



An Chartlann Náisiúnta
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to be in copy *12/15*
Informal Ministerial Meeting. London

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10 May, 1991 *12/15/9*



1. The Irish side was represented by Ministers Collins and Burke, accompanied by Secretary Dorr, Ambassador O'Rourke, Mr. Gallagher, Mr. O'Donovan, Ms. Anderson and Mr. Donoghue. The British side was represented by the Secretary of State and Minister Mawhinney, accompanied by Messrs. Chilcot, Pilling, Thomas, Wood (NIO), Mr. Archer (FCO) and Ambassador Fenn. The meeting lasted four and a half hours, including a tete-a-tete of about one hour.

Opening Presentation by the Secretary of State

2. Mr. Brooke expressed appreciation for the generous and helpful telephone call from the Minister the previous day (he acknowledged "the extremely gentle rebuke" which the Minister had administered for the failure to consult before floating his proposal earlier in the week). He went on to summarise the developments in party positions on the venue issue during the past two weeks. He said that, by the time he had put forward his own proposal, the Unionists were moving to the idea of a neutral European venue (quoting Archbishop Daly in support of their arguments) and their immediate reaction to his proposal had been to reject it.
3. Commenting on reports that the Unionists are seeking a commitment from the Irish Government in relation to Articles 2 and 3 before they would consider meeting in Dublin, Mr. Brooke said the Unionist leaders - in private session with him - had strongly denied that this represented their position. They said it was simply a question of someone on the Unionist side "playing around with a word processor" and somehow the detail of the paper in question had reached the

media. (Note: We had heard separately that Chris McGimpsey was the author of the paper which had given rise to these reports).

4. Summarising the present position, Mr. Brooke said the SDLP will not accept Europe and Unionists will not accept Northern Ireland. Part of the difficulty is that positions are now so clear-cut that for either side to accept any suggestion other than its own would represent some form of defeat. Temporarily at least, parties are more pre-occupied with the outcome of this skirmish than the totality of the exercise. At the conclusion of yesterday's meetings, he had said that, if there was not a modification in positions over the weekend, he would himself put a proposal on Monday.
5. Mr. Brooke referred to two other issues which had arisen in the last day or two (i) the need for clarification as to possible input by the political parties in strand three and (ii) the question of chairmanship of the second strand. On the former issue, the pressure was coming in particular from Ken Maginnis - his argument was that, since strand three would involve discussions on an alternative to the Anglo-Irish Agreement, there must surely be a role in it for the political parties. Brooke said his response to the Unionists as of yesterday had been that he was not going to make any commitment on strand three before talking to the Irish Government.
6. As to the Chairmanship issue, the Unionists had made very clear their expectation that the Secretary of State would chair the second strand. (Brooke said the only party who raised this issue during the earlier "talks about talks" phase had been the Alliance; his response at that stage had been that it was not a matter for him to decide - this was something which would emerge during the process). Mr. Brooke said his own instinct, in view of his experience over

recent days, is that it would be a singular mistake to proceed further without tying up all loose ends.

7. The Secretary of State added that, despite all Unionist protestations that they were not prepared to contemplate talks in Northern Ireland, there was a persistent line of questioning on their part as to what specific location in Northern Ireland the NIO had in mind. However, because of Unionists' lack of expertise as negotiators, it was difficult to know what significance to attach to this.

Responding Statement by Minister Collins

8. Minister Collins said he was conscious that Mr. Brooke had had a difficult and wearying week; we had felt that we could be most helpful at the Dublin end by saying very little. However, we had consciously tried to help resolve the deadlock by putting forward our new proposal, which had caused us quite some difficulty in drafting. The Minister said that he felt there was probably a shared view of the cause of the present impasse - we were not talking about two sides behaving in an equally unreasonable way; the Unionists were trying to veto any talks on the island of Ireland, despite the fact that everyone has agreed that the subject matter of the second strand is the relationship among the people of the island of Ireland.
9. The Minister said the present Unionist stance has absolutely no credibility; the Unionist leaders have manufactured an issue and are now trying to suggest they are responding to rank and file pressure. He had no doubt that the leadership could easily sell the line that they are primarily going to Dublin to speak their minds about Articles 2 and 3. The Government had done everything to try to prevent the Unionists getting hung on hooks publicly; very regrettably, Molyneux and Paisley had now backed themselves into a

corner and wanted everyone to bow to their demands. For their part, the SDLP had wanted Dublin but they were prepared to agree to a Dublin-London or Dublin-Belfast rotation; in their latest paper they went a considerable further distance.

