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Meeting of the Anglo-Irish Intergovernmental Conference

Dublin -- 7 February, 1996

STEERING NOTE

1. This is formally a resumption of the Anglo-Irish Conference of 1 February, and will be confined exclusively to the political agenda.

2. The following practical arrangements have been made:

8.45 am -- Briefing meeting for the Irish delegation
(Tánaiste's Dining Room)

9.30 am -- Arrival of Secretary of State and delegation,
followed by brief photocall

9.45 am -- Conference meeting commences

11.00 am -- Conference concludes

11.15 am -- Press Conferences (Secretary of State first)

11.30 am -- Departure of Secretary of State and delegation

3. At the London meeting, Irish Ministers stressed the diminishing public credibility of the Governments' "firm aim" of launching all-party talks by the end of February, and the need for a significantly intensified approach, so as to signal that the two Government's commitment was for real, and to restore momentum. They suggested an intensive two-day round of "proximity talks" in Belfast before the next Summit, bringing parties into one venue, but with all necessary allowances for the various sensitivities as to who met directly with whom. At the London meeting, the British indicated their

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reservations. Indications at official level since then are that the British are not disposed to agree to this, but it remains to be seen whether they will couch their refusal in clear terms or seek to blur the issue (e.g. yes, maybe, after a Summit, but not yet). There is no indication that the British have any counter-suggestion, other than leaving matters in their hands to see what they can do.

4. In the event of a British refusal, the Tánaiste and Minister for Justice will face a sensitive decision at and after the meeting, if they are not to be drawn into tacit acceptance (as the British would wish) that the end February deadline is now a dead letter.
5. In terms of the multilateral proximity talks, a key question for the Irish Ministers is whether this proposal is made public, even in the event of British refusal. Ministers will have a choice to
 - (a) accept the British position that the prospect of unionist non-attendance means the proposal should be quietly dropped;
 - (b) highlight their "proximity" proposal publicly, but accepting that the (anticipated) British refusal regrettably closes the matter;
 - (c) highlight their proposal, as the Irish Governments considered view on the best way forward, argue publicly for it and make clear that they will continue to press for it as the only practical way of seeking to meet the commitments in the November communiqué.
6. Of the different options, (c) offers perhaps the most room for manoeuvre, making clear that the Irish Government are not simply acquiescing in a

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dismissal of the end-February deadline, and putting pressure on the British to explain why a very reasonable avenue to dialogue is not being pursued.

7. If the Ministers choose this course, it might be useful to emphasise, in addition to the symbolic importance of the signal of urgency it would send, the obvious logistical difficulties in organising separate meetings between the nine parties involved and the two Governments. It might also be pointed out that, with urgency and dedication, the Mitchell Body managed a very significant report in a few weeks and that several potentially fruitful weeks still remain before the end-February deadline. Ministers might stress the obvious need for some arrangement which enables an efficient and interactive engagement between the Governments and the parties, and that the "proximity" proposal is the natural extension of the intensification of the multilateral track.
8. The point could also be made that the elective dimension advocated by some parties must be intensively discussed, if the doubts harboured by the nationalist parties on the issue are ever to be overcome. The proposed arrangements would therefore offer an opportunity for those who advocate this course to win the necessary support for their proposals.

Anglo-Irish Division

Department of Foreign Affairs

6 February 1996

*mission on
a 2 day
- w/ all-party
- US Americans
support -
- ahead the election*

