



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.

Mr. Nally
Seen by
Teague
To see please
The new Northern
Ireland Office Secretary
Chilcot - is in my
experience, very much more
flexible and less as to the
the Burns (who left) or
Blelloch who is
leaving
2110

Prospects for Political Progress

Meeting of Officials

London, 27 September 1990

1. Following a decision by the Conference on 14th September, a meeting of British and Irish officials was held in London on 27 September. The British side was led by John Chilcot (Permanent Secretary designate, NIO), who was accompanied by Robert Alston (Joint Secretary, Maryfield), Quentin Thomas and David Hill, NIO. The Irish side was led by Dermot Gallagher, accompanied by Ambassador O'Rourke, Declan O'Donovan and Anne Anderson. The formal meeting lasted about three hours, followed by a working dinner lasting about two and a half hours.

Atmosphere of the meeting

2. Despite some fairly blunt talking on the Irish side (particularly on the subject of recent British media briefings), the general tone of the meeting and dinner was extremely positive and friendly, with both sides determined to move matters forward. The good atmosphere was also helped by Chilcot's attitude and approach - while it would obviously be premature to reach any conclusion as to the new Permanent Secretary's likely impact on policy, the contrast in style with his predecessor (Blelloch) is remarkable. Overall, he gave the impression of grasping the arguments made on the Irish side and having a considerable degree of sympathy with them.

Risk Assessment

3. At the outset of the meeting, there was a brief exchange on the relative degrees of risk associated with (a) failing to get talks underway and (b) having talks begin but break down at an early stage. The British side concentrated largely on the question of possible risk to the Agreement. If talks get underway, they argued, both governments would

be working closely on a whole nexus of issues and there could be no element of risk - formal or informal - to the Agreement. On the other hand, if the process stalls at this stage, and while there would be no formal damage to the Agreement, there would be an "atmospheric effect" with a risk of informal damage. On the question of a possible propaganda boost to the IRA if talks get underway and subsequently break down, the British view is that the IRA is a major beneficiary from the current political vacuum - "the risks of proceeding are no greater than the risks of continued sterility".

4. The Irish side (Gallagher) said it was very important that the British understood our arguments clearly. We are not saying that the IRA is now significantly weakened - although there has been some erosion of support (e.g. in Derry), there is no doubt that the Provisionals have ample materials and adequate personnel. What we are saying is that if talks take place with the wrong structures, they will already contain the "seeds of failure" within them and inevitably lead to a breakdown; to enter talks on such a basis - particularly given the lack of enthusiasm in the nationalist community for a talks process focussing on devolution - would also undermine the SDLP and the constitutional nationalist position generally. However, the other side of the coin is equally important: if the structures for talks are right, the effect will be to further marginalise the Provisionals - they will be the only ones outside the process of dialogue. This is why it is so crucial that the framework and structures for talks should be right.

Present Situation

5. Mr. Gallagher said that the fact that the three formal Unionist pre-conditions are not now an issue speaks for itself; he went on to detail the extent of the slippage

since 19 April - on timing, format and the radically changed character of the Liaison Group. In view of the concessions made on our side, the slant being given to British media briefings - suggesting as they apparently do that Dublin and the SDLP are the ones holding up progress - is particularly regrettable. Such an approach can only create division and distrust between the two governments, something the IRA had been unsuccessfully trying to do for years. The British should be conscious that when there is uncertainty or destabilisation in Anglo-Irish relations, it is only the Provisionals who benefit. So far, Dublin has resisted pressure to respond with a full statement of the facts; however, no-one should take our silence for granted.

6. Mr. Gallagher went on to say that - given the Unionists have piled one pre-condition on after another - it is incredible that they should now be allowed to claim the high moral ground. It is widely known that Molyneaux is not enthusiastic about talks (he is apparently pleased with Mr. Brooke's Ballymena speech, interpreting it as an indication that, if talks fail to get underway, the Secretary of State might propose a Select Committee and enhanced local government powers - in other words, exactly what Molyneaux has wanted all along). As for the DUP, while they are serious about talks, there is no indication as yet that they are serious about the concessions necessary to enable talks to succeed. In these circumstances, criticism of the SDLP is both unjustifiable and counter-productive; the British government should make no mistake about the overwhelming support in the South for the SDLP leadership.
7. The British side did not respond in detail on the question of media briefings; however, they disputed that there was any bias in British government presentations. The Secretary of State, they said, is a "highly consultative man" and has been conscious all along that he cannot make progress except

on a basis acceptable to all. Chilcot underlined the respect on the British side for the SDLP; at the same time, he took issue with the view that Molyneaux does not want the process to succeed - "he has said enough to make us believe he wants to go forward". As to where matters now stand, Chilcot said that while the pieces of public text - i.e. the drafts in circulation before the summer recess - have "lost their virtue", some elements retain merit. (The implication seemed to be that while some of the formulae will be retained, the texts themselves - including that of the 5th July - will no longer be used as a working basis).

