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SECRET



Prospects for Political Progress

Meeting with British Officials.

Dublin, 29th January, 1991

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1. The British delegation was headed by Joe Pilling (Head of Political Affairs, NIO), accompanied by Robert Alston, Quentin Thomas and Ambassador Fenn. The Irish team was headed by Dermot Gallagher, accompanied by Declan O' Donovan and Anne Anderson. The text under discussion (British paper of 10 January) is attached at Annex A.

Introductory Comments

2. Gallagher said that the Irish side had carefully reflected on the latest British text; we felt the text was very helpful in places and was useful in moving our joint consideration forward. The British are well aware of our basic philosophical position which had been repeated over many months. The political reality is that there are three inter-linked relationships and none should be accorded primacy. The accumulated wisdom of sixty years - that Northern Ireland issues cannot be considered in isolation - must not be ignored. The Unionists, if they are serious, have to be prepared to accept structures which will require all three sets of discussions to take place within a specific timeframe.
3. As to the purpose of the present meeting, Gallagher suggested that we should consciously abstain from a drafting exercise. Ministers will wish to become politically engaged at Thursday's Conference; following the Conference we can

then decide how to take matters forward. Pilling said he was happy not to engage in drafting at this stage; we are close to the point where politicians have to engage and make critical judgements.

Format of the Paper

4. Gallagher suggested that we might keep options open as to the format this paper should finally take. Rather than simply a statement by Mr. Brooke in the House of Commons, we might want to consider a joint statement made by the two Governments or the same statement made simultaneously in London and Dublin - the process was, after all, one that centrally involved the two Governments. Pilling responded that, from the British viewpoint, the options were genuinely open and he personally could conceive of several possible variations - in fact the least probable would be a statement in one legislature without a matching statement in the other. It was likely however, that something would have to be said in the British Parliament - otherwise there would be a "huff" on the part of parliamentarians. He also felt that, if the paper was more or less finalised in one format, it might be difficult to transpose it to another format.

Individual Paragraphs of Text

Paragraph 2 ("Replacing" Agreement)

5. Gallagher said this was a tone-setting paragraph and the subliminal message was almost as important as the words used. Overall, we felt the balance of the paragraph was wrong. We would prefer to see a reference to a new political process out of which a new and better Agreement might emerge. We were very conscious, therefore, about the use of the word "replace" - this, in our view, would

inevitably devalue the Anglo-Irish Agreement. Contrary to British suggestions, we were unaware of any occasion when the Taoiseach had used the word "replace" in a considered statement. In the second half of the paragraph, there was a selective quotation from Article 1 of the Anglo-Irish Agreement; it might be better simply to delete this.

6. Pilling said he understood our concern about the use of the word "replace"; however Unionists would have equal concern about the implications of "transcend". The British would be comfortable with any neutral verb - there may be other words which are reasonably neutral and would not predetermine the outcome of talks. As to the Taoiseach's use of the word "replace", they were not claiming to have seen this in any official text - though they had some recollection of seeing it in press coverage early last year.

Paragraphs 3 and 4 (Conference and Secretariat)

7. Gallagher said that while the formulae in these paragraphs were now, in a sense, an acquis, the enormous hesitation on our side in accepting this language should not be forgotten. We are not resiling from these formulae; however, it is important to remind people that they are there on the weighing scales as major concessions on our part. While it could be argued that the Unionists also had made concessions, the fact is that initial Unionist demands had been outrageous and it was questionable whether they should be rewarded for simply watering them down. Pilling responded that this was a fair point - it is proper to remind the British that while these paragraphs have been around for a long time, they did represent significant movement on our part.

Paragraph 5 (Listing of Parties)

8. Gallagher said it was the SDLP view that it would be preferable not to spell out precisely which parties would be involved in the negotiations, since, if Sinn Fein were to renounce violence, it might also be entitled to participation. Pilling noted the point and said the purpose of the paragraph was to try to define those constitutional parties entitled to participate (in order to exclude some of the very small parties).