Anglo-Irish Intergovernmental Conference

Dublin, 7 February 1996

Speaking Points

Importance of Today's Meeting

- Today's meeting comes at a crucial juncture in the peace process, because its outcome will determine whether we have any realistic prospect of meeting the target which we set ourselves in the February Communiqué of agreeing on the launch of all-party negotiations by the end of this month.
- If we fail to meet that deadline, I feel that confidence in our partnership in the peace process will be seriously damaged.
- We sold the November communiqué to the many sceptics on the basis that it offered the prospect of all-party negotiations by end-February.
- Many said to us then that the quality of your Government's endeavours to meet that deadline would indicate whether Britain was genuinely interested in achieving inclusive all-party negotiations.
- We still have three weeks left in which to show that both Governments have an equal determination to bring about a lasting political settlement based on consent.
- The Mitchell Body achieved a lot in a few weeks, and I believe our two Governments could do the same with sufficient energy and determination.
- I very much fear that if we are unable today to agree on a way forward which offers a realistic prospect of achieving our end of the month target, it may no longer be possible, while retaining our credibility, to continue to minimise in public the very real differences which divide us.

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The Nature of the end-February Deadline

- It is as well to be clear about our commitment to the deadline. In the November Communiqué, both Governments signed up to the firm aim of achieving the launch of all-party negotiations by end-February.
- You know our view that this can best be achieved by moving directly to all-party negotiations, on the basis of the Mitchell Report.
- That said, both Governments also undertook to examine whether and how an electoral body might play a part in all-party negotiations.
- You accept, as the Mitchell Report does, that this approach needs to win “broad acceptability”, which is manifestly lacking at present.
- Therefore those who advocate this approach need to engage in full serious discussions if their idea is to be accepted.
- What we are aiming at therefore, is agreement by end-February, on the launching of all-party negotiations; either by the immediate convening of such negotiations, or, at worst, via an electoral process leading to negotiations according to a predetermined timetable. Either way, my Government’s firm aim remains to secure agreement by the end of this month.

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The Way Forward - Shortcomings of the British Approach

- You say, if I understand your letter, that you share the “firm aim” of the November communiqué.
- However, in my view, the five elements set out in your letter will not provide us with sufficient impetus to reach that target.

- You say that we have to start from realities. I would argue that the most glaring reality we face is that, unless we can move the preparatory talks on to an altogether more intensive level, we have next to no chance of agreeing on the launch of all-party talks by end-February.
- You also talk about facing up to practical problems. In the view of my Government, the practical problem we face is how, in the space of 22 days, we are going to manage to draw up an agreement on a way forward involving nine parties, a number of whom will not talk to each other, and four of whom have so far refused to speak to my Government.
- We are not talking here about a simple agreement, but a complex package which, in order to satisfy all parties, might well have to cover:
 - a) the basis, participation, format, agenda and rules of operation of substantive negotiations to be conducted within an interlocking three-stranded structure;
 - b) the implementation of the recommendations of the Mitchell Report, including, among other things, acceptance by the parties of the six principles and a commitment to introduce legislation in both jurisdictions to cover an amnesty in relation to decommissioned arms;

and, possibly,
 - c) detailed arrangements for an elected process, including precise arrangements of how such a process would fit into a three-stranded negotiating structure.
- We see no prospect of arriving at such an agreement on the basis of the existing pace of bilateral talks, and in the light of the refusal of the main unionist parties to engage with the Irish Government and the second largest nationalist party.

Draw
out
next

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This is all leading
to forcing the Irish gov.
into the British gov. agenda
in becoming persuaders for
an Election

"Proximity"
may be an
incremental
way of discussing
the "election process"

Multi

Dayton type
conference

Multilateral Proximity Talks

- Last Thursday, I presented you with what I felt to be a perfectly sensible proposal to bring the parties together on a proximity basis over two days to see if we could at least make a genuine attempt at reaching agreement.
- No sacrifice of principle for anyone would be involved. David Trimble would not be obliged to talk to Gerry Adams, or even to Dick Spring, if he was so disinclined. He would not even be asked to occupy the same floor of the building!
- We accept that you might need time to consider the proposal.

[Assuming a negative British reaction:]

- I fear this reaction to what I believe is a common-sense practical proposal will give rise to widespread concern about British Government intentions.
- Your main objection appears to be based on your assessment that the unionists would not attend such talks.
- Does this mean, that in the view of your Government, nothing must be done unless it conforms to unionist strategy. Did you even try to persuade David Trimble of the merits of a proximity meeting?
-  The nationalist parties object to elections, but that has not stopped the British Government mounting a concerted international campaign to persuade them to change their mind.
- We on our side have pressed them publicly and privately to discuss the proposal constructively.

