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Mr Harte Mr Giblin
S.H. 27.2.95
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These were
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SECRET

DRAFT (Not seen by Taoiseach)
Date 24/2/95

The British Ambassador handed the Taoiseach the attached letter from the Prime Minister at 12.45 p.m. on 10 February, 1995.

Reading from notes he added the following points orally, emphasising that he had been briefed to do so.

The Prime Minister was concerned about the current very fragile situation in Northern Ireland. Sinn Féin's behaviour in Stormont yesterday was bizarre. The British are inclined to the view that the whole thing was a Sinn Féin spoof.

All the media leaks about the Joint Framework Document were damaging and were being played out in the context of the leadership challenge to Jim Molyneaux. Molyneaux was no longer in firm control of his party, the centre of which had shifted towards the Paisleyites. The emerging co-ordination between the UUP and the DUP was worrying.

To prevent further de-stabilisation in Northern Ireland, it was important to move rapidly to finalise the document but it was equally important to frame it in such a way as to make it difficult for the unionists to refuse to move to the next phase of the process. The Prime Minister hoped that the Taoiseach and his colleagues would agree to work intensively to finalise the text on this basis.

Molyneaux and his party were making last-ditch efforts to delay publication and dilute its content. The UUP at Westminster were wedge-driving and this was unsettling some Tory MPs.

Molyneaux has told the Prime Minister about the recent meeting which he and Ken Maginnis had with the Taoiseach and the Tánaiste. He said that he had put certain ideas to Dublin for "reshaping the cage" in which North/South co-operation is placed in return for which the unionists would agree not to press Dublin on the removal of the territorial claim.

Molyneaux told the Prime Minister that Dublin's response to this proposition was sympathetic. The Prime Minister wished the Taoiseach to know that, from his perspective, it was very important to remove the claim - this was the quid pro quo for cross-border bodies. His view was that the Molyneaux proposal was part of an effort to wreck the document. If there was any prospect of winning and maintaining both unionist and Westminster support for the Document, the Prime Minister would have to be in a position to give straight answers to his Corfu questions viz will Dublin withdraw its territorial claim and will it recognise British jurisdiction over Northern Ireland following the successful holding of a referendum?

Molyneaux's account of the meeting with the Taoiseach and Tánaiste had been given in his usual drip feed way. The Prime Minister asked that the version given to him should under no circumstances be played back to Molyneaux.

The Taoiseach expressed some surprise that Molyneaux had revealed the fact of the meeting to anyone and stressed to the Ambassador the importance of its not becoming public knowledge. The Ambassador said he would note this request but pointed out that "other people" had noticed that the Taoiseach and Tánaiste were in Dungannon.

The Taoiseach agreed that it was important to finalise the Document but that this in itself was not enough. We needed, before publication of the Document, to agree answers to questions which were likely to be asked. For example, the unionists were querying the precise role of the Assembly and any bodies it might create. They would want to know immediately the extent of the powers of cross-border bodies and their accountability.

We also needed to have an agreed view of the critical path following publication of the Document. This was particularly important for us given that we did not know what was in the British document to be published simultaneously with the Document. Dublin would inevitably be involved in helping to allay unionist concerns and there would therefore have to be a joint understanding between Dublin and London as to what would happen after publication and in particular how precisely strand one would work out.

The Taoiseach again stressed the importance of confidentiality in respect of the meeting which he and the Tánaiste had with Molyneaux. He sent for his typed notes of the meeting and used it as the basis for briefing the Ambassador. He emphasised that his notes might not be complete since he had not written anything during the meeting.

He began by saying that Molyneaux's version to the Prime Minister was slightly skewed. 

Referring to the notes, he quoted Molyneaux as saying that he had not been consulted about the Document even though he had been about the Downing Street Declaration. The London Times leak was damaging. People would be wrong to assume that change in Articles 2 and 3 was a huge point of interest for

unionists. The unionists, according to Molyneaux, did not attach much importance to changing these Articles.

At this point, the Taoiseach interrupted his briefing on the Molyneaux meeting to emphasise the importance to us of the paragraph 20 introduced by Fianna Fáil before they left office. He asked the Ambassador to emphasise to the Prime Minister the significance of the position adopted by Fianna Fáil. Now that these words were on the record, it was in everyone's interest not to allow Fianna Fáil slip away from them.

