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Anglo-Irish Intergovernmental Conference.
Dublin, 16 July, 1991

OVERVIEW STEERING NOTE

ROUND-TABLE TALKS

General Approach

1. We would tend to recommend a cautious, listening approach to the discussion on this issue, with an emphasis on the need to reflect at somewhat more distance - and in particular away from the aftermath of the 12th - on the implications of the ending of the talks. If Mr. Brooke tries to press on specifics (such as the length of any future gap), which is unlikely, we would recommend a general response, including in the first instance the need for detailed consideration of the situation at official level.

British view

2. We have been receiving mixed views from the British about the possible timing of any renewed initiative. Mr. Brooke, for instance, seems to be signalling that there is some prospect of resuming dialogue in the Autumn. On the other hand, his senior officials would tend to take the view that, with the possible prospect of an election in November, there is no point in trying to firm up a position until the situation becomes clearer which, at the earliest, will not be until the Tory party Conference in October; indeed, if pushed, they would go further and say that any resumption of the process is probably unlikely until after the next British election (and under a new Secretary of State). This

thinking at official level was most recently confirmed in a conversation today (Thursday) with John Chilcot.

SDLP Attitude

3. The SDLP believe that they (and the Government) came exceptionally well out of a most sensitive process; they are particularly happy that the Agreement was in no way weakened and retains its potential to be further strengthened and developed.
4. We suspect that the party would be opposed to renewed talks on any basis which would involve a significantly longer gap; they would worry that this might not only weaken the Agreement but might also give the Secretary of State an unduly strong position vis-a-vis the Government here. As has already been reported, the SDLP grew progressively more distrustful of Mr. Brooke as the process developed - largely as a result of their perception of his willingness to lean over backwards to accommodate the Unionists.

Unionist approach

5. Molyneux is undoubtedly delighted that the talks have broken down. Paisley remains an enigma; one must however, at the end of the day, have severe doubts about his willingness or indeed his psychological capacity to compromise. In addition, the second-tier in both parties (Robinson, Maginness, Empey, McGimpsey, etc.) must be considering whether, with the present leadership in place, there is very much point in resuming the talks - there is, we believe, a process to be worked out within Unionism, which may well take until after the next election to be completed.

Nally-Butler Group

6. We could have been in a worryingly weak position to exercise significant influence over the talks process had we not insisted on carefully protecting the Agreement, and in particular the 16th July Conference date; there are lessons to be learned from our possible vulnerability in this regard, including the need to place something of a question mark over the policy objectives, and approach to the process, of the Secretary of State and the NIO.
7. In all the circumstances, our recommendation would be - without spelling this out at the Conference - to allow matters to be taken forward in the immediate future in a wider context than the present NIO-led process. The obvious mechanism for this is the Nally-Butler Group which has already been given wide terms of reference (i.e. to prepare the Autumn Summit between the Taoiseach and the Prime Minister) by the 21st June Downing Street meeting.
8. Overall therefore, we might seek, as the most effective strategy option open to us, to allow all aspects of the Northern situation - including the possible resumption of the round-table talks - to be subsumed naturally into the Nally-Butler context and to ask that Group to come forward with a definitive strategy document for consideration at Prime Ministerial level in the Autumn. (There may of course be a lack of enthusiasm for this, for obvious reasons, on the part of the Secretary of State and his senior officials).

CONFIDENCE ISSUES

Accompaniment

9. The Minister might wish to thank the Secretary of State for the second six-monthly statistical report on rates of accompaniment (received last week). He might welcome the evidence of an improved performance in both "green" and "mixed" areas, though expressing concern about the increased use of the UDR in Belfast.
10. The Minister might also raise the recent British decision not to investigate allegations of unaccompanied patrols unless there is an associated allegation of misconduct. Given that this arises for us in particular in a Dáil PQ context, the Minister might point to the serious political problem which this could create.

Use of Lethal Force/Cullyhanna and Coagh

11. We could ask when the DPP is likely to make a decision on prosecutions arising from the Caraher killing. We might also reiterate our arguments in favour of looking at the whole area of the investigation of the use of lethal force by the security forces in the North. We are seriously concerned that recent incidents, and widespread doubts about the efficacy of the resultant investigations, have further undermined confidence in the security forces. The Minister has put forward a number of specific proposals in this area and perhaps the Secretariat should be asked to try and produce a joint report for the September Conference.

Carlingford Lough

12. The Minister might note that there have been two recent incidents involving the boarding of yachts by British

patrols in Carlingford Lough; these incidents have caused considerable controversy and have been raised through the Secretariat. The Minister might underline the importance of the security forces exercising tact and restraint on the Lough; this would be particularly timely given the present busy summer period.