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- Why has your Government never mounted a similar effort designed to secure unionist engagement in the peace process?
- I regret to say this may strengthen the view on the island of Ireland is that the approach of the British Government appears intent on rewarding those who refuse the twin-track negotiating process we ourselves solemnly launched.
- Your second reason for dismissing my proposal appears to be that such a meeting was not required in 1991, prior to the Brooke talks. You are right on a point of information, but you are not comparing like with like.
- The situation in 1996 is so much more complex than that which existed five years ago. There are twice as many parties involved, many of them divided by deep mutual distrust and hostility.
- Not only that, but the number of issues which have to be tied down in advance of all-party talks is infinitely greater, not least because of the electoral process.
- We are likely to need a much more elaborate agreement on this occasion.

An Electoral Process

- I am grateful for your paper setting out your ideas on a possible scenario for an elective process. I know that you are anxious to get my Government's views and would like to work towards a joint paper.
- You know our deep practical doubts on the electoral proposal.
- We believe that the nationalist parties in Northern Ireland, who would be invited to actually contest the elections, must in fairness and in practice, have the final say on this.

- If those who are unconvinced on the value of elections - namely the nationalist parties and the Irish Government - are to be persuaded to buy into this option, it is up to those who are in favour of the idea - namely the unionist parties and the British Government - to do the selling.
- As yet we have no impression that the British Government has sought to bring home to the unionists the full realities of the kind of electoral process which might reasonably be expected to be acceptable to nationalists. The Irish Government stands ready to do this. Perhaps this is why the unionists wont talk to us.
- We have doubts therefore about the value of discussing minute details of such a proposal, when the broad political questions about it go unanswered, partly because of a unionist refusal to talk.
- We would, however, be prepared, at official level, to offer advice on what we feel would be the scenario most likely to be capable of achieving nationalist support, but I repeat that it is only useful to do so if or when there is some real prospect of "broad acceptability".
- We need therefore to have some reassurance that we would be dealing with proposals capable of attracting widespread agreement among those parties who are expected to stand in elections.
- The only reason for considering the election proposal is that it is a demand of the unionist parties.
- There is a deep opposition to the proposal in the nationalist community generally.

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- The only basis that nationalist leaders could even begin to sell it to their community is if
 - it is shaped as an acceptable component of a definite, time-certain and serious process of inclusive negotiations;
 - it unequivocally meets the Mitchell tests of broad acceptability, appropriate mandate and within three party structure.

- If the British Government wishes to convey reassurance to the nationalist community they should:
 - Spell out how they guarantee that any elective process will be an acceptable component of a definite, date-certain process of inclusive negotiations.
 - Say publicly that “broad acceptability” requires the unionists to “sell” their idea to the Governments and the parties in the political track and call upon them publicly and persuade them privately to do so.
 - Define how the mandate of an elective process will ensure the independent role of the two sovereign Governments, so that nationalists can feel sure they are not being funnelled into a negotiating process based on the primacy of the internal strand.
 - Guarantee the integrity of the three-stranded process, to at least the same extent as the 91/92 talks.

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-- Show how a timetable based on the above will not cause a dangerous delay in the momentum of the peace process.

- Neither the Irish Government, nor the nationalist parties would have the slightest interest of agreeing the terms of an electoral process with the British Government knowing that any such agreement would then have to renegotiated with David Trimble and Ian Paisley.

- If the nationalist parties do eventually agree to elections, it will be on the basis of a fixed and detailed agreement. The concession of nationalists would be to agree to elections in the first place. They would not subsequently be prepared to make further concessions on the terms of those elections.

- It is clear, therefore, that the only way by which elections can proceed is if those who favour them can come up with proposals which win over those who are currently opposed to them.

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