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FROM: PUS
12 JULY 1991

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cc. PS/Paymaster General (L&B) - B
PS/Minister of State (L&B) - B
PS/Mr Fell
Mr Pilling - B
Mr Ledlie
Mr Thomas - B
Mr Alston
Mr Wood (L&B) o/r
Mr Templeton
Mr Cooke - B
Mr Dodds
Mr D J R Hill - B
Mr McNeill
Mr Petch
Mr Brooker - B
Mr Archer, RID, FCO - B
HMA Dublin

SECRETARY OF STATE

9/10

a m. d. p. d. c. r.

POLITICAL TALKS: THE WAY AHEAD

We held a meeting earlier this week to review the talks, both in terms of policy and the management of the process. This minute sets out our conclusions and offers advice on how best to carry things forward over the coming weeks. You may wish to have a meeting with officials soon after the IGC on 16 July to discuss this.

The policy

2. We did not, in reviewing the talks process, take it as axiomatic that the course on which we were set was necessarily the only one available in future (the well recognised alternatives include improving Direct Rule, closer "joint management" with the Irish Government, reinstating the Agreement with maximum vigour or an imposed solution). But we do not, having looked at the policy afresh, advise a change of approach. It is widely held, not just by the NIO but (on recent poll data) by the general public in Northern Ireland - and by the parties - that the recent talks were the best thing to have happened on the political front in Northern Ireland for many years. Both the basic policy of seeking devolution within a wider framework of stable relationships, and the key principles of the 26 March statement, not only survived the talks process but were confirmed by it. Fresh talks may require some new elements but not, we conclude, a different basis.

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Should the process be picked up? If so, how and when?

3. We did not conclude that, just because the process was making headway up to 3 July, we should attempt to get agreement to fresh talks as soon as the IGC is out of the way. On ^{the} view, despite the promising noises being made by the parties, there is still a profound divide between them and until we have some indication of greater flexibility from the Unionist leaders in particular - or of a greater push for such flexibility from their followers - it would be rash to attempt to re-engage them in a talks process. We need to work to achieve that flexibility in a preliminary stage. A new approach to fresh talks which again raised expectations but then led nowhere, and ended next time in severe recriminations, would help no one.

4. On the other hand, we did agree that a carefully prepared, discreet and well-timed renewal of talks about talks should be undertaken even though there is no certainty that it would bear fruit in this Parliament. The events of the past few weeks have demonstrated that the participation by the Northern Ireland parties in talks had had a positive effect in itself both on them and in the community at large. The Ambassador's assessment is that the influence which the talks had on Anglo-Irish affairs was positive and significant. None of us believe we can simply 'camp on the racecourse' and see what, if anything, happens. A spontaneous move by the parties to engage in talks between themselves might take place, but seems distinctly unlikely without some initiative by the Government.

5. On the basis that we should seek actively to promote a fresh talks process, we looked at timing. It would be possible to try to pick up the threads with the parties early next month before the leave season. This would allow officials to start piecing together a new package so that in early September when most people are back from leave we would be well advanced in our own thinking. Purely in timetable terms this approach offers the best prospect of creating a sizeable "gap" in the Autumn. But there are real difficulties with this approach. One or other of the party leaders will be on leave from 15 July right through to early September, and in practice any preparatory work would have to be confined to the Office, without involving the parties. Moreover, I expect your own political judgement may anyway be that it would be premature for the Government to re-engage quickly. I suspect we need some time for things to settle down after the IGC, as well as a period of internal reflection for the parties once the Twelfth fortnight is out of the way.

6. Our considered assessment is that the process should be wrapped in cotton wool until September with the exception of what is said in paragraph 7 below. Some indications from the DUP suggest that Dr Paisley will be putting all of this out of his mind until then. We would, of course, be ready to receive any messages the parties want to send to you - and to respond accordingly. You will want to consider the merits of this slower approach, given that a direct corollary of leaving a fresh start until September

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is that fresh substantive talks would hardly be possible until late in the Autumn at earliest, and if there were then a prolonged gap to accommodate fresh talks, that could run into the Spring.

7. If this course is to be adopted, we do advise some preparatory steps now. Press coverage about the precise status of the process following your statement of 3 July was misleading ("failure", "breakdown"). If a vacuum is left, further inaccurate and potentially damaging speculation is likely to fill it. Our considered advice is that you should consider making a speech at about the end of July. This would carry us through the Summer, and provide an occasion to correct current misunderstanding in the British press and media, and also the Ambassador advises, to shore up opinion in the Republic. It would also provide a useful platform for a fresh start in September. We suggest the basic structure of the speech should incorporate the eternal verities but also draw out some of the current themes that have already emerged in the course of the process. I attach a first outline of such a speech (Annex B).

