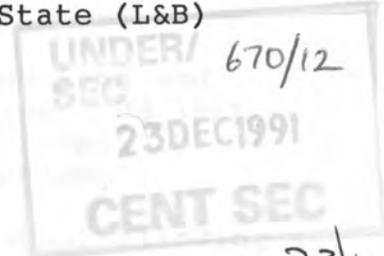


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FROM: D J R HILL
CPL DIVISION
20 DECEMBER 1991

cc. PS/Minister of State (L&B)
PS/PUS (L&B)
PS/Mr Fell
Mr Thomas
Mr Ledlie
Mr Bell
Mr Alston
Mr Cooke
Mr McNeill
Mr Dodds
Mr Petch
Mr Archer, RID, FCO
HMA Dublin
Mr Gowan, Cabinet Office
Mr Brooker
Mr Hallett, FCO
Mr Caine



cc Mr Hallett 23/12

PS/SECRETARY OF STATE (L&B)

IGC, 18 DECEMBER - POLITICAL DEVELOPMENT

I attach a record of the plenary discussion of political development at Wednesday's IGC.

SIGNED (David Hill)

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Constitutional and Political Division
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IGC, 18 DECEMBER: POLITICAL DEVELOPMENT DISCUSSION

Summary

Mr Collins restated the Irish Government's basic objectives and welcomed the signs of movement in the Unionist position. He left the SDLP to fight their own battles on the venue and format for strand one: the Unionist proposals caused him "no problems".

By contrast with last year he showed no nervousness about allowing a potentially very long gap for fresh talks but insisted it was vital that strand two should start before the election (unless it was called relatively early). Eventually he accepted that the trigger mechanism for the launch of strand two could be no more precise than in the 26 March statement.

He also agreed the notion that talks could run until the election was called and resume afterwards but held the line (partly on grounds of diplomatic delicacy but also for doctrinal reasons) that there should be a Conference after the election, as well as one before. He did accept, however, that the post-election Conference could extend the time available for the resumed talks. This understanding was encapsulated in the form of words at Annex C.

Detail

1. Political Development was the first agenda item in the plenary session of the IGC held on 18 December. A list of those present is at Annex A.

2. Discussion lasted from 12 noon until Conference broke for lunch at 1.15; during lunch officials considered how best to reduce to writing the points which had been agreed but reported to the resumed session at 14.45 that there were two outstanding issues. The Irish side agreed after a 20 minute recess that one issue need not be taken further at that stage; a small sub-group of officials sought to resolve the remaining point (agreed to be essentially a matter of drafting, although it exposed a substantial political issue for the Irish Government) while Ministers proceeded to consider the remaining issues on the plenary agenda. After several drafts had been produced a final version was approved by Ministers outside the plenary session at 16.50.

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3. In his opening presentation the Secretary of State, with apologies to Mr Collins, followed very closely the terms of the speaking note provided for this agenda item (the text at Annex B incorporates some of the additional points which the Secretary of State made). Essentially he sought to persuade Mr Collins that the Unionists were committed to entering strand 2 of any fresh talks; set out (without deploying any text) the proposed arrangements for a fresh gap [that talks would start after the January Conference and run until the election was called, where upon they would "cease" and a Conference could be held (in London) though the talks would "resume" "on the same basis" and run until the end of June or until a further two months had elapsed, whichever was the later]; and described the Unionist leaders' proposals on the format and venue of strand one, pointing out that he hoped this would be the subject of a discussion between all four party leaders the following day.

4. In reply, Mr Collins thanked the Secretary of State for his exposition and for the detailed briefing which the Irish side had received through the Secretariat. They had been very encouraged to hear that the Unionists were taking a more constructive approach, though they were bound to have regard to the tone of some of the Unionist leaders' more strident public statements and felt there were a number of inconsistencies to clear up.

5. He welcomed the fact that the prospects for talks looked brighter and felt it was therefore appropriate to restate the basic elements of the Irish Government's position. They were anxious to see talks resume but only as a means to the achievement of significant political progress. Fresh talks must therefore address substantive issues and in that respect he welcomes the general re-commitment to the 3-stranded approach. It was also important that fresh talks should not side-line the Agreement. The Irish Government was content that there should be a gap between Conference meetings to facilitate talks but would not condone a suspension of the Agreement. There was no change from their previous position on Conferences and on the role of the Secretariat during any interval.

