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SECRET

Northern Ireland - The Prospects for Dialogue

1. In the pre-Christmas period, there were increasingly frequent signals from some Unionist politicians (in particular Peter Robinson and John Taylor) that a combination of Presidency pressure and the judicious timing of Conference meetings could, together with some concession on the Secretariat, create the conditions under which meaningful dialogue could be got underway.
2. It appears that, in the last couple of weeks, Robinson and Maginnis have been meeting to seek to advance matters. Robinson has met with NIO representatives and Brooke has agreed to signal NIO receptivity to facilitating inter-party talks. Today's speech by Brooke is designed to secure an encouraging response from party leaders.
3. It seems likely, therefore, that the question of creating a "window of opportunity" for dialogue will increasingly dominate the political agenda. Even if we do not initiate any proposals in this area, the likelihood is that we will be called on to react to proposals emanating from elsewhere. The purpose of this note is to examine the arguments for and against a positive response on our part.

Timing

4. The case for using our Presidency to try and achieve a breakthrough in the Northern impasse is undoubtedly attractive. If, as seems likely, we are going to be actively involved in strengthening and developing the links between East and West during the next six months,

there must be an even stronger onus on us to try and break down barriers on this island. Indeed, a start has already been made with the Taoiseach's invitation to the three Northern MEPs to meet him, in his capacity as President of the European Council, to discuss issues of concern which arise in a Community context.

5. In addition, and related specifically to Presidency pressure, it could be presented as quite normal that a "suitable" gap would arise between Conferences during the first six months of the year. Such a gap need not affect the overall number of meetings (the Co-Chairmen of the Conference have set an objective of five meetings for the period January to July inclusive and this could easily be met while allowing, for instance, for a two-month gap).

#### Justification

6. The principal justification for a positive response lies of course in the possibility that it might lead to a breakthrough in the present political impasse. It is axiomatic that the Unionists will have to be brought in from the political cold at some stage and, given that they (or at least the Robinson and Taylor factions) seem to be prepared to modify their original requirements significantly, the timing for a response on our part - as said earlier - seems particularly opportune at present.
7. The opening of a wider dialogue should also serve to put greater pressure on the Provisionals to reconsider their strategy, given that they would then be the only significant grouping outside the negotiating process. Moreover, if it were possible to achieve agreement, this should help to remove a significant percentage of latent support from the organisation.

8. It is also arguable (though we could never say this publicly), that the weaknesses in the Agreement are becoming increasingly apparent over time and that its symbolic significance continues to outweigh its capacity to deliver substantive change. The value of the Agreement - its psychological significance for nationalists, the channel for regular contact which the Conference and the Secretariat provide, the fact that progress in some areas can be at least partially ascribed to our efforts under the Agreement - should not be minimised. The reality is, however, that at the end of the day, we are in very great part dependent on the goodwill of the British to achieve progress through what is in effect a consultative process. The record of the past four years would suggest that, no matter how vigorously we seek to operate the Agreement, the scope for bringing about policy changes in areas of core concern to the British Government is limited. While so far the perception of the Agreement among nationalists remains generally positive, there is a real danger that its limitations may increasingly become publicly apparent - a development which would both undermine the Agreement and weaken its use as a negotiating weapon with Unionists.

#### Dangers

9. There is a risk that the agreement by both Governments to create a gap between Conference meetings could be publicly presented by the Unionists as in effect a suspension of the Conference. Indeed, to justify their readiness to utilise such a gap for the initiation of dialogue, the Unionist leaders would feel obliged by their own rhetoric to date to refer to the gap as a de facto suspension. This would place the two Governments

in a dilemma. The more we denied the gap constituted a suspension, the less likely it would be that the Unionists would accept it as the necessary fig-leaf to enable talks to begin. On the other hand, if we were not prepared to challenge Unionist claims of a suspension, this could lead to an undermining of the Agreement through the creation of doubt about the depth of the Government's commitment to it.

10. Allowing that there was agreement on a "gap" formula which would enable talks to get underway, the danger is that the Unionists would try to insist on these being exclusively in a Northern context, or to ensure that Dublin's participation would begin only when other elements of the negotiation were nearing completion. We would need to ensure therefore, that even if the talks among Northern parties began slightly in advance, there was a clear understanding that the talks would at an early stage address the wider set of relationships, in particular of course the crucial North-South one.
11. In terms of tactics, there is a serious danger of our being wrong-footed by the Unionists. If talks did get underway, they are likely to conduct their negotiations in a manner and at a speed which would be designed to put pressure on the two Governments to agree to a further extension(s) of the gap in order not to jeopardise the progress (belatedly) being made. We would need to insist therefore that, whatever the state of negotiations at the end of the period allocated (short of full agreement on an arrangement which would supercede the Anglo-Irish Agreement - a highly improbable development), the Conference would resume on the date envisaged, with further negotiations being conducted on a parallel basis to meetings of the Conference. Indeed, this provision

for further parallel negotiations would probably have to be part of the package of conditions which would be agreed in advance before the gap was created.