8. To accompany a speech, we think it worth considering whether we should provide some off-the-record, background briefing to selected journalists in order to roll the pitch. It has been done safely on previous occasions, without any breach of confidentiality (with the obvious threat that presents to the prospects for fresh talks).

Fresh talks

9. In reviewing the talks process we identified a number of issues which could be important in any future talks. First, there is the direct conflict between a rule of confidentiality, and the need to provide legitimate background briefing to ensure that the inevitable media coverage is reasonably responsible and properly informed. Future ground rules may need to offer greater leeway on this. Significant events like the Unionist leaders' meeting with the Prime Minister, and your statement of 3 July, differ from the normal run of conference business, and both might well have been reported somewhat better had it been possible without a breach with the parties to give the press and media preparatory briefing. This sensitive area is worth reviewing next time.

10. We do not expect "practical" issues to be any easier to negotiate next time. Assuming that the interests of the various parties lead to a basis for talks not dissimilar to last time, the venues for the strand 2 equivalent may be less controversial next time around, but the timing and nature of any meeting in Dublin would still be a matter of considerable sensitivity. Next time we may need to settle this in the preliminary bilaterals. The question of the configuration of meetings could also be tricky, and we could end up with a fairly complicated multi-layered structure. Mr Hume (prompted by the Irish Government) will continue to favour plenaries, but Mr Molyneaux and Dr Paisley do not regard the full plenaries as the place to get things done and will probably be looking to work in smaller groups or sub-groups. That could be sensible when we get to the stage of having to analyse detailed proposals but, if there are too many groups

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running in tandem, we will run into difficulties over our resources and who chairs them. We may need to consider whether, if the NIO is to retain the chairmanships, not only yourself and the Minister of State, but Mr Fell and myself might chair some groups. Our general view is that, on balance, there is likely to be advantage in having a range of different structures to suit the needs of the different types of business to be done despite the complication. Tete-a-tetes and sub-groups may well provide the right format for certain classes of business, with plenary discussion to ratify provisional agreements reached elsewhere. Plenary meetings are much too valuable to lose altogether (they were educative not only for those in the front row around the table but especially for those behind). We also need to review our own management of and communication with the party delegations.

11. Negotiating a suspension of the Conference to achieve a fresh gap could be a major problem with the Irish with the Taoiseach pressing you to set a date with Mr Collins at each IGC for the next one. There may be ways around this. One possibility is to have a long gap (of say 3 or 4 months). Another is to seek an agreement to defer the post-gap IGC for a further set period if a particular milestone has been reached by a particular date. A third possibility is to seek an agreement that the post-gap IGC would be postponed sine die if strand 3 had started by a particular date. Any of these devices would need to be accompanied by an understanding that the two Governments would need to continue to meet informally (or under AIIC cover) during fresh talks, or that, if any gap were extended, Ministers could meet to discuss the issues mentioned in Articles 7 to 10 of the Agreement.

12. Finally there is the point that after the 26 March statement, we slipped into a situation where the three strands came to be seen as sequential rather than parallel. This was creating artificial obstacles to progress in a situation where we found an exact distinction could not be drawn between the three strands. We may need to try to get back to the original concept although none of us is under any illusions about how difficult that is likely to be.

Conclusions

13. I am sure it would be helpful if the Government Team could reassemble, together with the Ambassador and Mr Archer, to discuss our strategy and tactics over the weeks immediately ahead. I attach at Annex A a list of the main points for discussion.



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THE WAY AHEAD: POINTS FOR CONSIDERATION

1. Do we continue with the same basic elements of our present policy?

(Devolution within a wider framework of stable relationships; the essential principles of the 26 March statement).

2. If so, should we actively seek to make progress now, or leave it to the Autumn?
3. If we do not ourselves reopen dialogue with the parties before September, should we signal again that we are ready to receive any messages they may want to give us in the meantime?
4. Speech: if there is to be one, will the outline at Annex B serve as a basis? What occasion can be found for it?
5. Should we (senior officials and/or Ministers) give background off-the-record briefing to selected journalists to support the speech (the wider question of briefing on turning-points of the talks would be addressed in the Autumn).
6. A new process: how to achieve maximum flexibility from Irish on a gap; configuration of meetings; clarify that strands (if reconstituted) need not be sequentially addressed, but could be simultaneous; management of the party delegations.
7. Review preparations for discussion of substantive topics (finance, security etc).