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6. As regards the prospects for a fresh gap the imminence of the UK General Election caused them concern. The prospects for securing real movement from the Unionists in such circumstances seemed low. There was a risk of pre-election wrangles between the Unionist parties which would further prejudice the situation. It was in the interest of both Governments that the Agreement should be seen to be fully operational at the time of the election and afterwards. There were also practical difficulties involved in seeking to make arrangements now for the period after the election: even if a Conservative Government were returned the Irish Government might find themselves dealing with a new Secretary of State with whom they would wish to build a relationship before proceeding.

7. Continuing, Mr Collins said he was glad it was likely that fresh talks would pick up from where the previous talks had ended. What he was most anxious about was the transition to strand 2. Any fresh gap which also failed to reach strand 2 would lead to a further down grading of the North/South relationship as a key element of the talks process. As the date of the election was an unknown, how might it be possible to ensure a transition to strand 2 "by half-way through" the gap? The Unionists would need to agree that the trigger mechanism for the launch of strand 2 should be the same as before. He noted that any long opening plenary session of strand 2 would be matched by an equally long session in Dublin but he would like to know when that meeting would take place. Might it not be better to have a gap of a fixed length interrupted by an election?

8. On the venues for strand 2 and the acceptability of Sir Ninian Stephen as an independent Chairman, he congratulated the Secretary of State on securing the Unionist leaders' renewed acquiescence in the previous arrangements. Any re-negotiation of those issues would have taken a lot of time. As regards the numbers of delegates in strand 1 and the question of media access he saw "no problems". (The Secretary of State interjected that any arrangements would need to be acceptable to all the strand 1

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participants.) He was still a little concerned by the Unionist leaders' public emphasis on "bilaterals": it would have to be understood that fresh talks were on the same model as the previous talks and not "low-intensity talks at Westminster" such as Mr Molyneux had forecast.

9. Reverting to the main issue, Mr Collins said there was no difficulty about a pre-election gap. He was happy that talks could be triggered by a Conference on 22 or 23 January and run until the election was called, even though that date was indeterminate, on the understanding that an IGC would be held then. (The Secretary of State confirmed that at the very latest the election would need to be called on 9 June.) He was concerned about what would happen next. He was not comfortable with the idea that Talks would "cease" and then "resume" after the election. He felt it would be much better to have a trigger mechanism for the resumed talks in the form of a fresh Conference after the election to usher in a fresh gap. (At a practical level he suggested it would be advisable to build in provision for a post election Conference in case there was a new Secretary of State.)

10. [Comment: in the event this turned out to be a key issue for the Irish, second only to their concern about the trigger mechanism for strand 2. Although it was sometimes obscured by a professed concern to avoid the indelicacy of appearing to pre-judge the election result or to commit a future UK Government, it was clearly a basic, doctrinal point that the emphasis in any arrangements for a fresh "twin" gap should be on the Conference deciding and announcing each part of the gap rather than on the agreement of the Northern Ireland parties to "resume" talks after the election.]

11. Mr Collins concluded by suggesting that all these difficult issues should be remitted for consideration to the official Liaison Group.

12. The Secretary of State sought to clarify a couple of points. He assured Mr Collins that it was his intention to get the Unionist

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leaders to re-commit themselves to the 26 March formula on the transition to strand 2, and to do so in front of the other party leaders. Picking up one of Mr Collins' remarks, he pointed out that "within weeks" was a feature of the 26 March trigger mechanism but that "half-way through" did not appear in that text. As further evidence of the Unionist commitment to Strand 2 he suggested that one purpose of the Unionist leaders' readiness to commit themselves to resume talks after the election was to dispel suspicions of their readiness to engage in North/South talks.

13. Mr Collins reiterated that if by the time of the election fresh talks had not reached strand 2 he foresaw serious electoral implications, including the risk of an inter-Unionist wrangle. Mr Burke pointed out that if the outcome of the previous talks was to be taken as read, strand one of any fresh talks would have a head start and need not take long. He also commented that strand 2 issues had featured extensively in previous talks, presumably to illustrate that it would be sensible to launch strand 2 of any fresh talks relatively early.

14. The Secretary of State said that at an intellectual level he agreed with Mr Burke but it was necessary to allow for Unionist reluctance to see any Irish involvement in strand 1. It was accepted that the Irish Government were not directly involved in strand 1 but the more efforts were made to advance strand 2 the more difficult it would be to make progress. Dr Mawhinney said that from his formal and informal contacts with a range of Unionist politicians he could confirm that Unionists understood the concern expressed by Mr Collins that talks in any pre-election gap should not concentrate solely on strand 1. The Unionist leaders were giving increased emphasis to the principle that nothing could be agreed until everything was agreed, partly, in his judgement, to provide themselves with cover through an election period for any commitment to resume talks after the election.

