



An Chartlann Náisiúnta
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The British Government's approach to the talks
Background Note

1. Virtually from the outset of the current talks, the British Government have displayed a disconcerting readiness to accommodate Unionist/Alliance concerns and sensitivities. Their overall objective, it now seems clear, is to secure for the Unionists a confirmation of Northern Ireland's status as part of the UK (via a change in Article 1 of the Agreement, or in Articles 2 and 3 of the Constitution, or both). This would clear the way for Unionist participation in a devolved administration, with proportionate roles for both communities. In accordance with Art. 4 of the Agreement, the agenda of the Anglo-Irish Conference would be limited to security, confidence issues and aspects of human rights. The compensation for nationalists would be some form of Council of Ireland with, it would appear, largely consultative powers.

2. The British Government's intentions have become increasingly clear through:
 - (i) their conduct of Strand One (in which, setting aside the neutrality required of them in their chairmanship role, they openly espoused the Unionist/Alliance position);

 - (ii) their compliance with Unionist requirements relating to the transition to Strand Two; and

 - (iii) their willingness to put down strong markers of support for the Unionist/Alliance position on Articles 2 and 3.

3. The cumulative effect of these developments has been to raise very serious questions about the sincerity of the

British Government's commitment to the terms of 26 March 1991. The direction in which they have sought to push the talks suggests strongly that they are not serious about the pursuit of a wider agreement which would cater to the three key relationships and would aim to solve the problem once and for all. Rather, they seem interested in an essentially internal settlement, based on a conventional model of devolution, whose primary object would be to bring the Unionists back into the system, even at some cost to the Anglo-Irish Agreement.

Strand One

3. During Strand One, the British Government kept the SDLP under constant pressure to make concessions. British Ministers and officials made clear that they regarded the SDLP proposals (in particular the proposed external element on the six-member Commission) as unrealistic. They also mentioned their own particular hostility to the EC dimension. Sustained pressure was applied to John Hume in private to modify his party's position in the interest of achieving "progress".
4. In contrast, no efforts whatsoever were made to bring about any reassessments on the Unionist side or any real engagement with the issues raised by the SDLP.
5. When it came to considering how to resolve the impasse, the British were initially sympathetic to a "park-and-ride" option, under which the SDLP proposal would be left "on the table" while work proceeded on the Unionist/Alliance model. Although the only fair and reasonable approach was to let both models go forward on

equal terms, they did not support this approach.

6. In the course of subsequent discussions, a degree of common ground on institutions was identified between the parties and was reflected in a sub-committee report of 10 June which was later "noted" by the Plenary. This common position combined the broad Unionist approach of an 85-member Assembly (elected by PR and operating through back-bench committees with day-to-day control over a range of devolved powers) with some of the SDLP's proposal for a separation of legislative and executive powers via a directly elected "panel" of three.
7. The SDLP had, and continues to have, serious reservations on a number of points and these were formally noted in the report. They relate to:
 - the restriction of the "panel" to three elected members (the SDLP's own proposal envisaged a six-member Commission, half to be elected and half to be appointed);
 - the limitation of the panel's powers to a glorified ombudsman role (consultative, monitoring, referral and representational functions);
 - the possibility that the panel might operate by majority rule, which would greatly reduce its value to nationalists (while there is an implication that it might operate by consensus, this is not rendered explicit in the report);
 - the Unionist preference for the political Heads of Departments to be elected by the Assembly (e.g.,

Committee chairmen) rather than appointed by the panel from the Assembly (which the SDLP would favour and which would be consistent with the separation of powers).

8. The British Government pressed the SDLP to lift these reserves and also to accept more specific language on key parts of the Unionist/Alliance model. Frustrated by the SDLP's refusal to do so, they then sought to minimise the reserves and to suggest that there is, effectively, an agreed outcome to Strand One.
9. They have also been increasingly explicit in their own support for the model outlined in the report (part of the price, it would appear, for the Unionists' agreement to go to Strand Two).
10. These points have been conveyed in the following ways:

(i) In the Strand One Plenary on 1 July, the Secretary of State said that, unless and until the parties agreed on a different approach, the British Government took the view that discussions "are likely" to take place on the premise that any new political institutions in NI would be based on the structures outlined in the sub-committee's report. The British Government were ready to enter and participate in Strand Two discussions on that basis.

