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Pa-B.T.

Prospects for Political Progress

Ministerial Meeting, London, 25 October, 1990.

1. Minister Collins and Mr. Brooke, accompanied respectively by Minister Burke and Minister Cope, met en marge of the Intergovernmental Conference to discuss prospects for political progress. Officials present on the British side were John Chilcot, Joe Pilling, Quentin Thomas (NIO), Ken Bloomfield (head of the Northern Ireland Civil Service), Robert Alston (Secretariat) and Ambassador Fenn. Irish officials present were Noel Dorr, Ambassador O' Rourke, Dermot Gallagher, Declan O' Donovan and Anne Anderson. The meeting lasted shortly over an hour.

Opening Presentations by the Secretary of State

2. Mr. Brooke said that when the Conference discussed the issue on 14 September, the main obstacle to talks had been identified as a difference of view on the starting date of North/South talks. Ministers had instructed officials to meet and engage in "lateral thinking"; since then there had been a good constructive meeting of officials on 27 September followed by two further meetings and an exchange of papers.
3. The British paper of 11 October, Mr. Brooke said, offered a high level of assurance that North/South talks would take place. In his meeting with Unionist leaders on 5 October, the Secretary of State had tested their reactions to the kind of package outlined in the 11 October paper. Their reaction was "not wholly unfavourable" and he was confident they could be persuaded to accept something along the lines suggested; however, the task of persuading them had probably become more difficult since the leakage and publication of the July texts. The basic point, Mr. Brooke emphasised, was that Unionists would only move to the North/South strand when there had been some "meeting of minds" on the internal talks.

4. Mr. Brooke said he is looking for a basis for talks which will address all the dimensions of the problem. He is conscious of the different and conflicting needs of the various participants. He has been encouraged by the "enormous progress" made to date and indeed feels that, after the July texts were published in the Irish Times, there was considerable public surprise at the amount of progress already made. Mr. Brooke added that he is very conscious of the concessions made on the Irish side - it would have been impossible to achieve the progress to date if initial positions had been maintained in an undiluted form.
5. Mr. Brooke said that the British paper of 11 October was designed as a package to meet the needs of all involved in the process. He had of course read our 'Non-paper' presented at the meeting on 19 October. He was disappointed to see that, on the central issue, our paper "did not represent movement". The British side were prepared to include a number of the amendments we had suggested - as well as a number of other changes, they were ready (as a substitute for "substantial progress") to try phrases such as "substantial discussion of the issues" or "when the issues are sufficiently talked through"; however, Mr. Brooke's own view was that the Unionists are more likely to be responsive to the phrase "sufficiently worked through".
6. Mr. Brooke said that it was not for him to rehearse the arguments in favour of Irish Government support for the talks process; the ground has been traversed often enough and some of the arguments made can point either way. He fears that, if we are unable to proceed to formal talks soon, the prospect will fade away. He would regret this for its own sake (a great deal of energy has been committed to the effort on all sides) and because of possible recriminations subsequently. There was a disagreement

between the British and Irish sides as to whether the Agreement would be more at risk if talks did not get off the ground at all, or if they broke down at an early stage; he knew and respected our position on this issue.

7. Mr. Brooke said that, if talks do not get off the ground "you must be the judge of what prospects there would be of bringing the Unionists into conversation with you subsequently, or in any way other than that on which we are presently engaged". For his part, Mr. Brooke said, he is concerned that, if we cannot demonstrate that it is possible to move matters forward along the constitutional path, we will be "handing a trick" to Sinn Fein and the IRA. (He accepted that there is also a difference of opinion between us as to when and how the Provisionals might gain most propaganda benefit from a breakdown in the process).
8. Mr. Brooke added that he is concerned that, at the recent Tory Party Conference, there was a significant number of motions from Conservative Associations in Britain (as opposed to Northern Ireland) in favour of an integrationist posture. If it proves impossible to move the talks process forward, then these integrationist pressures will mount and will become more difficult than hitherto to resist. Not all Tory party members understand the niceties of the situation - some can be easily moved by emotional appeals. "The hazards of creeping integration - and the forms it would take - are familiar to us both". Mr. Brooke concluded that both sides are aware that we are "moving towards a crux".