15. Mr Collins said that any basis for fresh talks would be subject to public questioning and comment. The venue and Chairmanship

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issues seemed to be settled. Any decision to take things steadily and quietly could be seen as sensible. But people would ask where strand 2 came in. It was previously going to start half way through a ten week gap: there had already been two weeks of strand 1 discussions and now we would be entering what could be a much longer gap. It would be necessary to be fairly precise about when strand 2 would start. We could not allow strand 1 to drag on until the end of March or the end of April. He accepted the point that nothing could be agreed until everything was agreed but "it would not at all be sensible not to have some assurance that strand 2 would get under way within a reasonable amount of time". Unless the talks reached strand 2 before the election the issue could become part of an electoral wrangle between the Unionist parties, and would damage the SDLP.

16. The Secretary of State said there was a delicate balance to be struck between moving matters along briskly to ensure strand 2 started before the election and ensuring that everyone was in fact ready to move to strand 2: the process needed to build up sufficient momentum to see us safely over the thin ice. He fully recognised the Nationalist need to be into the muscle of strand 2 before the election: this placed an "imperative" on him in exercising his responsibility to determine the point at which strand 2 should be launched. He also commented that he believed the Northern Ireland parties felt a degree of urgency to put together fairly promptly a political accommodation which would exclude independence, an option which had secured surprisingly high support in the JRRT poll taken in the Summer.

17. Mr Collins repeated that the SDLP would be very concerned if only strand one had been discussed in the period before the election campaign. The Secretary of State said that it would patently be impossible to move beyond strand one if there were a March election. Mr Collins acknowledged that but reiterated the need to

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have something to trigger strand 2 before very long had elapsed. The Secretary of State said that realistically it would not be possible to secure agreements to a finite period for strand one, or indeed to go beyond the 26 March formula which left the decision with him "governed" by the understanding that it would be "within weeks". Mr Collins immediately commented that it would be necessary to have "the same formula again", to which the Secretary of state assented. Oblivious to any logical inconsistency, Mr Collins again stressed the importance of launching strand two before the election, referring to the need to protect nationalist interests. By way of reassurance the Secretary of State acknowledged that if nationalists were not confident that strand two would start before the election the talks would stall on the same grounds as they had on 2 July because the nationalists would be unwilling to reveal their hand.

18. Summarising, the Secretary of State said there was a stark choice. One could either seek to make progress with "a delicate scenario in which I know my duties and responsibilities to all parties", or give up. The latter, besides confirming a political vacuum with all the dangers that entailed, would in his view represent a missed opportunity. He said that in a strange way the variable of the election date actually helped the process: it made it possible to have a Conference, during the election, and then proceed with talks.

19. Following up this thought, Mr Collins pointed out that one difference from the previous talks was that we now faced the certainty of an election and had to cater for it. He still felt it was essential to have a conference after the election to signal the "new gap". He had no problem with arranging another gap and saw no great difficulty with the formula "until the end of June or until a further two months had elapsed". The Secretary of State asked whether Mr Collins was uneasy about committing himself to this formula in advance of the election or wanted to set the length of the resumed gap after the election. Mr Collins replied that he saw difficulties in the two Governments committing themselves in advance

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of the election. It would be best to run up to the election, hold a Conference and agree to hold a further Conference after the election to set a new gap. In response to a further question from the Secretary of State, he said he had no difficulty about agreeing to a formula now about the length of a post-election gap. Mr Dorr explained that the Irish Government was content to "envisage" such a formula now but felt it would be best to hold a Conference after the election to confirm it.

20. The Secretary of State then asked whether Mr Collins would be open to the possibility that a post-election Conference could select a different, but not a shorter, period for a post-election gap. This appeared to be acceptable: Mr Collins said that if there was a real prospect of a settlement and talks seemed likely to need more time he would be very happy to recommend a longer gap than the formula would envisage.

21. The Secretary of State, commenting that one could make more rapid progress with the Unionists if one had a concrete proposition, sought to summarise what had been agreed: Talks would run until the election was called and then "cease" until a week after polling day (to allow time for a post-election Conference as well as the one during the election campaign); the post-election gap would be not less than a further two months or until the end of June, whichever were the later, but could be extended if progress was being made (and he presumed that included getting to strand two before the election). Mr Collins cautioned that it would be necessary to be fairly specific about a number of issues. Strand two would have to be underway before the election (though he accepted the Secretary of State's point that this would not apply in the event that there was an early election). The Secretary of State said that the likely date of the election would be clearer by the Spring. Mr Collins reiterated that if the election was later it would be vital that strand two should have started beforehand. After the election there would be no problem about agreeing to a further gap of two months or until the end of June, or longer.