Returning to the Molyneaux meeting, the Taoiseach referred again to Molyneaux's view that Articles 2 and 3 were an antique landmark and not an issue. He and the Tánaiste had not briefed Molyneaux in great detail about the draft Document and had not given him the impression that they were prepared to deal with him on any changes. The overall tone of the meeting had been friendly throughout.

Molyneaux had made two presentational suggestions. The Prime Minister should either brief the four leaders of constitutional parties in Northern Ireland on the day before the launch and give them copies of the Document or, alternatively, the leaders might be shown the Document somewhat earlier but not given copies to take away, not least because Dr. Paisley would leak anything he was given.

The Taoiseach also said that Molyneaux had spoken very favourably of his working relationship with John Hume. He showed none of the anti-Hume animosity that most unionists display in private conversation.

The Taoiseach said that the aspect of the Document that was causing unionists the greatest worry was the source of power of the cross-border institutions and the method of their establishment. Molyneaux expressed specific concern at the "default mechanism". Surely the Secretary of State by his control over funds could prevent the Assembly from behaving unreasonably without any formal mechanism. The Taoiseach commented that this would not be enough for nationalists. They did not necessarily share unionist confidence in the Secretary of State.

At this point, the Ambassador intervened and said that Articles 2 and 3 were an issue because unionists made it an issue. As recently as two years ago, it was a central issue in the inter-party talks. The Taoiseach accepted that point and again emphasised the importance for our side of not tampering in any way with the Fianna Fáil wording in paragraph 20.

Returning to the meeting with Molyneaux, the Taoiseach read from his note and outlined Molyneaux's worry about the Assembly being placed in a "cage" of pre-agreed cross-border bodies.

There followed a brief discussion about the two referendum idea covered in the Taoiseach's note though he emphasised to the Ambassador that he was not at this stage making any proposals. The idea was currently being teased out internally. It was, however, the sort of thing that both sides would need to clarify their thinking on in advance of the publication of the Document.

The Taoiseach returned again to the point that we knew very little about what was in the British document to be published unilaterally on the same day. Molyneaux and Maginnis had told him that they knew nothing about it. The

Taoiseach said that we did not necessarily want to have sight of the document or know every detail in it but it was important that we knew enough to give the same answers as the British would give when asked about the sequence of events. In no way were we seeking to get involved in the details of the strand one talks. At this stage the Taoiseach said he was simply identifying a problem not making any proposal as to how it might be dealt with.

The Ambassador said that Molyneaux knew more than he pretended about the strand one paper. The "Heads of Agreement" which had been given to the former Taoiseach in advance of the 1991/92 talks summarised the current approach. Indeed, this document formed the basis for the talks which Minister Ancram had been having with parties and while the four constitutional parties have not seen any draft, they knew the concepts on which it was based. The Document would contain nothing which would cause surprise to the Department of Foreign Affairs.

Before concluding the meeting, the Taoiseach said he wished to re-iterate his anxiety on three topics viz Meanscoil Feirsde, the release by the British of prisoners and policing in Northern Ireland.

On Meanscoil Feirsde, he had nothing new to say but wished simply to emphasise his anxiety.

On the release of prisoners, he pointed to what had been done here and urged the British to look urgently at the situation as far as the prisoners in British and Northern Ireland jails were concerned.

On policing, the Taoiseach said he was conscious that this was a very big problem and was related to such matters as the de-commissioning of arms, punishment beatings and the whole question of the importance of symbols. He was conscious of the importance of not de-stabilising the RUC but equally conscious of the need to face up to this big problem and put thought and work into it without delay.

The Taoiseach returned again to the question of the precise wording of paragraph 20 and emphasised that the Fianna Fáil words of 11 November were sacrosanct. The Prime Minister should be advised that this was a fixed position for the Irish Government.

The Ambassador responded by referring again to the Corfu question. Would it be possible for the Taoiseach to give an unequivocal answer that the constitutional change he was proposing "would remove all claims"? The Ambassador said the answer must be a simple unqualified yes. The Taoiseach replied that this was a complex matter and might not be capable of such a simple answer. Nationalists in Northern Ireland must feel as of right that they are constitutionally entitled to Irish citizenship.