Response by Minister Collins

9. Minister Collins began by conveying thanks to officials on both sides; a lot of effort had gone into trying to clear the ground. However, the reality is that we are still faced with the same two problems; the question of "substantial

progress" and the description of Unionist participation in the North/South talks (whether as members of the UK delegation or in their own right). The Minister said that the leakage of the texts into the public domain was probably inevitable sooner or later. We should not be unduly preoccupied with the public and media reaction to these texts; for our part, we have been conscious from the outset that we are dealing with "core issues" - fundamental matters of principle - and media comment, whether critical or supportive of our stand, is largely irrelevant.

10. The Minister went on to say that, as Mr. Brooke was aware from meetings of officials, we see three possible ways forward:

- (a) an agenda/timetable approach, on which the Irish side had handed over a paper. The particular merit and attraction of this approach is that it would remove the decision on the timing of North-South talks from the participants and instead would have the talks triggered through an agenda and timetable which would be agreed in advance;
- (b) the second approach is based on the exercise of the Secretary of State's judgement. We would be happy to accept a binding assurance from the Secretary of State that he would exercise his judgement in a manner that ensured the opening of North-South talks within a definite framework. We accept, of course, that the Unionist leadership would have to acquiesce in this assurance; and
- (c) the final option, which had also been discussed previously, would involve a direct assurance from the Unionists to us - a gentleman's agreement - that they would come to North-South talks within a specified framework.

11. The Minister reiterated the fundamental importance we attach to the substantial progress issue. The possibility of a new arrangement transcending the Anglo-Irish Agreement must be based on an acceptance by all of the need to address the three sets of relationships, and a willingness to do so within structures which will properly reflect the interdependence of these relationships. In short, the discussion of relationships on the island, and between the two islands, is an essential ingredient in the achievement of progress - therefore any attempt to achieve substantial progress in the internal talks, in the absence of such discussion, would be doomed to failure from the start. It would mean moreover a return to the failed idea that the Northern problem can be addressed as an issue in its own right and subsequently - and only then - fitted into the wider relationship.
12. The Minister said that the Government and the SDLP have - at the risk of political criticism - made extensive concessions from the beginning of this process with a view to encouraging Unionists to enter into dialogue. We now feel that the time is very definitely here for the Unionists to reconsider their position. We have repeatedly made clear that we would have preferred that talks had opened without pre-conditions; however, we quite understand that, from the viewpoint of their own electorate, the Unionists needed to set down some obstacles if only to ensure that they could subsequently claim they had succeeded in having these obstacles overcome. The fact that the three original Unionist pre-conditions are no longer an issue speaks for itself about the flexibility of both Governments.
13. The Minister said that our view is that the objective requirements of the process mean that we cannot agree to a framework which would require substantial progress in one set of talks as a condition for moving to the two other sets. To do so - apart from the inevitable breakdown which

would quickly occur - would be to reject both the accumulated wisdom of the past and our assessment of the requirements of the present process; from our viewpoint it is not an option therefore which we can consider. If we are to take matters forward it is imperative that Mr. Brooke speak again at a very early date to the Unionist leaders, let them know exactly where matters stand, and see if they cannot reconsider their position and stop preventing these talks becoming a reality.

14. Commenting on the package approach which Mr. Brooke had suggested, Minister Collins said he understood and fully appreciated what the Secretary of State was trying to do; however, the kind of package approach being suggested simply did not give us the certainty we need. We had obviously taken very careful note of what the Unionist leaders are saying to the Secretary of State. But there is absolutely no doubt that the Unionists have maintained - to say the least - an ambiguity in their approach. Only a couple of weeks ago, Peter Robinson - always regarded as the most forthcoming among the Unionists where this initiative is concerned - spoke on RTE of the need to have "heads of agreement" in the internal talks before proceeding to North-South talks. Earlier this week, Frank Millar - who is known to be very close to the Unionist leaders - was quoting them in a way which suggested that they have no serious commitment to the North-South strand. There is, in short, both a lack of clarity as to Unionist intentions and an unwillingness of Unionist leaders to go on record with the kind of statement which would clear up these ambiguities and remove the obstacle of conditionality from the process.
15. In conclusion, the Minister said, bearing in mind all the circumstances, it was simply not possible for us to settle for a formula which essentially gives us hope rather than certainty - the issues involved are far too serious for us

to take such a risk. He would again urge Mr. Brooke very strongly to have a serious "heart-to-heart" with the Unionist leaders. The Irish side had advanced very far - "we are at the end of our tether".

