

Dermot Nally Papers

UCDA P254/35

PERSONAL & SECRET**Northern Ireland**

Taoiseach,

As arranged, Sean O hUiginn and I met Cabinet Secretary Butler and Northern Ireland Secretary Chilcot in the Cabinet Office on Friday, 10th September. The meeting lasted about 1½ hours. Mr. O hUiginn will do a fuller note on it.

In brief, we emphasised the importance you attached to the present process and repeated the points you had made in your recent letter to the Prime Minister. Butler was at considerable pains to say that, so far as they are concerned, the political element is there. The Prime Minister wants to react positively. The position is, quite simply, that the present text just will not do. It has got to be changed before there is any possibility of progress. The Prime Minister will be replying to you early next week, emphasising his positive attitude, that he shares the objectives of the present process; and emphasising that the present text just won't work but that he is perfectly happy to look at a further version. This further version would be produced in parallel with a joint exercise set up at this morning's meeting of the Anglo-Irish Inter-Governmental Conference.

Our talks went into some detail on the question of the nature of a referendum (in the North and South) to follow the outcome of the present process - which would presumably include matter on Articles 2 and 3. In fact, it was emphasised during the discussions that any outcome, to produce peace must contain a number of elements:-

- (1) First a general statement on the principles to be followed in reaching a settlement. In essence, these would mean that the democratic verdict would be necessary on all major decisions, both North and South.
- (2) So far as the British Government was concerned, it would seem that any statement should cover their position on having no strategic interest etc. It would incorporate their guarantee to the Unionists - to assuage their fears and a statement on consent. It would also have to contain language on self-determination and, if at all possible, matter on support for an all-Ireland agreement - perhaps on the basis of texts which the British have already given us.
- (3) For the Irish Government, in the context of an overall settlement, there would have to be a suitable reference to Articles 2 and 3; an acceptance of the principle of consent; and some language on unity and on joint determination or self-determination.
- (4) For the Unionists, it is difficult to speak, but an invitation to them to participate in discussions on devolution and all-Ireland

institutions or co-operation on the basis of the proposals in Articles 2 and 3, incorporated in the document and of the acceptance by both Governments of the principle of consent, would seem to be essential elements. Language, for them, on the question of self-determination might also be necessary.

At this morning's meeting of the Conference, it was agreed that a Liaison Group should be mandated to draw up a paper on the position of the two Governments, without commitment, for which they would look for acquiescence, if not support, from all interested parties, on the principles, if not details, of the way forward. Chilcot expressed the hope that the document would set out satisfactorily language on all the key issues.

We noted the mandate for the Liaison Group - which has existed for a considerable time. The British proposed that the work which the Liaison Group was being asked to do could, in a sense, reinforce the work of our present Group - in that it could produce a draft, taking into account, the key elements in the document before us. This was particularly important because of the continued British reluctance to involve themselves in any drafting exercise on the document before us. They will produce texts and references but will not indulge in drafting. Within the Liaison Group, they will, however, be engaged in drafting. Butler emphasised that the Liaison Group should be a complement rather than a substitute for the present process.

We emphasised the time element. There are so many possibilities on the horizon which could damage the present initiative - and lose for both of us the chances for peace which it offered - that we needed to act quickly. The time limit for the first report of the Liaison Group is 27th October, the date of the next Conference.

The drafting within the Liaison Group is obviously of the highest political sensitivity as was made clear by the Tánaiste at the Conference. It would be important, I think, for our side to seek to incorporate in the joint document as much as possible of what is in the document before our meeting so that, in the end, what emerges can be sold to the people who are offering peace - as well as to other participants. It will be important, in the present atmosphere, that the Unionists are not driven to violence. At the same time, we got hints from the British that even if the final document did not pass the Unionist filter, it could still be a satisfactory production.

Dermot Nally,
10 September, 1993.

c.c. Secretary Dorr & Assistant Secretary O hUiginn, Dept. of Foreign Affairs.
Mr. F. Murray, Secretary to the Government & Dr. Martin Mansergh.