Paragraph 6 (Three Relationships)

9. Gallagher said that the phrase "including the relationship between any new institutions there and the Westminster Parliament" was a conscious concession to Molyneaux and had been noted by the SDLP as such. He also queried the phrase "both sides of the community in Northern Ireland" - was it not better to recognise the reality (as the Anglo-Irish Agreement, for example, does) that there are two communities?
10. Pilling responded that the reference to the relationship between any new Northern Ireland institution and Westminster was in fact a much watered-down version of what Molyneaux had originally sought. In Molyneaux's view, there are four main relationships (the fourth being the Belfast-London axis) and not three. In this text, the British had sought to bury the fourth relationship in the first one.

Paragraph 7 (UK Team)

11. There was a very protracted discussion on this paragraph. Gallagher said that the British would not be surprised to hear we had a major problem on the description of Unionist

participation in North/South talks. It is the view of both Governments that genuine North-South talks are a central and core element if progress is to be achieved. We are concerned that, if the Unionists get their way, North-South talks will end up as a variant of the East-West strand.

12. Pilling said his understanding had been that this was an issue about which the SDLP felt strongly but which was not in itself of enormous importance to Dublin. When Mr. Brooke saw the SDLP in London recently, they had not expressed any difficulty with this paragraph. In the earlier meeting which Brian Mawhinney had with John Hume, Mawhinney had pointed out the distinction between a UK team and a British Government (HMG) team. Hume had apparently seen some significance in this distinction and the British felt that the issue was no longer the problem it had been.
13. Pilling went on to say that Molyneaux and Paisley had made very clear that being part of the UK team did not mean they would be led and controlled by Mr. Brooke. There were essentially two elements in the Unionist position - they needed this cover in order to sell the North-South talks to their own constituents; additionally, they were bothered by a lack of symmetry if they, simply as party leaders, entered dialogue with a sovereign Government. Thomas added that this was an awkward remnant of the original, more dogmatic Unionist position that they would not enter into dialogue with Dublin unless as members of an Executive in Belfast.
14. Gallagher confirmed that, on the basis of our conversations with the SDLP leadership last week, we understand they still feel very strongly on this issue. A time must come when the Unionist position is not allowed stand in the way of the objective assessment of both Governments about how to make progress. The Unionists were trying to change the nature of

North-South discussions; this was also reflected in their attitude to the venue for North-South talks. If, as the British had told us, the Unionists were hesitant about initiating North-South talks even in Armagh, this appeared to us to raise fundamental questions about the seriousness of approach on their part.

15. Pilling said the British had tried to omit from the text any description of Unionist participation in North-South talks but the Unionists had insisted on returning to the point. The Secretary of State had tried very hard to move them on it but without success. Pilling said Unionists insistence on this point reflects their basic insecurity; his own view is that there is no further give on this issue and he will be very surprised if further movement proves possible. Fenn added that Dublin's wish to remove this phrase raises reciprocal doubts in the Unionist mind; the Unionist sense is that Dublin wishes them to abandon a central element of their identity - their Britishness.
16. Gallagher said the Unionists are being offered an opportunity to be part of a process to transcend the Anglo-Irish Agreement; however, it is unacceptable that they should be allowed set their own requirements for becoming part of this process - there has to be a limit to the extent the two Governments are prepared to go. O'Donovan said that the Unionists are seeking to have it both ways - they want the cover of the UK team when it suits them and not otherwise; there will be serious practical problems in the negotiation if Unionists are allowed get away with this. He added that, with regard to the argument that Paisley and Molyneaux need "cover" to sell North-South talks to their own parties, the reality is that neither leader is under threat - this element is therefore exaggerated.

17. Anderson said it would be damaging to the perception of the British Government as attempting to deal with the situation in Northern Ireland in an evenhanded way if they lent themselves to this charade. The image projected would be of the British and Unionist parties joined together in one team, while the other parties - principally the SDLP - stood on their own two feet. The British could hardly feel comfortable about such an image being projected. O' Donovan added it would be impossible to see where the British Government ends and the Unionists begin. Pilling responded that while the British were not comfortable about the proposition they felt they could cope with it in practice. Gallagher said that the British had won a degree of credibility in administering direct rule and it was important that in this exercise they were not seen as leaning too much to one side.
18. Returning to the venue question, Fenn said that the point surely is that the North-South talks cannot start in either Dublin or London. Gallagher said he did not accept they could not start in Dublin. Pilling said that the question of Armagh had only been touched on very lightly, without prior notice, with the Unionist leaders - there was a difference in emphasis in the reaction of the two leaders, with Paisley notably more negative.