Discussion of Issues

16. Mr. Brooke said that he was prepared to put anything to anyone; however he was certain that there was no hope of Unionist agreement on the terms we were proposing. Indeed, the suggestion of putting a precise agenda/timeframe to Unionists was at variance with what the Irish side had accepted on 13 July (a reference to the Ministerial meeting in London on that date); a great deal of time had been spent at the 13 July meeting on devising formulae which would facilitate Unionist participation in the process.
17. Minister Collins said that the SDLP cannot accept the description of Unionist participation in North/South talks as part of a UK delegation; he added that the SDLP has been informed that this suggestion had originally come from the British. Mr. Brooke replied that he could categorically assure us that this was not true. The SDLP, he said, are making a non-point: they are alleging that they would be bound by any formula that might be devised to facilitate Unionists (i.e. that they too would have to participate in North/South talks as members of a U.K. delegation) - this is not correct; the SDLP could of course participate in whatever form they wished.
18. Minister Collins said we had just recently heard of another Unionist pre-condition: that the North/South talks would be held in London - we understand that the Secretary of State was also aware of this new condition. Mr. Brooke replied that he "had assumed that the talks would be here" (i.e. London). Minister Collins said he could not understand how

Mr. Brooke could have assumed this; in all the Minister's previous references to North/South talks, he had invariably spoken of Dublin as the venue - Mr. Brooke had never mentioned London. Mr. Brooke responded: "I have just now said London".

19. Mr. Brooke reverted to his earlier point that the timetable proposal made on the Irish side was a "change from where we were on 13 July". A series of exchanges followed on the status and content of the 13 July text (i.e. the text drawn up on the British side after the 13 July meeting, reflecting what they saw as the thrust of the discussion on that date). Mr. Brooke said his understanding was that there had been agreement between the two Governments on 13 July but that the text enshrining that agreement had "fallen down with the SDLP". Minister Collins emphasised that the text in question was a British text (it would, he said, have been differently worded if it had been drawn up on the Irish side), which was given by the British to the SDLP before it was made available to the Irish side. The only agreed text between the two Governments was that of 19 April; he had no authority to agree to - and had not agreed to - any other text.
20. Mr. Brooke said he saw a real difficulty with an agenda/timetable approach which sought to settle everything in advance - "I take the view that a timetable makes it less likely rather than more that we will make progress" (Mr. Brooke added that it was ironic that he was "chastised" for setting a 5 July deadline for launching the talks when we were now proposing a deadline for the entire talks process. Minister Collins said there was no comparison between the two issues - the 5 July date was a self-imposed and artificial Parliamentary deadline). The Irish side emphasised that the agenda/timeframe approach was not designed to represent a hardening of our position - its

purpose was to give Unionists a way forward if they wished to avail of it.

21. Minister Collins referred again to Peter Robinson's public remarks about requiring "heads of agreement" in the internal talks before moving to North/South talks; we had heard also of motions at next weekend's OUP Conference calling for the removal of Articles 2 and 3 of our Constitution as a pre-condition to agreeing to new arrangements. (Mr. Brooke dismissed such motions as having little significance). Minister Collins continued that, since Mr. Brooke was the one talking to Unionists, he must now go back and "lean on them" - showing them the 19 April text to illustrate the degree of movement on the Irish Government's part. Mr. Brooke said that, in going back to Unionists, he would want to bring a proposal that had some chance of "being brought into harbour" and not a proposal that had no chance of success.
22. Reverting to the earlier suggestion that our position had hardened by comparison with 13 July, Minister Collins read out the crucial paragraph 3 in the 13 July text (the key sentence refers to North/South talks "within weeks"); he asked if Mr. Brooke could in fact give him a solemn assurance that discussions would start-as the document stated - "within weeks". Mr. Brooke responded that "no one can be forced to do anything".
23. Minister Collins said he accepted this; the real question that this brought into focus was the seriousness of Unionist commitment to this process. We had heard from a variety of reliable sources that Molyneaux is not in fact serious but simply dragging out the process, hoping for a hung Parliament after the next election. One of the problems is that Mr. Brooke, in being able to talk to all the potential participants, is in a privileged position - "you only tell

us what you want us to hear from the Unionists". Mr. Brooke replied that "this is not a Utopian world" - the only reason he had the exclusive privilege of talking to Unionists is that they refused to talk to the Irish Government. Minister Collins referred to the Taoiseach's remarks in the Dail the previous day (in an exchange with Deputy de Rossa) to the effect that Unionists should be willing to talk to Dublin.

