

I N C O N F I D E N C E

UNDER/ 753/6
SEC

26 JUN 1991

FROM: STEPHEN POPE
Talks Secretariat
25 June 1991

cc: PS/SofS (B&L) - B
PS/PMG (B&L) - B
PS/MofS (B&L) - B
PS/PUS (B&L) - B
PS/Mr Fell - B
Mr Pilling - B
Mr Ledlie - B
Mr Thomas - B
Mr Alston - B
Mr Hamilton, Cent Sec - B
Mr Wood (B&L) - B
Mr P N Bell - B
Mr Cooke - B
Mr Dodds - B
Mr D A Hill - B
Mr D J R Hill - B
Mr Petch - B
Mr Brooker - B
Mr Marsh - B
Mr McCaffrey, Press Off - B
Mr Archer, RID FCO - B
HMA Dublin - B
*Mr Nick Bevan, MOD
*Mr Appleyard, Cab Off
*Mr Gowan, Cab Off
* Mr Bentley, HO
(* via Mr Walker SIL)

PS/SECRETARY OF STATE (PB)

BUSINESS COMMITTEE: 24 JUNE 1991

1. I attach the record of the Business Committee meeting held in Parliament Buildings on 24 June 1991.

2. Copies are being passed to the parties.

signed

STEPHEN POPE
PB Ext 2203

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Id 597/A2

I N C O N F I D E N C E

MEETING OF THE BUSINESS COMMITTEE AT PARLIAMENT BUILDINGS
ON 24 JUNE 1991

Government Team

Minister of State
Mr Thomas

Talks Secretariat

Mr Pope

Delegation Representatives

Mr Close
Mr Cunningham
Mr Haughey
Mr Robinson

The Business Committee met at Parliament Buildings between 1800 and 1900 on 24 June to discuss possible intensification of the Talks process.

2. The joint Unionist representatives distributed copies of a paper setting out a possible timetable for 24 June and 10 July. (This is attached at Annex A). The SDLP questioned the reference in the second paragraph to "... a suspension of the working of the Anglo-Irish Agreement", noting that while the reference in the first paragraph was from the Secretary of State's 26 March statement, that in the second had not appeared either in the 26 March statement or in any of the framework documents which the parties had been given before the Talks process had begun. The SDLP and other delegations had gone into the process on the basis of the 26 March statement only. The UDUP noted that the phrase in paragraph 2 had set out the terms of the joint Unionist requirement for entry into the process. The Government Team confirmed that the passage quoted in paragraph 1 reflected one of the three Unionist preconditions for entry into the process and was one of the formulae agreed over the previous 15 months which had resulted in arrangements enabling the Unionist preconditions to be met. It had formed the basis of discussions between the Secretary of State and the Irish Government which had aimed to create a gap between two Intergovernmental Conference meetings between which the Talks process could be conducted. The Government Team said that the view taken by the Secretary of State about the need for an Intergovernmental Conference on 16 July was based on his

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assurance to the Irish Government as part of the negotiations which had sought to meet the Unionist preconditions so that the process could get under way. The Secretary of State would not go back on his word since to do so would raise doubts about his ability to negotiate, perhaps on behalf of others, in the future. The Government Team's view, earlier that day, was that the Business Committee might look at a working schedule for before and after 16 July. However, Dr Paisley and Mr Molyneaux had since confirmed that their position that there could be no resumption of the Talks process after 16 July was not negotiable. The Secretary of State had accepted their position and had not tried to change their minds. He had, for his part, made his own position clear.

3. The Government Team went on to say that HMG had negotiated and announced 16 July as the second of the two prespecified dates. That said, HMG were willing to contemplate and to discuss the possibility of arranging for a further gap between that IGC and a subsequent IGC to enable the process to continue and to provide time for further discussion. This proposal was put forward in full knowledge of the Unionist leaders' position and took into account the Unionist leaders' belief that an additional short gap (a "quarantine period") would be necessary between the end of the present series of discussions and 16 July in order that the Anglo-Irish Secretariat could make the appropriate arrangements for an IGC - the position paper which had been distributed appeared to recognise that. The Government Team concluded by saying that it would be helpful to know if delegations believed that the whole process could be completed within 2 weeks. If not, was there any purpose in further intensification? The UDUP said that it appeared that the Government Team believed that there was no prospect of achieving significant progress in the time remaining. The Unionist parties had attempted to tackle this by putting 10 weeks worth of working hours into the period that remained. They continued to hope for significant and fast progress and had no doubt that, were the necessary time made available, then common themes could be identified, common issues agreed upon