10. The Minister said that we had found the latest Unionist paper extraordinary; they had tried to undermine all the work of the last eighteen months, and in particular Mr. Brooke's 26 March statement, by reopening the "substantial progress" issue. We had to say, with great regret, that this seemed to us the old Unionist "not an inch" mentality. If we succumb to this now, we are storing up trouble for ourselves for the duration of the talks. The Unionists must be brought face to face with realities - they cannot be allowed dictate to the two Governments and hold the whole process hostage in this way.
11. The Minister said that the idea of holding most of the second strand in Europe is logistically a nightmare; it brings an element of farce into the proceedings. He was convinced that the Unionists could not have properly thought through the implication. However, if we felt it would help achieve a breakthrough, we could as a last resort agree to a symbolic meeting in Europe - no more than a day or two - which would be followed by a rotation either on an East-West or North-South basis.
12. The Minister added that the current single-minded focus on the venue issue is bringing the whole process into disrepute; he wondered if it would not be wise to consider a cooling-off period so as to allow people to pause and reflect on the grave consequences of their posturing. Perhaps a pause of a week or two might restore some sanity and balance into the discussion.

13. On the question of modalities for the second strand, the Minister said he failed to understand why the Unionists had made it an issue at this stage. He quoted the 19 April text which stated that "the North-South talks would be between the Irish Government and the political parties it is assumed that the NIO would also be a party". It was clear that the NIO role in the second strand was conceived by both Governments as a very limited one. We now seem to have jumped to a situation where the Unionists want to cast the Secretary of State in the role of chairman; there was an "Alice in Wonderland" sense about all of this. However, since reassurance seems so necessary, he was quite prepared to envisage a rotation of the Chairmanship between representatives of the two Governments or a joint chairmanship; other practical arrangements would be on an agreed basis.
14. The Minister emphasised that the absolute integrity of the third strand must be maintained. It is perfectly clear from Mr. Brooke's statement of 26 March that the subject matter of this strand is "the relationship ... between the two Governments". The political parties have absolutely no locus standi; if they want to share views with the Governments they have every opportunity to do so during meetings of the second strand. The Minister went on to say that he had no particular difficulty with the language on strand three given to us by the British the previous evening. However, since it is the joint understanding that the three strands will take place in parallel, and not sequentially, he would suggest the deletion of the reference to "reconvening" in the final paragraph.
15. Minister Burke said that many of the issues now being raised with the Unionists go much further than loose ends - in effect they are new issues (some of them "Exocets"). All the important points had been addressed in Mr. Brooke's

statement of 26 March which was agreed by all the parties; that statement makes clear that the Unionists can regard themselves as members of the UK team for the second strand - surely it should not be a problem for them to come to Dublin in that capacity.

General Discussion

16. Commenting on the Minister's statement, Mr. Brooke said that the unfortunate feature of this skirmish is that it is public and immediate, making it more difficult for people to compromise. Nevertheless, despite the prominence the venue had assumed, he continued to detect a genuine and purposeful attitude to the negotiations as a whole. He is convinced that the venue issue must be resolved at this stage; if a resolution proves impossible, he will simply have to draw the conclusion that, sadly, the timing of these talks has proven to have been ill-judged.
17. Responding to the Minister's suggestion of a possible symbolic meeting in a European venue, the Secretary of State said he was extremely grateful for the offer but did not feel it provided a way forward. As to the reference to "substantial progress" in the Unionist paper, he himself had winced at this - he felt it reflected a Unionist suspicion that strand three might suddenly be announced when strand two had just begun.

Arrangements for Third Strand

18. Mr. Brooke said he differed somewhat from Minister Collins on the question of how the third strand should be conducted. Strand three may involve substantial discussion about an alternative Anglo-Irish Agreement; "it would be astonishing wisdom on the part of the Governments if they did not need to do any verification with the parties". Mr. Brooke quoted

a passage in his 26 March statement (the two governments "would be prepared to consider a new and more broadly based agreement or structure if such an arrangement can be arrived at through direct discussion and negotiation between all of the parties concerned") and said that this might provide some basis for the Unionist's arguments to be involved in the third strand.

19. Minister Collins replied that such an interpretation of that particular sentence would be wholly unreasonable. It clearly could not be taken as implying any intention to have the political parties present in the government-to-government talks. There had been no doubt in anyone's mind all along as to what each of the three strands was about; no one could back away now from the very clear understandings which had been reached.
20. Mr. Brooke replied that the negotiation of a new Treaty would of course be a matter for the two Governments. However, there must be freedom during strand three to go back to a strand two formation if necessary, just as there must be freedom to move from the second strand back to the first. Minister Collins agreed that it should of course be possible to move between strands for any necessary clarifications; his concern was that there should not be any fudge which might suggest that political parties would be present in some capacity in strand three. Mr. Brooke responded that, while in principle all strands remain open, if he were to put that proposition to the Unionists it would immediately arouse their suspicions that there might be a transition from the first to the second strand without anything of a serious practical nature being discussed in the first strand.
21. There was a fairly prolonged textual discussion on the British draft; following a series of proposals on the Irish

side, a number of amendments were made (see Annex 1 for the original British draft and the amended form as agreed).