OUTLINE SPEECH

The aim of the speech would be to demonstrate an open-minded willingness to learn from the experience of the talks; to offer some reflections on the underlying political realities (couched so as to evoke a measure of recognition from the party delegations who discussed these matters); a commitment to continue the "talks policy" because it reflects those realities; and an interrogative appeal for public guidance and support. It should by implication rebut some of the misguided and apocalyptic (London) press comments following last week's "soft landing". It should steady nerves and provide a clear public position to hold through the holiday period. Though it has in part a Great Britain and Dublin target audience, it is probably best delivered in Northern Ireland, perhaps on or around 1 August.

1. Brief statement of overall policy:

Good government as an end in itself

Security policy'

Economic and social well-being including community relations and targeting social need

All these strands are intertwined and work together.

2. Constitutional position

Language of 5 July 1990

Article 1 introduced, explained and defended

Principle of self-determination

HMG's "neutrality" (Whitbread Speech theme)

3. Political policy

(a) Good government, both as an aspiration and a duty. For the moment this means extended temporary Direct Rule and the framework of the Anglo-Irish Agreement.

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(b) But HMG continues to believe that something more ambitious is both possible and desirable. HMG's political policy has, throughout the Conservative administration, attempted to reflect and respond to certain political realities. Since these realities must inform any policy, if they are indeed realities, a brief word on each is needed:

The divided community (the legitimacy of both traditions and aspirations; the need to combat discrimination; and to ensure a fair society.)

The British connection (and the constitutional position)
The Irish dimension and aspirations - (with some comments both on the legitimacy of expectation of the Nationalist minority within Northern Ireland, and the proper interest of the Irish Government in Northern Ireland).

The East/West dimension: the concern of both governments, and of all the peoples of these islands, in maintaining and developing stable relationships in this archipelago.

The European dimension (playing, among other things, on the fact that its importance is acknowledged by all the key players: both Governments, the SDLP, the Unionists and the Alliance).

The terrorist challenge and the need to assert the primacy of the constitutional process; the relevance of a political settlement; the value of a political consensus leading to wider public support for and confidence in the security forces (drawing on HMG's paper tabled on 28 June 1991.)

The democratic deficit: the need for locally accountable institutions giving opportunities for local politicians to run things; and the potential value of local political institutions with real power as the forum within which the two communities can, on a continuing basis, effect a practical accommodation.

Individual Rights: agreement on the importance of the issue.

The need to look at all this as a whole: the failure of the partial approach.

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The 26 March Talks

3. A brief account of the process, mentioning the lengthy antecedents, including Mr King's efforts, the "Mawhinney Round", as well as the "Brooke initiative".

4. There should be an expression of appreciation for the participants' courage, commitment etc., including a reference to the constructive part played by the Irish Government. A brief reference to the structure and achievements of talks, drawing on the language etc. of the parliamentary statement. The speech could express the belief that the approach did reflect the political realities already mentioned, key features include:

- a single, through structured, process
- comprehensive agenda
- involving all the key players
- nothing agreed until everything agreed
- ensuring its popular acceptability

5. A brief reference to other possible approaches, and the fact that they have their advocates. These might include:

(a) Making Direct Rule (and the Anglo-Irish Agreement) permanent and avoiding further political initiatives;

(b) imposing a solution (presumably an internal solution only): i.e the most extreme form of setting the pace and showing the way;

(c) integration;

6. An assertion that the policy which led to the 26 March talks, and which was an acting out of a long-standing policy by HMG, is right and remains valid. Also a belief that its pursuit must be continued. Each step in the process is useful groundwork. There is common ground and we can enlarge it.

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Public and political opinion

7. The speech might include a reference to the belief that the talks policy had widespread public support - but the Secretary of State could indicate that he may not be the best judge of that. No one is better placed than local politicians. Their participation no doubt reflected, among other things, their assessment of what their constituencies would support and what was in the interests of their supporters. The Secretary of State could nonetheless express his grateful consciousness of the wider interest from the churches, from the business community and others. It could say that as HMG reflects on whether it should, after the holiday period, launch a new effort, and if so how and when, it will value, as no doubt will local politicians, expressions of guidance, interest and support from the wider community in Northern Ireland.

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