and progress made, perhaps into Strand Two. The Alliance Party questioned the value of working up to 10 July if there was to be no resumption of the process after 16 July. Mr Robinson said that the Secretary of State's 26 March statement clearly signalled that the agreement upon which the Talks process was based was to come to an end at the next IGC - this now meant 16 July. The SDLP doubted whether all business could be concluded within that time frame, noting that the problems that had arisen earlier in Strand One could not have been foreseen and, even if all had gone well, it might have been difficult to complete the process between the prespecified dates. In response to an SDLP question as to whether the Unionists were saying that there could be no talks after 16 July, the UDUP said that this was the case, but only because 16 July had been fixed as a date for an Inter Governmental Conference - that apart, it had no significance for Unionists who had always accepted that the process might not have been completed by the second prespecified date but had anticipated that the IGC could have been put off to achieve completion. The basis for the position which Mr Molyneaux and Dr Paisley had taken was a belief that the Secretary of State could have approached the Irish Government to discuss a postponement.

4. The Government Team re-stated the Secretary of State's position - agreements reached with individual parties to the process, including the Irish Government, had to be adhered to. Other parties to the process had to be able to trust the Secretary of State if he was negotiating on their behalf. The Secretary of State had made it clear that he accepted the Unionist leaders' position. Discussion at the Business Committee should not consider the possibility of a change of the 16 July date, but that it should revolve around the most appropriate working arrangements for the time available.

5. The SDLP noted that the date of 16 July had also been agreed between the Taoiseach and the Prime Minister, and that it was the Secretary of State's 26 March statement with its reference to "two prespecified dates" which had set the formula

for the process. They had not sought to impose a timescale. Unlike the Unionists, the SDLP had sought no preconditions and had been ready to involve themselves in the process from the outset. It was unlikely that the process could be resolved quickly and to attempt to do so would impose unnecessary and unacceptable pressures. If the Unionist leaders were serious that there could be no resumption after 16 July, then the SDLP would need time to study the position. If resumption was not ruled out a different complexion was placed on the issue.

6. The Government Team repeated that the Secretary of State accepted the position set out by the Unionist leaders that afternoon and that the Business Committee discussion should revolve only around possible intensification. A level of intensification which provided for the same number of hours in 2-3 weeks as originally planned for was unrealistic. It removed time for reflection and informal discussion of others' views and would adversely affect the ability of delegations to formulate responses to others' papers. Schedule C of the Unionist paper was not the right answer - some balance was necessary between the process and the many other activities in which delegation members were involved. The UDUP noted that Schedule C of the Unionist paper provided for an average 30-hour week. Outside observers would find it difficult to understand why the process could not take place in a period somewhat less than a normal working week. The Government Team noted that the Unionist paper provided for a 45-hour week in the week beginning 24 June and made no allowance for work outside the process to service the programme. The Alliance Party agreed. The level of discussion proposed before 10 July was unrealistic. The SDLP said that they had approached the process on the basis of consultation and discussion with the rest of the party and the Unionist proposals would effectively prevent the SDLP operating in this way. The UDUP repeated that the Government Team should have been willing to negotiate a new date for the IGC if more time was needed to complete the process and failed to understand why the Government Team would not make up the time that had been lost in the early part of Strand One. Extra time was necessary to get the work done. If

the Unionist proposals were not acceptable, counter proposals would be considered. The Government Team's insistence on an IGC on 16 July meant that the Unionist parties could not recognise any discussion after that date as an extension of the present process. It would be part of a new process. The Alliance and SDLP both questioned the Unionist position on a resumption after 16 July, with the former noting that a resumption should be contemplated to achieve progress and the latter noting that intensification would only be necessary if the possibility of resumption was ruled out - it ought not to be. Discussion of intensification was only necessary because of the Unionist deadline.

