



An Chartlann Náisiúnta National Archives

Reference Code:	2020/17/56
Creator(s):	Department of the Taoiseach
Accession Conditions:	Open
Copyright:	National Archives, Ireland. May only be reproduced with the written permission of the Director of the National Archives.

Tairseach

To see please.

Part of the problem in all of these negotiations is the narrow, if not jaundiced, view of the problem. The

NIO itself. It takes a narrow view of the problem. The involvement of the Cabinet Office and the FCO is altogether too

Meeting of the Nally/Butler Group.
Dublin Castle, 23 July, 1990.



our
briefing.

26/7/90

1. The British team consisted of Sir Robin Butler, Len Appleyard (Cabinet Office), Nigel Broomfield (FCO), Sir John Blelloch and Quentin Thomas (NIO), Robert Alston (Secretariat) and Ambassador Fenn. The Irish side consisted of Dermot Nally, Noel Dorr, Dermot Gallagher, Joe Brosnan and Anne Anderson.

Atmosphere

2. The mood over dinner was cordial; however, the tone of the after dinner discussion was at times extremely sharp. John Blelloch was particularly blunt and even offensive in some of his remarks. Butler, Broomfield and Appleyard were more diplomatic in their presentations; however, one had a sense that they are not fully engaged on the issues. They are obviously heavily reliant on NIO briefings; on points of substance, they tended to defer to Blelloch.

3. A striking aspect of the evening was the extent to which the British team - in casual conversation over dinner and in the more formal exchanges afterward - uniformly praised Unionist conduct in the negotiations to date. We were told that Molyneux and Paisley have shown themselves constructive, flexible, businesslike and discreet. By contrast, such praise as there was for John Hume - for finally getting down to drafting and going to see the Unionists - was guarded and grudging.

Situation if Talks do not get off the ground

4. The message conveyed - trenchantly by Blelloch and by the others in a more nuanced way - was that if it transpires that the Brooke initiative cannot be taken further, the blame will generally be seen to lie with the Irish Government. There will be frustration in Westminster and criticism of Dublin's failure to meet its responsibilities under Article 4 of the Agreement (the Irish side had to

point out again, at some length, that this exercise was not about devolution under Article 4). Blelloch said there would be a sense that if London and Dublin cannot make progress together, then London should act unilaterally. (He appeared to be hinting that, if the talks fail to get off the ground, the British Government might acquiesce to Molyneaux's demand for a Select Committee in Westminster). While Butler was more restrained than Blelloch, he also expressed the view that "we are too far in to retreat" - there would be damage to Anglo-Irish relations if the Brooke initiative now foundered.

5. The Irish side took strong exception to the British presentation. It was pointed out that we were the ones who from the outset had warned that this exercise was not risk-free. The British had maintained throughout that we could "camp on the racecourse" at any stage without damage to anything or anyone. Now they were telling us there was a price attached to failure to make progress. We took issue with the assumption on the British side that Dublin would be blamed in the event of breakdown - this hardly stood up in the light of events since 19 April.

Hume text

6. Blelloch reported that Molyneaux and Paisley had met with Peter Brooke that afternoon. The Unionists were positive about the fact that Hume's text contained much familiar language. However, they were worried that the language in the opening paragraphs (about relationships) was too general. They also said that the cover they needed to come to North/South talks (i.e. as part of a U.K. team) had been removed. These problems however, Blelloch said, were probably soluble. The biggest difficulty was that Unionists still needed the reference to "substantial progress" being achieved in the internal talks before moving to the North/South phase.