In conclusion, the Taoiseach again emphasised the importance of agreeing the Joint Framework Document as soon as possible and of the British Prime Minister accepting the Fianna Fáil words.



Seán Donlon

10 February, 1995.

c.c. Taoiseach;
Tánaiste;
Sean O hUiginn (for internal D/FA
circulation)
Frank Murray and
Paddy Teahon



10 DOWNING STREET
LONDON SW1A 2AA

THE PRIME MINISTER

I am very glad that we had the chance of a word on the telephone last week. I have given further thought to the points we discussed, and to your letter of 31 January.

Last week's story in *The Times* has created an extremely difficult environment for us both as we try to complete the Joint Framework Document. This and other leaks have given rise to misinterpretation, rumour, and profound suspicion which has unsettled the Unionist leadership and many of my Parliamentary colleagues. Doubtless this was the intention.

As you know, Patrick Mayhew and I have worked very hard to get the ship back on an even keel, and I am grateful for your supportive efforts in Dublin. I want to do all I can to induce calm, and head off the risk that parties will reject the document and refuse to talk about the issues it addresses. To buttress these efforts, I am accordingly arranging a final round of meetings with the constitutional parties. I am doing this quickly, to avoid delay in launching the document: I have had a first meeting with the SDLP already, and will be seeing the others next week. I shall not discuss (or show) the text itself. My purpose is to draw out and deal with the anxiety caused by the leaks; and to pre-empt any suggestion that the parties have been kept in the dark.

The most effective pre-emptive action, however, would be for us to conclude the document before its chances of success have been further undermined. That would take the whole process in Northern Ireland a very large step forward, and it would reassure most of those who are at the moment fearful of the document.

I believe that, with our personal involvement, we should quickly be able to resolve the relatively few outstanding matters. Apart from the important constitutional issue, my other concerns arise only from the need for clarity and presentational sensitivity. I know you have presentational sensitivities of your own and I have seen the paragraphs added since you came into office. I have a few presentational points of my own which should not cause you difficulty or upset the delicate balance of the document. They stem partly from the problems of the last few weeks, and should help us to ensure that the document has the best chance of success both in Parliament here and in Northern Ireland.

I shall ask Patrick Mayhew to explain these points when he sees Dick Spring next Tuesday, and to consider the best way of dealing with them. And I very much hope that Dick and Patrick will be able to settle the outstanding constitutional points. We have been grappling with them since my meeting with Albert Reynolds in Corfu. As I explained to Albert then, it is vital to have a clear answer to questions about the territorial issue. Given the anxieties which people in the North and at Westminster have about other aspects of the document, especially the North/South body, we must be able to reassure them that the territorial issue has been resolved. It is not only the words in the Joint Framework Document which will count, but also your ability to confirm in public that there will be no territorial claim. Your predecessor acknowledged this at Corfu.

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All being well, Patrick Mayhew and Dick Spring will be able to take matters very close to a conclusion on Tuesday, subject to confirmation by you and me and to the tidying up of any outstanding points. We could then make arrangements for an early summit to launch the document. If, however, there are still substantial differences after the IGC, I do not think we can afford a further lengthy process. There is great impatience in the North, exacerbated by the leaks, to see the text. Delay would play into the hands of those who seek to undermine it through misrepresentation. Could I therefore suggest that we reserve the possibility of a working meeting at Chequers on Saturday 18 February, if this is necessary to settle outstanding difficulties?

In your letter, you mentioned the difficulties which the political situation in Dublin poses for you. I am grateful to you for putting this so frankly, and I understand them. We share your interest in ensuring that any referendum in the Republic is successful. You rightly referred also to the limits on my room for manoeuvre. Launching this document was never going to be easy or comfortable for either of us. We each have our own problems to face. But standing together I believe we can show the way forward to agreement. It is in that spirit that I hope we can now rapidly agree the text.

I look forward to hearing from you.

*Yours sincerely,
John*

*... this exercise is not without risk for
Mr John Bruton TD either of us: we must take
the risks.*