"Substantial Progress" issue

8. Mr. Gallagher said that the phrase "substantial progress" now carried such baggage that it was arguably better to drop it completely. An alternative phrase - such as "understandings reached" - might be more acceptable. Whatever the phrase used, the important point was to remove any element of subjectivity in its interpretation. One way forward would be to interpret "substantial progress" - or any alternative phrase - as a "substantial airing of the issues". (He quoted in support of this interpretation an earlier comment of Mr. Brooke's that Unionists feel the moment to move to North-South talks is when internal issues "are sufficiently talked through so that everyone knows where they are"). The Irish side then circulated a draft agenda/timeframe (Annex 1) which they said they believed, with the above agreed definition of "substantial progress", should offer a way forward.
9. The British side said that they found the agenda/timeframe approach helpful. Commenting on the current obstacles to talks, Chilcot said that the Unionists basically need two things: confidence vis-a-vis the SDLP and a sense of legitimacy for their participation in North/South talks. He

went on to develop these themes, emphasising in particular the Unionist concern (clearly shared by the British government) that the SDLP will refuse to participate actively in the internal talks in advance of the opening of North-South talks.

10. On the first point, the Irish side said that John Hume had already given the required reassurance; (the Hume text of 18 July, drafted for the Secretary of State, included the sentence: "all parties have assured me that it is their intention to participate actively from the outset"). In response to Chilcot's query as to whether Hume might be prepared to give the same commitment directly to Unionists, the Irish side said they saw no reason why not. On the second point, the Irish side argued that the Unionists were trying to have it both ways - they wanted to talk to Dublin as part of a U.K. team because they allegedly had no status in their own right; at the same time, they insisted that they needed prior progress in the internal talks so as to acquire a degree of status. The British side defended Unionist requirements in this regard as reasonable and understandable in terms of their constituency requirements.
11. Mr. Gallagher said that at some stage the Unionists have to be leaned on; they must be told that if they are serious about progress and genuinely wanted a solution, they cannot keep piling on preconditions. In this regard, the British should not underestimate their ability to put pressure on the Unionists - "do not underestimate your own strength".
12. The British side said that discussion of Articles 2 and 3 of the Irish Constitution was a possible attraction for Unionists in coming to talks with Dublin; might it be useful to highlight the potential there? The Irish side referred to the agreed text of 19 April which made clear that the North-South discussions would be "without pre-conditions".

British approach

13. Chilcot, in response to the proposals from the Irish side, then began to sketch out a possible basis for progress; his thinking seemed to be improvised (his own officials clearly had not anticipated his drafting suggestions) and there were - as he himself freely admitted - some grey areas. However, the principal elements in his approach were as follows

- the term "substantial progress" would remain but, as suggested by the Irish side, would be defined in advance as a "substantial airing of the issues". (At one stage Chilcot used a different form of words - "completing a round of work on an agreed set of issues" - but he subsequently returned to "substantial airing of the issues");
- again, as suggested, there would be acceptance in advance by all participants of a complete agenda to cover the entire period of the gap: this would be a short, general agenda along the lines of our text (although perhaps different on points of detail);
- there would be a private understanding, reached in advance and involving all participants, as to the timeframe for talks (including the timeframe for North-South talks);
- at the outset of the process, there would be a public statement by the two governments along the following lines: "We are confident that, by completing initial discussion on (the first agenda item), sufficient progress will be made so as to enable us to be also confident that North/South discussions will begin within weeks" (Chilcot re-read this sentence a few

times in slightly different formulations - the point was to introduce some linkage between the satisfactory completion of agenda item one and the move to agenda item two). He suggested that a public statement along these lines would involve a "sharing of the political risk" between the two governments.

14. In subsequent discussion of the Chilcot proposal, the Irish side concentrated on trying to clarify precisely what was the element of "risk" - in particular, was there a suggestion that the Unionists might renege on their commitment to move to North/South talks if they were not satisfied with the degree of progress in the internal talks? Chilcot said that both governments would be "taking a risk by asserting their judgement"; however, they would be "fortified by the confidence engendered by private assurances on the timetable". [The actual risk he seemed to foresee was that the SDLP might refuse to become engaged in the initial weeks, thus leading to Unionist claims that the first agenda item had not been properly dealt with].