"Substantial Progress"

7. There was a protracted discussion about the Unionist attempt to attach conditionality to the opening of North/South talks. The Irish side argued that it is inherent in the nature of the problem that substantive progress will not and cannot be made in the internal talks in advance of the opening of North/South talks. There are three elements in the equation (the South plus the two communities in the North) and not two; to require "substantial progress" before North/South talks begin is a recipe for certain failure.
8. Blelloch suggested that Hume had "finessed" this problem by proposing a very wide agenda for the internal talks (the implication seemed to be that, in discussing island-wide issues in the internal talks, the SDLP would act as a proxy for the presentation of Irish Government positions). The Irish side rejected such an approach as unacceptable and unworkable - in any event Hume had never intended that a wide agenda for the internal talks would substitute for the early opening of North/South talks.
9. There was some discussion as to what the Unionists in fact mean by "substantial progress". Butler and Broomfield seemed to suggest that the internal talks simply need to get down to serious business without necessarily achieving anything by way of outcome. Blelloch, by contrast, was quite clear that only "with the cover of some achievements" in the internal talks would the Unionists talk to Dublin. "The judgement would be theirs". (Butler and Broomfield at the end of the evening came to us and said that Blelloch's interpretation on this point was the authoritative one).
10. Blelloch repeatedly emphasised that Dublin had the basic reassurance that, since Unionists are insistent on wrapping up everything within the gap, North/South talks must

obviously open within the timeframe of the gap. However, Broomfield and Fenn - probably reflecting the real British thinking on this point - expressed the view that it was nonsense to imagine that such complex issues could be resolved in ten or twelve weeks - Unionist insistence on this was no more than a "convenient fig-leaf".

Outcome

11. The discussion overall was inconclusive and did little to advance matters - what emerged most clearly was the hard line and restrictive NIO attitude, their sympathy for the Unionist position and the implication that, if the process does not get off the ground, Dublin and the SDLP will be held accountable. The only possible benefit of the evening is that the strong presentation of the Irish position may have made some impression on the Cabinet Office and FCO officials - at a minimum it will have made them realise that the situation is more complex than the NIO presents it.

A.A.

Anne Anderson.

25 July, 1990.

c/c PSM, Mr. Nally, PSS, Mr. Gallagher, Mr. Brosnan, Ambassador
London, Joint Secretary.

28

DRAFT 1

SECRET

Northern Ireland

The Group included Messrs. O hUiginn, Dorr, Barrington, Gallagher, Mansergh and Ms. Anderson, and the undersigned. They met, over dinner, in Iveagh House on 19th July. The discussion lasted approximately two hours.

All contributions and all conclusions are preliminary and tentative.

In the current negotiations, the two Governments and the four parties in Northern Ireland start from widely different bases and with sometimes irreconcilable objectives. The Group inferred that these differences would carry into the tripartite talks - if these do, in fact, take place. Therefore, any strategy for the talks must be flexible, without sacrifice of basic principles.

The talks would be on the basis of the relationships between

North and South
East and West, and
The Parties in Northern Ireland.

It seemed to the Group that it would be very much in our interest if the three sets of talks were initiated simultaneously. Some felt that this is, in fact, what the two Governments as signatories of the Anglo-Irish Agreement should, in logic, be aiming at if the first objective is an Agreement to transcend the Anglo-Irish Agreement. This scenario would be more likely if the British Department in charge of the negotiation were the Foreign Office or the Cabinet Office (whose aim is a definitive settlement of the "Irish question") rather than the Northern Ireland Office (whose aim is "get out of the firing line, and away from direct rule"). There was general agreement that in any event, the North South talks, concerned as they will be with relationships in Ireland so as to achieve lasting peace there and relationships between London and Dublin will be of paramount importance to the success of the whole process.

The Group were of the opinion that in the talks, it would be difficult, if not impossible, for an Irish Government to surrender or water down their position under the Anglo-Irish Agreement without some considerable movement by the Unionists. For them to move, in turn, legislative and constitutional change in the South would probably be required, essentially to provide "guarantees" for their future. If a balanced arrangement on these lines can be worked out, there would seem to be no reason why the British Government presence in Ireland could not, in time, be marginalised, and eventually, withdrawn.