Cooling-off Period

22. Dr. Mawhinney referred to Minister Collins' suggestion for a cooling-off period and said he had difficulties with such a proposal. It might give an opportunity for the parties to go out and rally support for their positions; also, it was crucial that an attitude of trust be developed - if this did not happen reasonably quickly the atmosphere would deteriorate. Minister Collins agreed that the ideal solution would be to resolve the venue issue as soon as possible rather than allow it to fester.

Chairmanship of the Second Strand

23. Returning to the Chairmanship question, Mr. Brooke said he felt this was an extremely important issue. It was his judgement that, if he were to propose meetings in Northern Ireland to operate on the basis of a rotating chairmanship, this would be an issue on which the Unionists would break. They had pressed him as to why he was not seeking the Chairmanship role; he had responded that he would not wish to arrogate to himself what was not bestowed by others. He added that, beyond the symbolism, one had to look at the practicalities - in his view, a rotating chairmanship would be very difficult for the conduct of business.
24. Minister Collins pointed out that he had suggested rotation or joint chairmanship. Mr. Brooke replied that, on the basis of his experience in the last few days, he saw a real problem in practical terms with the concept of joint chairmanship. He wished to circulate a proposal of his own (the text at Annex 2 was made available at that point); however, he wanted to underline that there was no element of

egocentricity or ambition on his part in putting forward the proposal.

25. Following circulation of the British text, Ministers Collins and Burke immediately asked for a break. [During the break, the British side passed in their proposal on the venue issue (text at Annex 3); they emphasised that the Secretary of State intended to "face down" the Unionists with an insistence that the bulk of substantive meetings be held in Northern Ireland, with opening and concluding meetings to be held in London and Dublin respectively]. At the conclusion of the break, Ministers Collins and Burke sought a tete-a-tete with the Secretary of State and Dr. Mawhinney.

Tete-a-tete

26. At the tete-a-tete, Ministers Collins and Burke made clear that it would be impossible for them to accept the British suggestion on chairmanship. They proposed instead, quoting EC practice, joint chairmanship by representatives of each government who would be separate from national spokesmen. In a series of plain-speaking exchanges, Mr. Brooke stuck to his view that such an arrangement would be unworkable. (He rejected the analogy with EC practice, saying that in his experience the British chairmanship of EC meetings is not in fact neutral). The Irish side then put forward, ad referendum, a suggestion for independent chairmanship of strand two meetings; Mr. Brooke indicated he would be prepared to accept this, ad referendum on his side also.

Resumed Discussion

27. At the resumption of the full session, Mr. Brooke said that he felt it would be exceptionally difficult for the Unionists to reject a proposal on venue if there was the whole of Northern Ireland to choose from. He added that, if

Parliament Buildings in Stormont were in fact the agreed site, this might help to redress the balance in that the SDLP would also be accepting something they did not want. It was agreed that the reference to a "closing" meeting in Dublin would be amended to a meeting in Dublin "towards the end of June".

28. On the Chairmanship issue, Minister Collins said that the Irish side had proposed joint chairmen; however, they had also advanced the suggestion - he emphasised that this was entirely ad referendum - that someone be sought out at European level to act an impartial chairman. Mr. Brooke said his own sense was that, if the Irish proposal for joint chairmanship was put into his document on Monday, that would be tantamount to deciding to end the process.
29. As to an impartial chairman, Mr. Brooke said he would not limit the search to the European Communities - there were a series of advantages and disadvantages associated with either Europe or the United States; in general, he felt the individual was more important than the background. He said his own inclination would be to try to identify a specific name and put it forward. Minister Collins said that the two Governments should find someone and informally consult the parties; he felt there were certain practical advantages to looking in the direction of the European Communities.
30. Ministers Collins and Burke said they wished to clarify that the package as a whole would be put to the parties on a take it or leave it basis on Monday. Mr. Brooke confirmed that this would be the case, subject to letting the parties go through their positions in a series of bilateral meetings on Monday morning. It was agreed that, in principle, Mr. Brooke would table the proposal at 2pm on Monday, giving the party leaders until 10.30 am the following day to convey their responses. (If any of the parties wanted to give a

response in advance of that deadline, there was of course nothing to stop them doing so). The package would be made public at 5pm on Monday, with a view to putting grass-roots pressure on the Unionist leaders.

31. It was agreed that, in putting the proposition, the Secretary of State would make clear that it was being tabled after consultation with the Irish Government. Mr. Brooke said that, if the answer on Tuesday morning was negative, he would need to make a statement in the House of commons and he assumed the Irish Government also would want to say something.

AA.