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22. At that point, Conference broke for lunch with officials being asked to produce a text to encapsulate what had been agreed.

23. When the session resumed at 14.45, Mr Chilcot reported that officials had considered a British text and identified two problems:

- (a) the Irish side were concerned that it only addressed the proposed arrangements for a fresh interval (or rather intervals), incorporating provision for pre and post election Conferences, and did not embrace the key elements of the 26 March text, in particular the trigger mechanism for the launch of strand two, or any assurance that strand two would be launched before the election; and
- (b) the slight implication of the formula that the Irish Government would have a vested interest in the return of a Conservative Government and the problem of appearing to pre-empt what a newly returned British Government might decide to do.

24. On the first, substantive point the Secretary of State invited Mr Collins to have a brief recess with his officials to consider whether the understandings already reached were sufficient. Mr Collins duly returned to say he did not wish to pursue the point any further at that stage.

25. The second, drafting, problem was remitted to a drafting sub group of officials but proved fairly intractable. After several drafts, considered by Ministers within and subsequently outside the plenary session, the text at Annex C was agreed at 16.50. Two points arising from this painful process may be worth noting:

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- (a) the Irish side several times lost sight of the value - to them - of securing a clear commitment from the Unionists to "resume" talks after the election because this would guarantee progress in strand two (and therefore also improve the chances of rapid progress in Strand one). On a related point, they equally seemed not to appreciate that the more conditional the post-election gap was the less likely the Unionists would be to commit themselves to resuming talks after the election;
- (b) it became increasingly clear that the Irish were determined to see the emphasis placed on the Conference as the trigger for resumed talks. At one point Mr Collins reacted quite sharply to the idea that the commitment of the parties to resume talks was of more importance than the post-election Conference's power to confirm or determine the length of the post-election gap.

26. [Note: it was subsequently confirmed through the Secretariat that the Irish Government would regard itself as committed to the text but that they accepted the Secretary of State would need to broker the proposed arrangements with others and might need to come back to them with proposed amendments.]

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ANNEX A

IGC, 18 DECEMBER, PLENARY SESSION

Those Present

British Side

Secretary of State
Minister of State
PUS
Mr Fell
Mr Thomas
Mr Ledlie
HM Ambassador
Deputy Chief Constable
Mr Bell
Mr Alston
Mr Cooke
Mr D J R Hill
Mr Dodds
Mr Archer, RID
Mr Pawson
Mr Kyle

Irish Side

Mr Collins
Mr Burke
Mr Dorr
Mr Brosnan
Mr O'hUiginn
Mr O'Donovan
Mr Small
Commissioner Culligan
Mr O'Donoghue
Mr Hennesey
Mr Dalton
Mr Crowley
Mr Nason

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ANNEX B

IGC, 18 DECEMBER - POLITICAL DEVELOPMENT

Outline Speaking Note

1. Welcome the firm support for urgent steps to achieve agreement on a basis for fresh talks, reflected in the Summit communique, your interview on Sunday Newsbreak on 8 December and your remarks to the Dail last week.
2. Regret that there was no opportunity to give you a detailed de-brief on 4 December on my meeting with the Unionist leaders on 21 November, but hope it has been helpful for you to have detailed reports via the Secretariat.
3. As I said to the press last week in response to questions, I have detected a real shift in attitudes over recent weeks, leading to a determination to make real progress before the election and an acknowledgement that the essential elements of the 26 March statement should apply in any fresh talks. I pressed the Unionist leaders quite hard on 12 December and I believe that there may now be a possible basis for fresh talks which would meet the essential political interests of all concerned. I am anxious, if we can find a basis, that we should seize the opportunity to move forward.
4. I took the Unionist leaders to task over some of their recent statements, pointing out that their emphasis on strand 1, on bilaterals and on Westminster was likely to arouse suspicions about their commitment to the talks process. This generated a vigorous response which incorporated categorical assurances regarding their readiness to engage in North/South talks. Dr Paisley drew attention to his Conference speech in which he had pointed out the "unpalatable truth" to his party delegates that in order to secure their objectives in respect of the Agreement and Articles 2 and 3 of the Irish Constitution it would be necessary to enter North/South talks and to do so before agreement was reached in strand 1. Mr Molyneaux acknowledged

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that his use of the word "bilateral" might have been misleading and I think he will be more cautious in future. Indeed, the Unionist leaders in their comments since 12 December have been careful to avoid any appearance of resiling from the 3-stranded approach.