SECRET

Meeting of Nally/Butler Group
London, 10th September, 1993

1. Butler recalled the British position as set out at the last meeting. The Prime Minister wanted to react constructively but the present text "would not do". They had tried to give positive pointers via Quentin Thomas (Chilcot's deputy at the NIO). They were proposing a separate drafting exercise in that context, whose elements "might be borrowable" and "carry the trick" with the third party which the present text was aimed at.
2. Nally recalled the terms of the Taoiseach's letter. The outcome of the last meeting had been reported to him. He felt time was not on our side and had wanted to give a political impetus to the discussion. He felt the necessary ingredients for a settlement were available and it was now more a matter of putting them together. Nally illustrated this point by listing the various components as he personally saw them - the common commitment to a democratic solution, the British neutrality statement, the agreement there should be no change without consent and, as was now proposed, an acknowledgement of joint self-determination subject to these qualifications. He recalled the reference to inter-Irish agreement in the Quentin Thomas paper. (Chilcot broke in to say that was "pivotal").
3. In further exchanges Nally confirmed, in response to questions, that the actual language of paragraph 4 was not viewed as sacrosanct, that Articles 2 and 3 could be open to change in the context of a settlement likely to win popular endorsement, and that the Irish Government was fully

conscious of the need for reassurance to the unionist community also.

4. There was then some rather general and inconclusive discussion on whether or how the right of the Irish people to choose their own future could be reconciled with, in Chilcot's words, "the separate exercise of Northern Ireland doing so as a separate choice." Chilcot said Hume saw the dual referendum as sufficient to undermine the Republican claim. A single expression of will of all the people in one exercise would meet the Republican point but the all-Ireland framework caused difficulties for the British, even with a blocking power for Northern Ireland. O hUiginn described how the Treaty, various Home Rule Acts, etc., were in fact based on this model, which had probably much better legal precedent than the more recent notion of completely separate treatment.
5. Butler availed of an interval when staff were bringing coffee to say that there might be a misapprehension underlying the Taoiseach's letter which should be put right. They were acting under the very close direction of the Prime Minister and there was no question of unimaginative bureaucrats needing a political push. They were at one (with the political level) in reacting positively. No amount of political impetus could change that - or the fact that the present text had to be changed if the notion of a joint declaration was to get anywhere. Such a text could not be left for drafting in person by the two Premiers in the limited space of a Summit.
6. Discussion resumed on Hume's idea of a dual referendum. The Irish side explained that it could serve two purposes - laying the ghost of the doctrine that the collective will of the Irish people as expressed in the 1918 election had been denied expression thereafter by British machinations and

partition, and, secondly, a practical mechanism to legitimise, including in unionist eyes, via the Northern Ireland component of the dual referendum, any arrangements agreed. O hUiginn added that political pressures on Hume, which might lead him to develop his talks with Adams in problematic ways, were also a factor for urgency.

7. Butler stressed again that they agreed on the need for urgency. The Irish side knew the difficulties they had about involving themselves in negotiating the text. Their concept was that the Taoiseach had taken the initiative. That was welcome, as were the objectives. The text however was not right. They were doing everything they could to say why not. From the separate discussion of a joint framework document (relating to the three-stranded Talks) the Irish side knew they were perfectly prepared to look at a further draft. If it was the Irish position that this text was the last word and this alone was acceptable to the Provos, then "it wouldn't fly". There was a way open to carry matters forward by looking in the Talks context at alternative ways of meeting difficulties, and the result of that exercise could be used to carry the Provos also. Chilcot repeated they were not able to engage in a textual exercise in this framework, but in the separate exercise relating to constitutional balance in the Talks, the key issues were identical. Butler said he hoped the Irish side could translate the key issues in the present draft into language acceptable in a joint framework paper, and which in turn then could be used in contacts relating to the Sinn Fein dimension.
8. O hUiginn said this would be put to the Taoiseach and his instructions awaited. From what we knew of his position he might well be concerned that this could throw away much laborious effort on the other draft. Secondly, the implied condition of unionist endorsement could undermine the

capacity to get the balance right in terms of a cessation of violence. The exercise would have to arrive at a result very close to the present text. Otherwise it would be a substitute for, and not a complement to, our present exercise. We would need to reassure the Taoiseach that this was not transforming the exercise into a unionist-led, or devolution-led, initiative.