7. The Government Team said that discussion on working arrangements had to take place on the basis of the Unionist position, which had been accepted by the Secretary of State. The Unionist representatives on the Business Committee should not be put under pressure to adopt a different position from that adopted by their leaders. HMG had offered the possibility of seeking another gap between IGCs. The Business Committee on 18 June had agreed on an intensification of the Talks process this week. The Government Team were in addition willing to look at the possibility of discussions on the evening of Wednesday 26 June (in addition to 25 June) and a meeting during the day on Thursday 27 June. This timescale implied that the Secretary of State would have to miss Cabinet on 27 June but he would be prepared to do so. The UDUP asked about the possibility of an 0930 start and the Government Team noted that while 3 delegations drew their membership largely from areas which were accessible to Belfast, members of the fourth were rather more scattered. There could be no comment on this proposal until it had been agreed and advanced by the party involved.

8. The Government Team indicated their willingness to meet on 1 July, noting that the Secretary of State and a number of delegates would be absent. The Minister of State could chair discussion if the parties were happy. There could be evening meetings on Tuesday and Wednesday, 2 and 3 July, and the

Government Team would be prepared to meet on Thursday 4 July, noting that the Secretary of State could not miss a second Cabinet but that meetings could be held with the Minister of State in the chair. A suggested finishing time of 2130 seemed too late given that a number of delegates had other activities to undertake in the evenings and also had long distances to journey home.

9. The Unionist representatives asked whether there were any difficulties with meetings on 8, 9 and 10 July and further noted that 1 July might take the form of working groups. The Government Team said that this arrangement could not be adopted until the parties indicated in plenary session that they were prepared to operate in working groups. It might be easier to identify the possibility of moving from plenary sessions to working groups once substantive discussion of the parties' position papers were complete.

10. After further discussion, it was agreed that members of the Business Committee would consider, with their delegations, possibilities for intensification in the light of the Unionists' paper and the Minister of State's suggestions and to reconvene to report back to the Business Committee at 10.00 on Tuesday 25 June.

TALKS SECRETARIAT

POSITION PAPER

TALKS TIME-TABLE

1. All delegations entered the present talks process on the same basis - the Secretary of State's 26 March statement. In the statement Mr Brooke said:-

"To allow an opportunity for such a wider political dialogue, the two governments have agreed not to hold a meeting of the Anglo-Irish Conference between two pre-specified dates. All parties concerned will make use of this interval for intense discussion to seek the new and more broadly based agreement which I have just mentioned."

2. Unionists entered into these discussions on the basis of,

"a suspension of the working of the Anglo-Irish Agreement".

In our discussions with the Secretary of State it was indicated that a period of about 10 weeks would be made available for the talks. Later, and without reference to us, the two governments announced the time-band. We do not intend, in this document, to wrangle about the cause for delaying the talks process to deal with procedural matters which we felt could and should have been dealt with in the margins of Strand 1. Sufficient for us to state the obvious - when we commenced plenary sessions on Monday 17 June 1991, seven weeks after the bilateral talks started on Tuesday 30 April, only 4 of the 11 week time-band remained.

2. Mr Brooke's statement of 26 March clearly shows that the talks began after the last Conference meeting and will end when the next one takes place. It is therefore only the insistence on a meeting under the auspices of the Anglo Irish Agreement that brings the agreed process to a conclusion.

3. We are anxious to make urgent progress and, in keeping with our determination to make progress in Strand 1, and therefore, if

possible, to move to Strand 2, we propose a significant intensification of the talks.

4. The proposal involves a six-day week with morning, afternoon and evening sessions on a number of days. The programme is such that we can condense the number of available hours the Secretary of State had originally proposed for the 10 week process into the time available. In effect this intensification will put the talks back on the original course in terms of available hours.

5. We not only propose that the available hours be substantially increased but suggest that the manner in which the talks are operating could be improved as soon as the preliminary presentations are completed. We suggest a more flexible approach which allows the discussions on the workplan issues to continue while small working groups, perhaps under the Minister of State, assess and put together areas of agreement.

6. If the two formats operate in parallel it will eliminate time-wastage. The Minister of State would take ownership of any recommendations to be brought forward. He would nevertheless be guided by the working-groups.