24. Mr. Brooke said that the heart of the problem is Unionist mistrust of the SDLP (the fear that the SDLP will "sit on their hands" in the internal talks) and reciprocal SDLP mistrust of Unionists; that mutual mistrust is a legacy with which both Governments have to deal. Minister Collins said that, having regard to the existence of that legacy, the Irish side has come a very considerable distance since 19 April. Mr. Brooke said that, intellectually, he totally understood the Irish governments position; however, in practical terms, North/South talks will only happen "under the momentum of the internal talks going forward". Minister Collins said it was to try to get over the mutual mistrust that we had suggested the agenda/timeframe approach. If an agenda/timeframe is agreed in advance, then the decision is removed from participants and neither party will have to place too much trust in the other.

British Proposal

25. Following an adjournment of about fifteen minutes (at the British request), Mr. Brooke resumed the discussion. Referring back to the earlier discussion about the status of the 13 July text, he said there was no point in arguing about history - both sides could reserve the right to different views about the text. That said, if he were to take the Irish 'Non-Paper' to Unionists as the next step, "I have to say that I think it would constitute the end of the process". Events in Derry and Newry the previous day (the

killings at the border posts) meant that this would not be the best moment for that to happen. The British continue to believe that it is possible to create a structure for talks in which all the parties can have confidence. They wished to put a new paper to us (text at Annex A was then circulated - essentially a revision of the 11 October text with a number of amendments to take account of some of the points we had made).

26. Mr. Brooke said that if the Irish side was able to consider this new text - "which could be the subject of discussion between us hereafter" - then he would be happy to show it to the Unionist leadership. He would need, however, to have our reaction before showing it to the Unionists. He does not know if the Unionists could be persuaded to buy it "but I would have a damn good try". He would also be willing to show Unionists the Irish 'Non-paper' of 19 October (text at Annex B attached) to demonstrate to them what the "optimal" Irish position is. If, on the other hand, the Irish Government's reaction was that this document "would not fly", "in this case, frankly, we will all be out of gas". The British side would have to conclude that the current Irish requirement of certainty was "the bedrock of your position" and the talks process would have to break off.
27. Minister Collins said he agreed with the remarks about different views of history - "history depends on who writes it". He thanked Mr. Brooke for the document; he felt it would be unwise to react straight away but said we would take it away, study it, and come back with our views as soon as possible. A decision as to the appropriate next step could be taken at that stage.

AA.

Anne Anderson.

26 October, 1990.

c/c P. S. T., P. S. M., Mr. Nally, P. S. S., Mr. Gallagher, Ambassador
London, Joint Secretary, Counsellors A-I, Box

A POSSIBLE BASIS FOR TALKS

1. Any public statement should

- (a) announce that agreement had been reached on a basis for political talks which would address the three relationships;
- (b) contain the agreed forms of words for responding to the Unionist leaders' second and third preconditions;
- (c) set out in general terms the basis on which any talks should broaden from discussions involving the Northern Ireland parties and the British Government to discussions about the wider North/South and UK/Republic relationship, involving the Irish Government. In particular, it might say that this would happen once the issues for discussion in the internal talks had been "sufficiently worked through" and that the Secretary of State would make the judgement as to when this point had been reached, taking account of the basis on which all concerned had entered the talks;
- (d) record an expectation that this point would be reached "within weeks";
- (e) confirm that North/South (and East/West) talks would enable participants to consider the interaction of relevant constitutional provisions in each jurisdiction.

2. The other elements of the package of measures proposed as a means of getting round the impasse over the circumstances in which North/South talks should start would feature in a statement of common understandings which all the participants would be committed

C O N F I D E N T I A L

to, but which need not be published. The elements include:

- (a) confirmation that no agreement would be possible in any one strand of discussion in isolation;
- (b) underlining the interlinked nature of the three strands of discussion in order to illustrate the reality that points discussed at earlier stages of the talks process will need to be re-examined, refined and confirmed in the light of progress in the later stages;
- (c) an outline framework for the agenda, timing and handling of the talks process which would indicate an expectation that North/South talks would start by about halfway through the interval before the next Conference. This would provide further opportunities to set out in objectively measurable terms the ground which the interparty talks would aim to cover before the launch of North/South talks would be required.;
- (d) a reaffirmation of the assurances:
 - (i) that all participants accept that the talks will be intensive;
 - (ii) that all will participate actively and directly in the various strands;
 - (iii) that all the Northern Ireland parties will participate directly (as members of a team led by the Secretary of State for Northern Ireland in the case of the leaders of the two main Unionist parties) in the North/South strand of discussion once it is opened.

C O N F I D E N T I A L