Paragraph 8 (Launching of three strands by "approximately half-way")

19. Gallagher said that while this paragraph is intended to be helpful, it is governed by the conditional phrase "if full use is to be made". He also queried what precisely was meant by the phrase "approximately half-way". On the latter point Pilling said the British had nothing very subtle in mind - it is a "precautionary vagueness"; both

they and the Unionists feel that the start of North-South talks might well come slightly before the half-way point.

Paragraph 9 (Conditionality)

20. On the second sentence, Gallagher said that it seemed excessively optimistic to suggest, as the British had, that the bilateral meetings could be over in a few days. The British side clarified that it was envisaged that meetings at official level would precede the gap and the Secretary of State would simply hold a quick round of confirmatory meetings at the outset of the gap; they saw no problem in amending the text to make this clear.
21. On the final key sentence of this paragraph, Gallagher said that Ministers will undoubtedly spend a good deal of time on this on Thursday. The British are well aware of our position about the need for a specific timeframe. The phrase "in consultation with the parties" is in our view ambiguous and Paisley's interpretation is already on the public record. We are also concerned about the phrase "in the light of progress already made". Pilling responded that he was not surprised that this paragraph does not meet all of Dublin's concerns. Mr. Brooke will of course be anxious to discuss the issue fully on Thursday. The Secretary of State will argue vigorously that there is a limit to what can be achieved and that he is now "pretty close to that limit or right up against it".
22. Gallagher reiterated that there are three interlinked relationships, none of which should be accorded primacy; that is the basic principle against which we judge this paragraph. If Unionists are serious about a solution, we cannot see why they will not accept a framework which envisages all talks taking place in a specific timeframe.

Pilling said if he could summarise the Unionist position in one sentence, it would be "that they do not feel altogether trusting of all other participants in the process".

Paragraph 10 (Intensive internal talks)

23. Gallagher said this is a statement of good faith on the part of the SDLP, originally put in by Hume to reassure the Unionists. Alston said it is important to recall that the Unionists also have signed up to this expression of good faith.

Paragraph 11 (Nothing agreed until everything agreed: outcome accepted by people)

24. Gallagher said we felt the first sentence could usefully be firmed up. As to the second sentence (outcome must be accepted by the people) the implications of this would need to be thought through fully by the two Governments. However, the issue had not yet been considered at political level here and he doubted if it would be part of the discussion on Thursday. Pilling said it would be nonsense on the British part to pretend that this sentence is other than ambiguous; it is of course capable of being understood in different ways - however both the Unionists and the SDLP had seemed to respond positively to the phrase.

Liaison Group

25. Finally, Gallagher touched on a point which he said had been allowed drop from recent texts but which remained of importance to us: the establishment of a Liaison Group. The creation of this Group had in a sense been a substitute for Dublin's non-involvement in the internal talks; we

would wish to see a reference to the Group re-introduced in the text.

Discussion over Lunch

26. Over lunch, there was a wide-ranging discussion (no notes taken) on the underlying issues. The British side maintained that this enterprise could not be entirely risk-free but that our fears of damage to the Anglo-Irish Agreement were exaggerated. The Irish response was that it was not surprising if we assessed the risk differently since there was a greater exposure on the Irish side - in the scenario currently envisaged, the British would be involved in the process from the outset, but there was no certainty that the Irish Government would be involved at all. Pilling seemed genuinely to believe that if the talks broke down, there would be a return to the status quo ante; the Irish side outlined the damage that we feared would be done to the Agreement and to the credibility of the political process in the nationalist community.
27. There was considerable discussion as to what was likely to happen in practice during the gap. The British side said there were two different scripts - their scenario, essentially positive, which suggested progress would be made during the first few weeks of the internal talks, thus generating a readiness to move to the next phase; by contrast, the more pessimistic Irish scenario foresaw little movement in the first few weeks and a consequent refusal of the Unionists to move to the North-South phase. The Irish side said we were not talking about hypotheses but reality - we all knew the huge fissures within and between the Unionist parties, not to mention Unionist differences with the SDLP. Realistically, it was wholly improbable that much could be done to resolve these differences within the space

of a few weeks. Unless, therefore, there was a framework leading inexorably to North-South talks, it was almost inevitable that after the first three or four weeks had elapsed, the Unionists would refuse to move to North-South talks on the grounds that insufficient progress had been made.