Anne Anderson

13 May, 1991.

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

STRAND THREE

(i) Draft initially proposed on the British side

Strand three discussion, which will be concerned with the relationship between the two governments will take place between the two governments but

- political parties will be free to discuss strand three issues with the government before strand three begins
- political parties will be kept in touch with progress during strand three by regular liaison
- the two governments will meet political parties at their request for further discussion of strand three issues while strand three is taking place
- the outcome of strand three will be considered by all the participants alongside the outcome of the other two strands and nothing will be finally agreed in any strands until everything is agreed in the talks as a whole.

The strand one formation or, as appropriate, the strand two formation may be reconvened at any point to consider issues further in the light of progress in strand three.

(ii) Agreed Formula

While participating parties remain free to discuss strand three issues with the governments, strand three discussions will be concerned with the relationship between the two

governments, and will take place between the two governments;

- other participating parties will be kept in touch with progress during strand three by regular liaison
- the two governments will meet other participating parties at their request for further discussion of strand three issues while strand three is taking place
- the outcome of strand three will be considered by all the participants alongside the outcome of the other two strands and nothing will be finally agreed in any strand until everything is agreed in the talks as a whole.

CHAIRMANSHIP

(i) Initial British Proposal

In strand two which is concerned with the relationship among the people of the island of Ireland, there will be no chairman or co-chairman as such but it is agreed between the two governments that

- as the chairman of strand one the Secretary of State for Northern Ireland will take the lead in convening meetings in strand two, in ordering the agenda and in ensuring that there is a steady flow of business
- lead responsibility for domestic arrangements etc will depend on location.

(ii) Irish Counter Proposal

In strand two - which is concerned with the relationship among the people of Ireland - representatives of each of the two Governments (who will be separate from their spokesmen) will jointly chair the proceedings. The Joint Chairmen will convene meetings, order the agenda, ensure there is a steady flow of business and will agree on practical arrangements.

(iii) Agreed Formula

All meetings of strand two will have an independent chairman whose identity will be announced by the two governments after consultation with other participating parties.

VENUE

(i) Initial British Proposal

1. Opening meeting of strand two to be held in London.
2. Bulk of substantive exchanges in strand two to be held in [Northern Ireland] [Parliament Buildings] in a location to be determined.
3. The closing meeting of the strand two discussions to be held in Dublin.
4. Nonetheless, at later stages the strand one formation or, as appropriate, the strand two formation may be reconvened at any point to consider issues further in the light of progress in strand three.
5. Nothing will be finally agreed in any strand until everything is agreed in the talks as a whole.

(ii) Agreed Formula

1. Opening meeting of strand two to be held in London.
2. Bulk of substantive exchanges in strand two to be held in Northern Ireland in a location to be determined.
3. A meeting of the strand two discussions to be held in Dublin towards the end of June.

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PSM
Mr Nally
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STATEMENT FROM THE JOINT UNIONIST LEADERS

The present talks process did not come about by good fortune, but rather along a route started by us over three years ago with the then Secretary of State, Tbm King. We made the point, only to establish that we wish the talks to succeed. Moreover, it is clearly the desire of the community that success should greet our efforts. We have been concerned that, thus far, Mr Brooks has been unable to obtain agreement among the parties as to a venue for Strand 2 of the negotiations (dealing with the relationship between any new Northern Ireland administration and the Republic of Ireland).

Our minds have been exercised by the dilemma and while we believe that the overwhelming burden of historical precedence and logistical suitability weighs in favour of meeting in London for Strand 2, we have been willing to consider, and have talked with Mr Brooks about, other options.

With parties maintaining confidentiality there has been limited information available to the public so we feel it is useful to review the situation. The position of the parties on the location when the talks would enter the second strand was well known. The SDLP wanted the talks in the island of Ireland, at Dublin or Armagh, while Unionists believed that they should be held in London.

As testimony of our reasonable approach we placed before the Secretary of State a sequence of alternatives:-

1. London.
2. Elsewhere in Great Britain.
3. London for Strand 2, with all but the final stages of Strand 3 (which deals with the relationship between the United Kingdom and the Republic of Ireland) in Dublin.
4. A neutral venue outside the two islands.
5. The opening meeting of Strand 2 in London; moving to a neutral location for the substantive negotiations; concluding in Dublin with a transitional meeting from Strand 2 to Strand 3 and thereafter alternating between London and Dublin.

This latest proposal, we felt, went even further than the suggestion by Archbishop Cardinal Daly and reflected our preparedness to go the extra mile.

We cannot continue upon an imbalanced and continuous process of compromise - to do so would be to capitulate and that we will not do.

While we will continue to seek a reasonable accommodation, the community will understand that we cannot indefinitely be expected to alter our position in the absence of a reciprocal measure of flexibility by others.

Released Friday 10 May 1991.