Each of these three concerns or interests - Irish, Unionist and British - would require the most detailed examination and development: there is no use expecting results from public debate or within a short time. The Group believed that it would seem only wise, therefore, to contemplate an expert group drawn from the three sides to work on proposals for submission in due course to some form of plenary session. Some in the Group thought that the setting up of this expert group should be an objective of the North South talks. (This would not prevent advance work going ahead here on the form of a final settlement.)

Part of the Group considered that, as a second option, the value of which could be assessed only when the reaction to the first is known, an approach along the following lines might commend itself:

- (1) some form of all Ireland institution - on the lines of the European Steel Community in the 1950s established to do away with "ancient rivalries". The practice of discussion, and possibly consensus, in such an institution, on cultural, social and economic functions such as tourism, education, industry, investment etc. could lead to a wider reconciliation within the island. Such an institution could, on one model, require considerable financing - perhaps partly from the British Exchequer, which now puts £1.5-2 million a year into Northern Ireland; and partly from other sources such as the European Community, US etc. (The original intention of the International Fund established under the Anglo-Irish Agreement was of this general nature). If Unionists and Nationalists in Northern Ireland could be drawn, under this option, into taking a seat at EC negotiations or discussions, the commonality of interest between the two parts of Ireland could become clearer in an international setting;

- (2) constitutional or legal moves to provide whatever guarantees are necessary to enable Unionists to participate. It is for unionism to say what their requirements are but there is certainly no difficulty in forecasting a request for modifications in Articles 2 and 3 of the Constitution, entrenched provisions on "human rights" etc. It is possible that modifications of the Irish Constitution, in this area, would be sufficient: and discussion on this, if the subject gets off the ground, could again be protracted. (A study now of possible changes could be worthwhile). If a guarantee under the Constitution or by an Irish government is not acceptable to Unionists, we could find ourselves arguing about rights enforceable through the Court of Human Rights or other international organisation, at least for a transitional period.

The Group discussed briefly the form of administration in Northern Ireland to accompany this scenario. One possible option would be to have an advisory committee or council with certain executive powers whose main function would be to advise the British on major aspects of policy e.g. security and finance and, at the same time, carry out itself certain executive functions in, for example, education, housing, infrastructural or environmental activities. Insofar as these executive functions were exercised by a Northern Ireland body they would fall out of the purview of the Anglo-Irish Intergovernmental Conference.

Security will be a core concern. It is difficult to see the British giving responsibility for security (which in effect means control of the British Army) to any Northern Ireland institution, at present, though, over time, discussions should envisage this responsibility being given to an Irish

organisation involving North and South, as consensus in the all Ireland body develops. Such a development would involve consideration of the judicial function on an all-Ireland basis.

These latter suggestions may put the Group's proposals in too concrete a form for the present state of the negotiation.

However, certain conclusions seemed to be relevant, irrespective of how they are realised:

- (1) that the Irish Government should give up what they have achieved in the Anglo-Irish Agreement only if it is adjudged, politically, to be better than what is there now, in all Ireland terms;
- (2) that judgement on this may be possible only following a Conference where all the interests are engaged. For this reason, the North South talks in their initial phase are of crucial importance to the future of the whole process;
- (3) that if new or transitional arrangements are proposed, following a conference or otherwise, they could be such as to give unionism a place in Dublin Government, with guarantees on security, finance, foreign policy, etc.; and
- (4) another such arrangement could be
 - (1) an advisory organisation in Northern Ireland;
 - (2) an all Ireland institution, however described, and with whatever functions are agreed, in which the habit of discussion and consensus are encouraged;
 - (3) legal and constitutional change here of a nature which will emerge from the talks to underpin the development of consensus; and
 - (4) arrangements on security, including such items as extradition, police cooperation, and the judiciary, which themselves allow development towards a unified security and judicial operation for the entire island - bearing in mind that these issues are at the heart of sovereignty.

23 July 1990