5. I also took the opportunity to underline the point that the Prime Minister's reference to getting on with strand 1 should be interpreted as an exhortation to get the whole talks process under way as soon as possible.

6. We have therefore now reached a position in which general commitment to the essential elements of 26 March has been re-established [3 strands, 2 governments and 4 parties, wide agenda, nothing agreed until everything agreed, need to be acceptable to the people].

7. The Unionist leaders had told me on 21 November that they were content for the original Unionist preconditions to be handled in the same way as before. Their only extra concern which was ventilated in September, is that the arrangements for any gap should be such as would ensure sufficient time between Conference meetings for fresh talks.

8. They also have proposals regarding the format of the talks and the venue for strand 1. I have tested these at some length and formed the view that these reflect genuine concerns about what is the best way to make real progress and are not stalling tactics. In my judgement they are worth taking seriously. I discussed them in general terms with the SDLP leadership on 5 December and hope to hear their reactions tomorrow. The Unionist leaders are content to explain their proposals to the other party leaders in direct dialogue which I also hope to arrange in the margins of tomorrow's debate in the House. Contrast with the situation before 26 March.

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Arrangements for a fresh gap

9. On the arrangements for a fresh gap we need to find something which will provide a reasonable amount of time while catering for the prospect of an election and binding the Unionists into a talks process which would continue after the election (unless there is a change of Administration). If there were a change of administration they would need to talk to the new Secretary of State first.

10. I have a proposition which the Unionist leaders are ready to commit themselves to: that talks should start after an IGC in mid to late January and run until the election is called, at which point they would "cease" and a Conference could be held (in London). However, there would be a commitment that if no agreement had been reached in the talks before the election and if there was no change of Administration the talks would "resume" "on the same basis" and continue until the end of June or until a further two months had elapsed, whichever was the later. The impact of the word "cease" is simply that this would enable the Unionists to claim that any Conference during the election campaign was not being held during the talks; the reality is that the talks would continue (NB: "resume") unless there was a change of Administration.

11. This envisages three IGCs in the first half of 1992 and there will also presumably be an Anglo-Irish Summit in pursuance of the Agreement reached on 4 December. I think this gives us a very good opportunity to move forward.

12. I should add that, on reflection, the Unionist leaders would not be content for Strand 3 to take place after the fresh gap in Conference meetings: they want the whole process to be completed within the gap to prevent any risk of prevarication. This of course reinforces the pressure on them to make early progress in Strand 1 and to secure an early move to Strand 2.

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Format/Venue

13. The Unionist leaders' view is that delegations should be smaller (a maximum of 3 from each party in the room) and proceedings less formal. Two days a week. Ready to take positions set out in the previous talks as read and work forward from there. Keen to avoid unwieldy delegations and hot-house atmosphere and, if possible, to minimise press attention.
14. Hence also their preference for meetings in strand 1 to be held in London, initially in the Palace of Westminster (though this may also feed their constitutional preference). No desire to exclude the Alliance Party. Ready to meet in Northern Ireland to suit my and other parties' convenience, but at Stormont Castle not Parliament Buildings. The next step is for me to arrange a meeting with the four party leaders so that Dr Paisley and Mr Molyneaux can put their case and seek support for it.

Other Issues

15. The May agreement on venues for strand 2 remains intact (London, Parliament Buildings and then Dublin). No implication that delegations for strand two would be smaller. The Unionist leaders believe, as they said last May, that the opening meeting (in London) might need to last 3 or even 4 days to give everyone an opportunity to make full opening statements. (The opening statements in the previous talks and clarificatory questions on them, took up 3 1/2 days). The implication of this is that the Dublin plenary should similarly take 3 or 4 days.
16. As regards Sir Ninian, Dr Paisley agreed that it would be worth my sending him the transcripts of Sir Ninian's radio interviews - an encouraging sign. I intend to get this and the other groundrules for strand two nailed down, in front of the other party leaders.

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ANNEX C

To allow an opportunity for talks to take place [on the basis announced on 26 March] the two Governments have agreed that after the next meeting of the Anglo-Irish Intergovernmental Conference there will be no further meeting of the Conference until after the UK General Election has been called, when the talks would cease and a meeting of the Conference would be held. The two Governments envisage that another Conference would be held immediately after the election. The post-election Conference would confirm that the next meeting would not be held for another two months or until the end of June, whichever is the later, given that all the Northern Ireland participating parties have agreed that if the talks have not been concluded before the election is called and if there is no change of Administration the talks will be resumed within two weeks after polling day on the same basis. It would be open to that Conference to extend this period if that seemed appropriate.

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