that in dealing with one horn of the dilemma we did not create disaster on the other. Butler thought the Taoiseach might wish to reflect whether he felt it was possible, in the light of the difficulties, to see ways likely to "get the assent of people whose assent we want to get".

21. A brief discussion on timing followed. Chilcot stressed the need for time. (Months, he said in reply to a query, but, pressed on the issue, said this was for Governments to reach agreement on an approach). There was tentative agreement that a further meeting might be envisaged between Parliamentary recess (last week of July) and Butler's holidays (last three weeks of August).
22. Asked by Nally how the meeting might be summarised for the interlocutors, Butler suggested it might be said "there had been serious discussions".

Comment

The British side showed great reticence and hesitation on the underlying idea, a number of obviously genuine undertainties on details, and a very clear desire to be considered "constructive" and to keep discussion in play. This "holding" position may relate to the political situation in Westminster. (The outcome of the Maastricht debate and the Christchurch by-election will impact very heavily on the scales for or against Major in the next few weeks, so the officials may be waiting to judge whether he will survive). Alternatively it may be that these other pressures have prevented full consideration of the proposal within their system, and they are waiting to remedy this, once these pressures are out of the way. The overall flavour of their position is that they are not ready to go the distance envisaged in the draft. It remains to be seen whether this is an understandable tactical hope that their goal can be achieved on less problematic terms, or whether they have decided the fence is

too high. A further meeting before the summer recess should clarify this.

SOH

Sean O hUiginn
15 July, 1993

Enc 1.