Parades

13. We might comment generally on the manner in which the Twelfth parades have passed off. The Minister might wish to re-emphasise the principle that parades should not be allowed to go where they are not welcome and underline that the decision in relation to, for example, Pomeroy contradicted this principle. In registering our objections in particular to the Pomeroy parade, the Minister might note the degree of controversy surrounding the decision to go ahead with this parade.

Policing of Funerals

14. Given the stated British intention to raise the McNally funeral in Monaghan (on which D/Justice is preparing briefing), the Minister might refer to the RUC handling of the recent Davis and Ryan funerals in Coalisland and Ardboe. Considerable local resentment was caused by the RUC's heavy-handed policing of these funerals. We understand that the local RUC commanders reportedly favoured a more low-key approach (which would also have been consistent with guidelines laid down by John Hermon some years ago) but were over-ruled by RUC HQ. The Minister might underline the serious damage caused by such tactics to nationalist confidence in the RUC.

Stevens/Dumping of RUC files

15. We might reiterate the importance we attach to the full implementations of the Stevens' recommendations. We could enquire as to when the remaining court cases are likely to be held, particularly that involving Brian Nelson. We might express concern at indications that, despite Stevens' recommendations regarding the secure handling of classified documents, a serious breach occurred recently (the discovery of RUC documents on a rubbish tip in Co. Derry). We could enquire about the current state of RUC investigation into this breach.

UNAUTHORISED DISCLOSURES FROM A GARDA DOCUMENT

16. The British intend to raise the Sproule case. Points which the Minister for Justice might make in this regard are being prepared by D/Justice.

SACHR REPORT ON DISCRIMINATION

17. The Second SACHR Report on Discrimination, which was discussed briefly at the Conference meetings of 17 July and 30 November, refers to evidence of persistent inequalities in economic and social life in Northern Ireland and identifies areas where further Government action is required. At this stage, the Minister may wish to emphasise our interest in having a comprehensive discussion of the Report at the next Conference meeting.

ECONOMIC AND SOCIAL ISSUES

Education

18. A recent SACHR report showed up very significant imbalances between the funding of Catholic and Protestant schools in the North (principally because Church-controlled schools get 85% grants for capital expenditure whereas State schools get 100% grants) with clear implications for educational attainment levels and for fair employment. We will be pressing for effective follow-up action on the SACHR findings.

Fair Employment

19. The Minister might underline the importance we attach to having the defect which has been discovered in the Fair Employment legislation remedied by amending legislation during the present Parliamentary session.

Economic Regeneration of Disadvantaged Areas

20. We will be giving positive mention to the "Making Belfast Work" programme and an equivalent programme in Derry, as well as the current concentration of International Fund expenditure in disadvantaged areas.

Commercial Traffic Delays at Border

21. The recent automation of customs controls at the border has had the effect, in the short term, of worsening rather than improving the situation (mainly because of the refusal of clearance agents to purchase the necessary computer equipment). The technical problems have now been sorted out and we would anticipate that delays will be significantly reduced within the next month or so.

"Take Note" of various Economic topics

22. There will be a brief review of various economic topics discussed at the Conference during the past year.

Topic for next Conference

23. We will be suggesting that Agriculture Ministers attend the next Conference (for a discussion on Rural Development) and Education Ministers the following Conference.

ANY OTHER BUSINESS

Local Government

24. We will be focussing attention on a lengthy paper we submitted through the Secretariat last April (drawing attention to abuses in Unionist-dominated District Councils) and pressing for a substantive discussion at the September Conference.

Crossmaglen GAA Club

25. The Minister might wish to note that - despite all his efforts - a fresh difficulty is impeding the resolution of this issue. The developing delicate accommodation between the GAA Club and the British army is now threatened by an Army proposal for the compulsory acquisition of a three metre-wide strip of land in order to enable a perimeter fence to be built along the side of the Army base facing the new club house. The GAA is unhappy with this proposal and, on the face of it, it is not clear why a need now arises for such a fence where there was none before.

The Maguire Family

26. We will be expressing our concern about the outcome of the Maguire family appeal and our hope that there will be further positive developments from the May Inquiry.

Anglo-Irish Division

12 July, 1991

Political Talks

SPEAKING POINTS

- I think that what we might most usefully do today is a very preliminary stock-taking of where matters now stand.