(ii) At the pre-Strand Two meeting on 19 June, John Chilcot (NIO) had said that discussions "could be expected" to take place on the premise, etc. In a letter of 1 July to James Molyneaux (quoted by the Sunday Times and confirmed by the British), the Secretary of State was more categorical: "unless and until the four parties

agree on a different approach, the Government is ready to enter Strand Two on the premise, etc".

(iii) where John Chilcot had omitted to say (on 19 June) that the British Government would be willing to implement the Strand One proposals "including those not universally agreed" (code for the SDLP reserves), the Secretary of State made up for this omission in his letter to Molyneux. A number of balancing elements in Chilcot's presentations were also omitted from the letter to Molyneux.

The transition to Strand Two

11. Despite the clear absence from the 26 March statement of any requirement for "progress" in Strand One prior to the move to Strand Two, the British Government acquiesced in the Unionists' efforts during the Strand One discussions to have such conditionality reintroduced. (At one point, they even presented a plan for a move to Strand Three followed by a move back to Strand One, all for the purpose of establishing whether a basis existed for the move to Strand Two - so that the latter would become conditional on progress in two strands).
12. One of the most blatant examples of British deference to Unionist pressure was the Secretary of State's agreement on 12 June to a proposal for preliminary Strand Two and Strand Three meetings. This significant departure from the agreed terms of 26 March and from the timetable envisaged was presented as essential to the effort to launch Strand Two. The Irish Government had serious reservations about this proposal but, anxious to be helpful, went along with it. In due course, however,

its misgivings were borne out when it became clear that (i) the Unionists attached particular significance to the pre-Strand Three meeting, where they hoped for a public signalling of the British Government's intentions in relation to Articles 2 and 3; (ii) the British Government (who had hitherto regarded this as a Strand Two issue and had shown very little interest in Strand Three) were ready to oblige fully in this respect; and (iii) the British Government were ready to subject the Irish Government to extreme pressure in order to fit in with a timetable and scenario for this meeting which had been devised for the sole benefit of the Unionists.

British Government approach to Articles 2 and 3

13. The British sought to make clear, in the presence of Unionist observers at the pre-Strand Three meeting on 30 June, their assumption that an agreed outcome to the talks would involve changes in Articles 2 and 3. While the Irish side succeeded in editing these remarks to some extent beforehand, the Unionists obtained nonetheless the desired signal. This has been supplemented by various British statements in the Strand Two sessions since then. The Secretary of State told Unionists in Strand Two on 17 July that he agreed with the view expressed by his predecessor that Articles 2 and 3 of the Irish Constitution were "unhelpful".
14. The British have also indicated their attachment to a change in Article 1 of the Agreement by underlining repeatedly the need for "an unambiguously expressed consensus on the constitutional issues". At the pre-Strand 2 meeting on 19 June, they said that an issue to be examined in Strand Two was "how to enable all

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participants to acknowledge and, where appropriate, give constitutional expression to Northern Ireland's status as a part of the United Kingdom". On 3 July, the Secretary of State told Peter Robinson in the Commons that an unambiguously expressed consensus on the constitutional issues "should enable all participants to acknowledge Northern Ireland's present status as a part of the UK". He added that, "insofar as this is considered to have implications for Articles 2 and 3 of the Irish Constitution, I welcome the Taoiseach's public assurance that they are among the constitutional matters which the Irish Government envisages would be "on the conference table" during the Talks". This wording has been repeated several times since then, most recently in the response statement tabled by the British Government at the end of the Strand Two session on 24 July.

DJ

Anglo-Irish Division

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