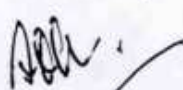
9. Chilcot said a large part of the present text was not difficult for them. The other exercise would show how the difficult parts could effectively be dealt with. This could then be "borrowed" for the benefit of the present text. He took encouragement from the political judgment that the prize was so great that the effort should be pursued. The paper which Ministers had mandated officials to produce (at the Intergovernmental Conference earlier that day) could be "imported". O hUiginn questioned again whether it was expected the text could attract unionist signatures as well as securing a cessation. Butler demurred and signalled that the criterion of unionist approval in that sense was not uppermost in their minds.
10. There was then some procedural discussion of how the matter might be conducted in the Liaison Group so as not to loosen the circle of confidentiality (possibly some aspects for discussion between O Huiginn and Thomas only) and on timing of further meetings of the Nally-Butler group. In response to Nally, Butler again confirmed "We are not putting this text into the other group. This is ours. Rather we want to see whether we can borrow from the other group ways of solving paragraph 4". Nally again urged that the importance of a cessation of violence should be kept in the forefront. Chilcot thought we would not have arrived at that point except for the fact that the Anglo-Irish Agreement made the Provos afraid of "being beached". Nally asked whether the Taoiseach could be assured that the present exercise was

moving forward. Butler viewed the exercise as endeavouring to make the text more acceptable with indirect British help.

11. Chilcot said the Intergovernmental Conference envisaged a paper being developed between and by the two Governments, without final commitment, to address the key issues and the approach which, in the best judgement of both Governments, could win the support of all parties. This paper would be on the level of principle and key issues, rather than detail. The key issues included, by definition, the Irish Constitution. This paper could be a "womb" from which could be born material for both exercises. He drew an analogy with the statement of March 26, 1991. Elements could hopefully be used for all audiences but "without that, it hasn't failed".
12. Butler said a reply to the Taoiseach's letter would issue towards the middle of the following week. It would be on the lines that the Prime Minister shared the objective, that the present text would not work, that talks continue on it, the Nally-Butler group had explained the difficulties, and these were being looked at in a separate exercise. Nally said he could not anticipate the Taoiseach's reaction but he might well say "why don't you work on the present text?" Chilcot said that Ministers had tasked the Liaison Groups and he hoped the Taoiseach would accept the "dual utility" of the exercise they were undertaking. The Taoiseach could decide whether the outcome served both purposes or had no value in terms of a cessation. Chilcot added he would be very sorry if the latter.
13. It was agreed to consult later about whether there would be a further meeting of the Butler-Nally group, say around 7th October, to review matters. Butler indicated they would be willing to travel to Ireland for this.

Comment

14. The meeting made very clear that the British are not ready to begin a drafting exercise in this forum. They were at pains however to avoid any negative connotation and to convey a clear willingness to pursue the key issues in good faith in the context of the Talks format. It remains to be seen whether their concern is essentially procedural (i.e. a safer cover for discussing these hypersensitive issues) or more substantive in that they feel the second approach will import into the discussion a greater concern for unionist demands, for example on Articles 2 and 3. If so, it may be difficult to square the circle of meeting such a pro-unionist requirement, and at the same time, securing the basic requirements which have been highlighted as necessary for a cessation, and which involve some degree of British tilt towards a pro-nationalist theory. However since it is clear the Talks context is the only option on offer for further discussion of the key ideas of the present text, and since the British officials were at pains to signal that they see this as complementing rather than substituting for the Butler-Nally discussion, it would be difficult to justify a refusal to agree to their approach. The need for the most careful weighing at the political level of the issues involved, leading to clear guidelines from the Government for officials, hardly needs to be stressed.


Sean O Nuiginn
13 September, 1993