12. Perhaps the most serious concern relates to the substance of what might be on offer in the negotiations. A crucial point for us would be the nature of the Belfast-Dublin relationship to be established. There is little in any of the suggestions we have heard, publicly or privately, even from moderate Unionists, that would suggest they are thinking in terms of North/South structures that would reflect the unique relationship between both parts of the island. If there were to be agreement between the Northern parties on a devolutionary arrangement, we would come under very strong pressure to compromise on the North/South element in order to allow devolution to get underway. We could face a choice between, on the one hand, ceding our rights under the Anglo-Irish Agreement and getting very little in return, or, on the other hand, being seen as placing obstacles in the way of consensus. The safeguard against such a scenario is that presumably we would liaise very closely with the SDLP throughout the negotiation - however, if something tantamount to power-sharing was on offer, the SDLP might find it difficult to hold out indefinitely for a satisfactory North/South arrangement.
13. The formula suggested by Mr. Dukes last week - that both governments would declare their readiness to substitute an agreement reached between the Northern parties for the Anglo-Irish Agreement - does little to safeguard us against the risks described above. It is unclear whether such an inter-party agreement would comprise the whole of, or the main element of, any document that might be substituted for the Anglo-Irish Agreement. The



North/South relationship, in our view, would have to be at the heart of any new set of arrangements and not simply an add-on element in the concluding stages.

#### Likely British Attitude

14. It is possible that we could, with sufficient drafting ingenuity, agree with the British on a "gap" formula and language in relation to the Secretariat that would facilitate the opening of inter-party talks. However, the real difficulties might emerge when it came to agreeing our role in the negotiations; one could anticipate British sympathy for Unionist insistence that the talks would be, initially at least, exclusively in a Northern context. Equally, if the negotiations were to result in devolutionary arrangements that the British government deemed satisfactory, it would probably be too much to expect them to hold the line on a satisfactory North/South relationship.
15. There is finally the reality that the Unionists are divided on their strategy. Molyneaux is essentially opposed to all-party talks and to devolution, though his party is formally committed to devolved government; his strategy is probably limited to undermining the Agreement, by any and every means possible, and to trying to move the North further on an integrationalist path. Paisley, on the other hand, is strongly committed to devolved Government but apparently on a Stormont model. (Moreover, he is temperamentally liable to try and sabotage any emerging agreement). The likelihood of a successful outcome with negotiating parties so divided in their positions must be open to question.

#### Options

16. We will obviously need to keep our range of options under review as the situation evolves. It is clear that none of the available options are entirely risk-free; a cautious, reactive position on our part will leave us open to the criticism that we are allowing events to be dictated by others and only have ourselves to blame if we are manoeuvred into a corner. At the other extreme, a highly activist approach might well be viewed as taking unnecessary and unjustifiable risks with the Agreement. In these circumstances, a priority must be for ourselves and the SDLP to maintain close contact so that neither is seen as responsible for placing obstacles in the way of progress.
17. Until the picture becomes clearer, any initiative on our part would probably be premature. However, if the momentum towards the creation of a gap in Conference meetings continues, there might be advantage in a major statement of position on our part at a relatively early stage. The purpose of the statement would be to demonstrate that we are players rather than observers in the evolving process; while showing ourselves positive and anxious to promote political progress, we would be seeking to build in as many safeguards as possible for our position. Elements of such a statement might be:
  - our preferred option remains the opening of parallel negotiations outside the Agreement;
  - however, it is certainly possible that a two month gap in Conference meetings will arise during Ireland's Presidency and we do not see this as inconsistent with the target of five Conference meetings in the first six months of 1990;



- [the Secretariat, among its primary functions, services Conference meetings. Naturally the rhythm of Secretariat work, to some extent, reflects the timing of Conference meetings. It may be taken, therefore, that a two month gap in Conference meetings would therefore have implications for the working of the Secretariat];
- it must be clearly understood by all involved that there is a pre-determined calendar of Conference meetings and any gap therefore must be of fixed duration; if a consensus developed that talks could usefully continue beyond a two month period, then this extension must take place in parallel with resumed meetings of the Conference;
- the content, agenda and objective of talks is obviously a matter for the participants. However, if any part of the purpose of the talks was to explore a possible replacement - in whole or in part - for the Anglo-Irish Agreement, then it is axiomatic that the Irish Government must be fully involved;
- the interdependence of the three sets of relationships (within Northern Ireland, North/South and East/West) is now widely accepted. The structures for any talks should reflect this interdependence. One might usefully look, for example, at the CSCE negotiating model where a plenary group supervises negotiations conducted in separate "baskets" and the outcome is dependent on satisfactory results being achieved within individual baskets and then integrated by the

plenary into a satisfactory whole;

- the more ambitious the scope and purpose of the talks, the longer the timeframe realistically required. That is why we return to our proposal for talks parallel to meetings of the Conference. However, if there is general interest in the initiation of talks along the lines indicated during a two month period, then we are prepared to play our full part.

AA.

12 December, 1989.

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