28. The British side remarked on the distrust of Unionist intentions on the Irish side. The Irish said that the Unionist record - either in Stormont or currently in the District Councils - did not inspire confidence. The British Government had stood up to the Unionists in 1985 and subsequently; it would be a grave mistake if their approach now were to be overly-influenced by what is or is not acceptable to Unionists. If the two Governments are genuinely seeking a solution - as opposed to tinkering at the margins - it is essential that they jointly form a judgement as to what the process objectively requires and proceed on that basis.

A.A.

Anne Anderson

30 January, 1991

cc: PSM; Mr. Nally; PSS; Mr. Gallagher; Ambassador London;
Joint Secretary; Mr. Mathews; Mr. Brosnan;
Counsellors A-I; Box.

DRAFT STATEMENT

1. Mr Speaker, I am pleased to be able to inform the House that, following extensive discussions with the constitutional political parties in Northern Ireland and with the Irish Government, a basis for formal political talks now exists. I frankly acknowledge to the House that this would not have been possible without the goodwill and determination of the Northern Ireland parties and the helpful and constructive approach taken by the Irish Government. The stated positions of all these parties is well known.

2. In the light of my discussion with Mr Collins, the Irish Foreign Minister, on [] January I can confirm that Her Majesty's Government and the Government of the Republic of Ireland would be prepared to consider a new and more broadly based agreement or structure to replace the Anglo-Irish Agreement if such an arrangement can be arrived at through direct discussion and negotiation between all of the parties concerned. This is in accordance with the position of both governments that Northern Ireland's present status as a part of the United Kingdom will not change without the consent of a majority of the people who live there. I refer the House to the relevant passage of my speech on 5 July.

3. To allow an opportunity for such a wider political dialogue the two Governments have decided not to hold a meeting of the Anglo-Irish Conference in the period between [x and y]. All of the parties concerned will make use of this interval for comprehensive discussions to seek the new and more broadly-based agreement which I have just described.

4. As the Conference will not be meeting between the specified dates the Secretariat at Maryfield will accordingly not be required for that period to discharge its normal role of servicing Conference meetings provided for in Article 3 of the Agreement.

5. The parties involved in this process will be the two Governments and the Alliance Party of Northern Ireland, the Social Democratic and Labour Party, the Ulster Democratic Unionist Party and the Ulster Unionist Party.

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6. It is accepted that discussions must focus on three main relationships: between both sides of the community in Northern Ireland, including the relationship between any new institutions there and the Westminster Parliament; between both parts of Ireland; and between the two Governments. It is common ground between all the parties that hope of achieving a new and more broadly based agreement rests on finding a way to give adequate expression to the totality of the relationships I have mentioned.

7. Talks will accordingly take place in three strands corresponding respectively to these relationships. In discussions on the relationship between both parts of Ireland, the Unionist parties will be part of the United Kingdom team.

8. It is accepted by all those involved that, if full use is to be made of the interval between meetings of the Conference to achieve an overall agreement satisfactory to all, it will be necessary to have launched all three sets of discussions by approximately halfway through the interval.

9. A first step towards getting related discussions under way in all three strands will be the opening, as soon as possible, of substantive talks between the parties in Northern Ireland under my chairmanship. These will commence with a round of bilateral meetings between the individual parties and myself before moving, when I believe an appropriate point has been reached, to plenary sessions. The other strands, both of which will of course involve the Irish Government, will be launched when I judge, in consultation with the parties, that the time is right in the light of progress already made.

10. The internal talks, like the talks in the other strands, will follow a demanding and intensive schedule. All concerned have assured me they will participate in good faith and will make every effort to achieve progress.

11. It is accepted by all the parties that nothing will be finally agreed in any strand until everything is agreed in the talks as a whole and that confidentiality will be maintained thereunto. However, in the final analysis the outcome must be accepted by the people.

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