7. These proposals are a genuine attempt to preserve the talks and bring about a momentum that alone can bring success. Undoubtedly the programme we offer will cause havoc with all our diaries - we recognise the difficulties - but we feel the benefits that could flow to Northern Ireland from this process would make the additional effort worthwhile.

8. This proposal:-

- * is jointly made the two unionist delegations.

- * acknowledges that the Minister of State will deputise for the Secretary of State from time to time;

- * recognises that all members of each delegation will not be able to attend at all times;

* is not solely for plenary sessions - it will be used for some working groups and other non-plenary meetings employing a more flexible approach;

* re-instates the 1 July;

* permits 10 weeks available hours of the original plan to be carried out in the now limited period;

SCHEDULE "A"

ACTUAL TIME AVAILABLE

INTENDED PROGRAMME

After lunchtime, teatime and coffee breaks have been deducted the original working day of 10.30 am-12.30 pm & 2.30 pm-5.00 pm with two 15 minute breaks leaves 4 hours per day. There were to be 10 weeks available and it was planned to work 3 days each week.

10 weeks x 3 days x 4 hours = 120 hours available

INTENDED PROGRAMME = 120 hours available

SCHEDULE "B"

Actual time available

PRESENT PROGRAMME

Mon 17	12.50 - 1.05	&	2.30 - 5.00	=	2.5 hours
Tue 18	10.30 - 12.30	&	2.30 - 4.30	=	3.5 hours
Wed 19	10.30 - 12.45	&	2.15 - 5.00	=	4.5 hours
Mon 24	10.30 - 12.45	&	2.15 - 6.00	=	5.5 hours
Tue 25	10.30 - 12.45	&	2.15 - 5.00 & 6.00 - 8.30	=	7.0 hours
Wed 26	10.30 - 12.45	&	2.15 - 6.00		
Tue 2	10.30 - 12.45	&	2.15 - 5.00 & 6.00 - 8.30	=	7.0 hours
Wed 3	10.30 - 12.45	&	2.15 - 6.00	=	5.5 hours
Mon 8	time not yet set			=	5.5 hours
Tue 9	time not yet set				
	[but if the same as 24/26 then:-]			=	7.0 hours
Wed 10	time not yet set			=	5.5 hours

SCHEDULE "C"

Actual time available

PROPOSED PROGRAMME

{The hour total is after breaks deducted}

Mon 17	12.50 - 1.05	&	2.30 - 5.00	=	2.5 hours
Tue 18	10.30 - 12.30	&	2.30 - 4.30	=	3.5 hours
Wed 19	10.30 - 12.45	&	2.15 - 5.00	=	4.5 hours
Mon 24	10.30 - 12.45	&	2.15 - 6.00	=	5.5 hours
Tue 25	9.30 - 12.45	&	2.15 - 5.00 & 6.00 - 9.30	=	8.5 hours
Wed 26	9.30 - 12.45	&	2.15 - 5.00 & 6.00 - 9.30	=	8.5 hours
Thu 27	9.30 - 12.45	&	2.15 - 5.00 & 6.00 - 9.30	=	8.5 hours
Fri 28	9.30 - 12.45	&	2.15 - 6.30	=	7.0 hours
Sat 29	9.30 - 12.45	&	2.15 - 6.30	=	7.0 hours
Mon 1	9.30 - 12.45	&	2.15 - 6.30	=	7.0 hours
Tue 2	9.30 - 12.45	&	2.15 - 5.00 & 6.00 - 9.30	=	8.5 hours
Wed 3	9.30 - 12.45	&	2.15 - 5.00 & 6.00 - 9.30	=	8.5 hours
Thu 4	9.30 - 12.45	&	2.15 - 5.00 & 6.00 - 9.30	=	8.5 hours
Fri 5	9.30 - 12.45	&	2.15 - 6.30	=	7.0 hours
Sat 6	9.30 - 12.45	&	2.15 - 6.30	=	7.0 hours
Mon 8	9.30 - 12.45	&	2.15 - 5.00 & 6.00 - 9.30	=	8.5 hours
Tue 9	9.30 - 12.45	&	2.15 - 5.00 & 6.00 - 9.30	=	8.5 hours
Wed 10	9.30 - 12.45	&	2.15 - 5.00 & 6.00 - 9.30	=	8.5 hours

PROPOSED WORKPLAN = 127.5 hours available