Summing up

15. In summing up the formal proceedings, Chilcot recalled the main elements of the discussion and suggested that progress had been made. Gallagher reiterated the view on the Irish side that the widest possible dialogue would put the Provisionals under pressure and, even if the talks ultimately failed, would be a considerable achievement in its own right; on the other hand, the wrong framework would inevitably lead to early failure of the process. It was crucial, therefore, that the structures were right - there had to be "certainty" that the North/South talks would take place.

Resumed discussion over dinner

16. Introducing the discussion, Chilcot said he was conscious of some "loose strands" from the afternoon meeting but suggested it would be preferable not to try to tie up all the loose ends at this stage. A more fruitful approach might be for both sides to reflect further on what had been said. He suggested that the appropriate next step would be a full discussion of the issues at a Ministerial meeting on the afternoon of Friday 12 October (i.e. a week later than the 5 October date earlier suggested). The Irish side undertook to put this proposal to Minister Collins.
17. Despite the decision to stay off the detail of the earlier discussion, there was inevitably some retracing of the ground. Commenting on the Irish view that there was a need for certainty about North/South talks taking place, Chilcot suggested that it would be very helpful if we spoke of "assurance" rather than "certainty" - the former, he said, might be more easily deliverable than the latter.
18. For the most part, the dinner discussion reverted to the broader themes covered in the afternoon's meeting. On the Irish side, considerable emphasis was placed on the day-to-day nationalist experience of Unionist controlled District Councils - how could such experience leave nationalists with any enthusiasm for devolution? On the British side, the extent of concern about what they see as lack of preparation in the SDLP for talks - no papers being written etc. - also emerged with some emphasis.
19. [A discussion on public appointments was interesting in that it showed an unusual openness of approach on Chilcot's part. To the evident surprise of his officials, Chilcot floated the idea of appointing representatives from the South to

public bodies in the North - he made the point that people from the South have as much entitlement to seats on Northern bodies as people from England].

A. Anderson

A. Anderson
1 October, 1990

Annexes

Annex 1 Draft Agenda/Timeframe circulated by the Irish side

Annex 2 Note on meetings with the SDLP.

cc: PSM; Mr. Nally; PSS; Mr. Gallagher; Joint Secretary;
Ambassador London; Box.

E1923

Agenda/Timeframe

Item No.	Title	Forum	Timetable
1.	Presentation of positions by the parties and discussion of themes emerging	Internal talks.	Weeks one, two and three.
2	Discussion of these themes with other signatory of Anglo-Irish Agreement.	North/South talks.	To begin in week four; if desired, to continue concurrently with item 3.
3.	Initial discussion of possible new arrangements (taking account of discussions on items 1 and 2).	Internal talks.	To begin in week six; if desired, to continue concurrently with item 4.
4.	Discussion of possible new arrangements with other signatory of Anglo-Irish Agreement.	North/South talks.	To begin in week eight.

ANNEX 2

Meetings with the SDLP
London 27/28 September

1. Following the discussion with British officials, the Irish side (Dermot Gallagher and Anne Anderson), briefed the SDLP team (Hume and Mallon) in advance of the SDLP meeting with the Secretary of State. Mr. Gallagher informed them in general terms - without making a copy of the draft agenda available - of the approach we had taken and the British response. The SDLP made clear their intention of telling Mr. Brooke in no uncertain terms that they were fed up with suggestions that they and Dublin - and not the Unionists - were obstructing progress. They seemed satisfied with the agenda/timeframe approach, provided - as Mallon put it - it is clear that there is no "negotiation" (as opposed to discussion) in the opening weeks of internal talks.
2. After their meeting with Mr. Brooke, the SDLP team (Hume, Mallon, McGrady) met with us at the airport. Hume had apparently taken a very tough line at the meeting, including accusing the Secretary of State personally of being critical of the SDLP in social encounters. The strength of SDLP feeling about Unionist insistence on participating in North/South talks as part of a UK team was also made clear. The SDLP team seemed slightly baffled as to how - at the end of a rough meeting - the Secretary of State had declared himself encouraged by the discussion and of the view that progress had been made.
3. In speaking to the press afterwards (including in an RTE interview), Hume forcefully emphasised that it was "nonsense" for anybody to seek to blame Dublin and the SDLP for the hold-up in getting talks under way.

A.A.
1. 10. '90