

BRUSSELS DISCUSSION OF JD15: LINES TO TAKE

(references to (a), (b), etc) are to Rod Lyne's note of 10 December

(a) Paragraph 2, third sentence.

Continue strongly to resist Irish proposal to omit either "statutory" or "constitutional". A key British sentence - vital to be clear what it is referring to.

Fall back (only if pressed hard): omit "statutory" rather than "constitutional".

(b) Good.

(c) Paragraph 4, first sentence: Irish redraft.

Accept, (but note that the sentence as it now reads adds an extra reference to a "united Ireland" to the paragraph as a whole: we proposed it on the basis that the later reference to a "sovereign united Ireland" would be omitted.)

(d) Paragraph 4, second sentence:

Continue strongly to resist Irish addition of "of any description". If Irish continue to press, revert to earlier British proposal of "no selfish interest in Northern Ireland which would lead them to oppose a united Ireland if that were the wish of a majority of the people of Northern Ireland."

(e) Paragraph 4, fourth sentence:

Continue to press for deletion of "assist".

(g) Paragraph 1, seventh sentence: UK insertion of "equally"

As alternative, suggest "facilitate" to replace both "encourage" and "assist".

Not a point to break on.

- (f) Paragraph 4, fifth sentence: Irish objections to UK proposed deletion of "as of right" and of "including a sovereign united Ireland".

Continue to press deletion of "as of right" on grounds advanced by AG, with which Sir Patrick Mayhew agrees. Suggest 'legitimately' as alternative.

Continue strongly to press for deletion of "a sovereign united Ireland". Ministers judged this a key issue on Thursday, in determining unionist reaction to the document. Also a key Molyneaux objection (he was equally opposed to the Irish alternative of "agreed independent structures"). Three references to "a united Ireland" in paragraph 4 is unnecessary and unacceptable. What does it add to the sentence which follows?

Fall backs:

If necessary, offer your proposal - "... the island as a whole including, by agreement, an independent Ireland if the people of Northern Ireland so determined." Explain that if they insist on a reference here to a united Ireland it must be made explicitly clear how it is to come about. (This has the effect of making it all the more obvious that the reference here is repetitious.)

If Irish float their alternative again, you might suggest "... for the island as a whole, including an independent Ireland arrived at by agreement between North and South respectively".

- (g) Paragraph 4, seventh sentence: UK insertion of "equally"

Continue to press, but not vital. Irish acceptance of other amendments, a good result.

- (h) Paragraph 5 penultimate sentence: missing Irish insertion.

Press for specifics.

- (i) Paragraphs 10 and 11 of JD14: Irish attempt to reinsert the Convention.

Continue to resist: a potential break point for the UK. Remind the Irish that the problem was caused by the "Irish Press" leak, and the confusion which thereby arose between the Convention and an executive all-Ireland conference. Re-insertion of the paragraphs would make the document more difficult to sell to unionists.

If the Taoiseach continues to press this point, the Prime Minister would be justified in reverting to previous UK suggestions of references to "separate" consent in paragraph 4, to removal of the Irish "claim of right" at the end of paragraph 7 and a firm commitment now (the Irish having accepted the principle) to put Articles 2 and 3 to a referendum.

- (j) Paragraph 10 first sentence

Accept: good outcome.

- (k) Paragraph 10 third sentence:

Another success. Well done.

- (l) Paragraph 10 penultimate sentence:

deletion of "within"

A point of concern to Ministers on Thursday. The sentence is in the Prime Minister's words, so it should be for us to determine what we say.

Continue to resist, but not a break point.

- (m) Paragraph 10: last two sentences.

OK.

- (n) Paragraph 10, last sentence: Irish reference to "Forum"

On Thursday Ministers attached importance to absence of any reference, but subsequently Molyeaux suggested he could live with it. Still likely to be subject of wild unionist suspicions.

Accept, reluctantly but conditional on a clear reference to the Forum's purely advisory role. Suggest "including the possible establishment in the Republic, (~~solely~~) for the purpose of advising the Irish Government on the steps required to remove the barriers of distrust, of a Forum for Peace and Reconciliation". [The key point here is advising the Irish Government - the language is deliberately tough to give you room for manoeuvre.]

- (o) Paragraph 11, first sentence:

Accept.

- (p) Paragraph 11 second sentence:

Offer either "the people of the island of Ireland" or "all the people living in Ireland". (Both are phrases used elsewhere in the document.)

(q) Paragraph 11 second sentence:

Accept "the" instead of "a"

(r) Paragraph 11 sixth sentence:

Good.

(s) Paragraph 11 final sentence:

Good to have secured reference to Talks process. But reference to "intensified negotiations in which all could participate" will feed Molyneaux's suspicions that Sinn Fein are to be "parachuted" into the talks within a matter of days. We have continually reassured Molyneaux this will not be the case.

You should suggest ending the sentence after "Northern Ireland" or, as a fall back, after "negotiations". A further fall back would be to refer to "all the main constitutional parties", so making the reference to "all could participate" unnecessary.