Present Position

- I believe we are all agreed that, in the circumstances, as soft a landing as possible was achieved for this phase of the talks. Your own judgement on timing was, I think, very sound and the careful statements both in the Dail and Westminster struck the right note.
- Even with all the delays and frustrations during the gap, the consensus seems to be that some interesting things were said when plenary finally got under way and there were at least elements of genuine dialogue. That may be a fairly modest balance sheet of achievement but, by Northern Ireland standards, it is by no means insignificant.
- In making some progress in the talks process, we have also succeeded in fully safeguarding the Agreement. As you know, it was one of our strongest fears at the outset that this exercise might result in damage to the Agreement without putting anything better in its place. By maintaining our commitment to today's Conference, both Governments have sent a very clear and very important signal that, unless and until it is transcended, the Agreement must remain the bedrock of our relationship.

Lessons from Strand One

- We greatly appreciated the briefings your officials provided at the weekly meetings of the Liaison Group and we found them very useful. If I might summarise some impressions we gained, they were
 - the extent to which the differences between the objectives of the two Unionist parties emerged so clearly in the opening presentations. Of course, we all knew those differences existed, but I would have anticipated at least some effort to paper over the cracks;
 - perhaps if plenaries had lasted over a longer period, we would have seen a more clearly defined role emerging for the second-tier Unionists. As it was - and of course we are judging this at second hand - Molyneaux and Paisley seem to have kept a very tight rein on their teams;
 - we were struck, and you yourselves commented on this to us in the Liaison Group, by the frequency and extent to which Strand Two issues arose in the Strand One discussions. I presume that this important point will not have escaped the Unionists.

Where to go next?

- At the moment, I think everyone is allowing the dust to settle and perhaps a serious stock-taking exercise is best postponed until after the holiday period. In any event, the couple of weeks around the 12th are probably not conducive

to a forthcoming attitude on the part of the Unionists. (In parenthesis, let me say that Paisley's recent rhetoric goes very far even by his own standards. While we are always ready to discount a percentage of what Paisley says publicly, I would have thought that even his own followers must become uncomfortable when they hear him comparing the Taoiseach to Saddam Hussein and calling Cardinal Daly "the Chaplain of the IRA".)

- At the same time, it is obviously useful to make a preliminary attempt at this stage to assess the prospects for resumption. As you know, our own position - and both the Taoiseach and I have made this very clear - is that we would be anxious to see the process resumed at an early date. There is no doubt in our minds, and I am conscious that you fully share our sense of this, that the vast majority of ordinary people want to see these talks get back on the rails again. Indeed, the opinion polls published during the week show the overwhelmingly strong public support for the talks.
- A key factor of course is the assessment of the positions of the various parties. On the basis of our discussions with the SDLP, I would say that they feel themselves to have emerged as a more cohesive and self-confident party as a result of this phase of talks and one must assume that this will be reflected in their attitude to a resumption. On the other hand, the SDLP are more conscious than ever of the fissures within Unionism and I would think they have a genuine question mark as to whether it is possible to do serious business until some of the tensions within Unionism have been resolved.

- It is more difficult for us to judge the attitude of the Unionist leadership. The general view seems to be that Molyneaux is delighted to have been let off the hook and will be cautious about re-involving himself. Paisley frankly seems to be a mass of contradictions: sometimes one has the impression that he is consciously keeping the door open for another round of talks; at other times, he is employing such extreme language that one cannot imagine he has any positive agenda in mind.
- One has to wonder as well about the current frame of mind of the second-tier Unionists - people like Robinson who helped to propel the leadership into talks. Their appetite for the process may still be as keen as before; on the other hand, they may well feel uncomfortable with the Unionist profile which emerged during the first phase of talks and they may be wary of exposing the Unionist image to further damage until there is a better level of internal preparation.
- There is also of course the complication of a possible British general election which inevitably will cast a long shadow backwards. An election this side of Christmas would presumably mean that the two Unionist parties would be squaring up to one another and would consequently not be ready to engage in serious talks. On the other hand, if the election were to be next year, there might be a window of opportunity in the Autumn.

Conditions for Resumption

- I know that there is a feeling in some quarters that the 26 March statement has had its day and that there would have to

be at least cosmetic changes in any agreed basis for a resumption of talks.

- My own view would tend to be that it would be in everyone's interest to salvage as much as possible from the 26 March statement and the procedural discussions which followed. The 26 March statement was the fruit of very serious work over fifteen months and represented our best collective wisdom at the time. Apart from cosmetic changes, which are of course always possible, it is hard to see much scope for substantive changes of any significance.
- We spent an agonising seven weeks in procedural discussions on venue, rules of procedure and Chairmanship of Strand Two. I think all the participants would probably feel that it would be folly to ignore the consensus arrived at so painfully on these various issues.

[If questioned about the length of a new gap:] Obviously, we would consider very seriously any proposal you were to put to us. Our twin concerns will remain the protection of the Agreement and the furtherance of the talks process. In any new "talks about talks", we will obviously be seeking to balance these twin concerns, as we have tried to do all along.