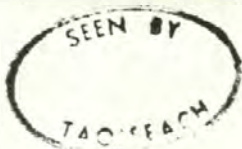




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Tasreeh
You may wish to glance
over this before this afternoon
meeting. ✓

Prospects for Political Progress

13/11

Latest British Text

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last 11/11 8D

1. The British paper entitled "A possible basis for talks", which was handed over at the Conference on 25 October (Annex 1), is closely modelled on the text which they gave to us on 11 October, with only relatively minor amendments being incorporated to make the document more palatable from our viewpoint. As with the earlier paper, the approach proposed would embrace both a public statement of the general terms on which agreement to proceed to talks had been reached, and a private statement of common understanding covering "the means of getting round the impasse" over the timing of North/South talks.
2. The new elements in the 25th October paper include:
 - (a) Public Statement
 - rather than simply stating that agreement had been reached on a basis for political talks, the text would add that such talks "would address the three relationships";
 - record an expectation that the opening of North-South talks would be reached 'within weeks'
 - (b) Statement of Private Understanding:
 - confirmation that no agreement would be possible in any one strand in isolation
 - underline the interlinked nature of the three strands so as to illustrate that "points discussed" in the

earlier stages would have to be re-examined and confirmed subsequently (the previous text had spoken of "provisional agreements" in the earlier strands being re-examined and confirmed).

Continuing unacceptability of text

3. The element of conditionality, which was our central difficulty with the earlier text, still remains in the revised text. The key passage states that (a) North-South talks would begin "once the issues for discussion in the internal talks had been 'sufficiently worked through' and (b) "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".
4. In addition, the sections of the text dealing with the timing of North/South talks simply refer to an "expectation" of talks opening "within weeks" or, at a later stage, "by about halfway through the interval before the next Conference".
5. Neither has the other outstanding problem - the description of Unionist participation in North/South talks - been resolved. While the British text makes clear that the Unionists will participate in North/South talks directly, it continues to insist on the Unionists being designated as members of a team led by the Secretary of State.

Present Situation

6. Mr Brooke's presentation at the Conference on 25 October made clear that he now sees the process as "moving towards a crux". While on our side we have always resisted any artificial deadlines in the process, the reality is that

there is now a fairly widespread sense that the exploratory phase has almost run its course and that there should very soon be a definitive outcome one way or the other. Positions taken over the next few weeks are, therefore, likely to be decisive.

Next step

7. The latest British paper represents, as they see it, the best that can be given to us by way of assurance. If we go along with the substance of this text, Mr Brooke will try to sell it to the Unionists; if not, he will decide that the process "has run out of gas".
8. The immediate next step, therefore, is for us to present a reaction to the latest British paper. Since in our view a tactical advantage accrues to whichever side has the last paper on the table, it would seem advisable to convey our response by way of an alternative draft (rather than simply a commentary on the British paper). The question is what sort of paper should this be - a text which makes a final effort to bridge the outstanding gap, or alternatively one which restates our position in clear terms so that, in the event of these texts subsequently coming into the public domain, there is no ambiguity as to our approach on the outstanding issues.

Relevant Considerations

(a) Unionist Position:

9. We continue to hear through various channels that Molyneux has no serious interest in the talks; indeed, the recent OUP Annual Conference - with its focus on Articles 2 and 3 of the Constitution - appeared to represent a hardening of attitudes. Within the DUP (supposedly the driving force

within Unionism as far as these talks are concerned) there has been no attempt to soften Peter Robinson's insistence as of a few weeks ago on "heads of agreement" being reached in the internal talks in advance of the opening of North/South talks.

10. If it appeared that Unionists would be satisfied with cosmetic concessions which would enable them to claim that an honourable compromise had been reached, we would obviously wish to weigh very carefully the scope for such concessions. As of now, however, we have no reason to believe that the Unionists are seeking compromise - on the contrary, they appear determined to maintain their insistence on the "substantial progress" pre-condition. It therefore seems highly unlikely that any further concessions we felt able to offer would succeed in establishing an acceptable basis for talks.

(b) British Position:

11. It is worth considering whether a further show of flexibility on our part, even if it did not succeed in bringing the Unionists on board, might help to move the two Governments closer together - making the British feel (as they patently do not at present) that we had done everything possible to promote progress and that Unionist obduracy had proved the real obstacle. However, based on the experience since last April, our feeling is that - if we were now to offer any further concession (say, in relation to Unionist participation in North/South talks) - the British would pocket that concession and then continue to seek to move us further on the core issue of "conditionality". In short, Mr Brooke's instinctive sympathy for the Unionist position on "substantial progress" is such that - irrespective of any further efforts we might make - it would probably be unrealistic to hope for a shared assessment of where the

responsibility for breakdown lies.

(c) Nationalist Attitudes:

12. The attitude of Nationalists within Northern Ireland is also obviously a very significant factor. The feedback both from the SDLP leadership and from grassroots nationalist opinion is that enough has been done to facilitate Unionists - that the "substantial progress" condition, in whatever language it is dressed up, is simply not acceptable. (Hume also feels particularly strongly that the Unionists should not participate in North/South talks as members of a U.K. delegation). It is clearly of great importance that we continue to be seen to defend and advance reasonable (Northern) nationalist positions; this would suggest extreme caution in contemplating any further movement on our part.

(d) Possible change of Government in Britain

13. There appears to be a reasonable prospects of a change of Government in Britain in the next twelve months. With Labour being committed to a unity by consent policy, we could legitimately expect a much more vigorous and effective implementation of the Agreement than has occurred since 1985. While this should not be a central consideration for us (particularly since the policies of Labour in power may bear little relation to those of Labour in opposition), the possibility of a change of government in Britain does reinforce our view that it would be a mistake to agree to talks unless we are fully satisfied with their terms of reference and parameters.

Recommendation

14. In summary therefore, it appears to us that if we were to offer any further concession of substance, we would have

lost ground tactically, risked nationalist criticism that we had conceded too much and, in the process, achieved nothing of substance. In these circumstances, the more advisable course, in our view would be to convey an alternative draft paper to the British which, while using their language in so far as this is possible, would restate clearly our requirements. A draft along these lines is attached as Annex 2.

Anglo-Irish Division
13 November, 1990.

25/K/90

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

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 pre-conditions;
 - (c) set out in general terms the basis on which the second and third strands would get under way. In particular, it might say that this would happen once there had been a "substantial discussion of the issues" in the internal talks;
 - (d) record an agreement that this point would be reached "within weeks";
 - (e) confirm that all strands of the talks would be without pre-conditions as to subject matter.
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 to, but which need not be published. The elements would 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 in the later stages;
- (c) an outline programme for the talks process which would indicate that North-South talks would start within weeks;
- (d) a reaffirmation of the assurances:
 - (i) that all participants accept that the talks will be intensive; and
 - (ii) that all will participate actively and directly in the various strands.