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20 MAY 1991

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FROM: D J R HILL
Talks Secretariat
29 May 1991

- cc PS/PUS (L&B) - B
- PS/Mr Fell - B1
- Mr Pilling (L&B) - B
- Mr Alston - B
- Mr McNeill - B
- Mr Cooke - B
- Mr Archer RID, FCO - B
- HMA Dublin - B
- Mr Brooker

It has long been acknowledged that commitment and hard work by all concerned to achieve a comprehensive political accommodation in Northern Ireland in the period between 26 March and 14 May 1991. Given the nature of the agreed response pre-conditions, it has, however, been necessary to maintain a timetable to be completed before 16 July.

MR THOMAS (L&B) - B

2915
cc Mr Haughey

TALKS: TIMETABLE

1. As requested, I attach a draft paper which seeks to expose the various issues. Subject to your views, I think it might be helpful to discuss the paper at official level (perhaps one evening early this week) before putting a crisper version to Ministers.

2. The key points are in paragraphs 7, 13-15 and 19.

2. The timetable issue breaks down into two distinct areas:

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- i. what is the critical path for achieving a comprehensive political accommodation within the terms of the 26 March/14 May framework, and completing the substantive work before 15 July? This is probably the approach we should remain formally committed to for at least a little longer. It serves to concentrate everyone's minds and avoids the risk of reopening a number of difficult issues, relating for example to the Unionist pre-conditions. It is also the approach implicitly endorsed by the Unionists in paragraph 7 of their 21 May position paper;
- ii. if we were to consider a "realistic" timetable, what would we need to have achieved before 16 July to maximise the prospects for a successful resumption in the early Autumn? And what might the longer timetable look like?

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TALKS: TIMETABLE

Introduction

1. It has long been acknowledged that it would require exceptional commitment and hard work by all concerned - and good fortune - to achieve a comprehensive political accommodation in relation to Northern Ireland in the period between 26 April and 16 July 1991. Given the nature of the agreed response to the Unionist pre-conditions, it has, however, been necessary to maintain formally that the talks are intended to be completed before 16 July. The length of time which has so far elapsed without even starting plenary sessions of strand one makes the formal position virtually untenable and there has indeed been press speculation over the weekend that a further 'gap' has been tentatively pencilled in for the Autumn. It therefore seems appropriate to review the overall talks timetable, to identify the key assumptions and any fixed points and to develop an approach to overcoming the problems which could be caused by a failure to meet the original timetable.

2. The timetable issue breaks down into two distinct strands:

- i. what is the critical path for achieving a comprehensive political accommodation within the terms of the 26 March/14 May framework, and completing the substantive work before 16 July? This is probably the approach we should remain formally committed to for at least a little longer. It serves to concentrate everyone's minds and avoids the risk of reopening a number of difficult issues, relating for example to the Unionist pre-conditions. It is also the approach implicitly endorsed by the Unionists in paragraph 7 of their 21 May position paper;
- ii. if we were to consider a "realistic" timetable, what would we need to have achieved before 16 July to maximise the prospects for a successful resumption in the early Autumn? And what might the longer timetable look like?

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There are in practice some clear tensions between the two approaches and we may need either overtly or just within Government, to decide quite soon which track we are in fact on.

The formal framework

4. There are different views about this. The Irish have a relatively simple model in which:

- a. strands two and three start at "the appropriate moment" etc.
- b. opening plenary in London
- c. bulk of substantive exchanges at Parliament Buildings
- d. a plenary meeting of strand two in Dublin before the end of June

e. all strands continue in parallel until everything is agreed by everybody. There are suggestions that they envisage this process will run well beyond 16 July and might take a couple of years, but they would be most unlikely to concede this until they have achieved their intermediate objective at d.

5. The Unionist view, typically, is far more precise. The sequence of events we have now nudged them into accepting is:

- a. strand one plenaries
- b. launch of strands two and three 'at the appropriate moment' etc

c. opening plenary of strand two in London

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- d. bulk of substantive discussions in strand two at Parliament Buildings (with non-plenary meetings at a mutually convenient location)
 - e. parties present views on strand three issues to the two Governments at the final meeting of strand two, preferably the one in Dublin
 - f. Governments consider strand three issues, maintaining close contact with the parties
 - g. Governments report provisional conclusions to the Northern Ireland parties
 - h. further process of considering the outcome of all three strands including, or concluding with, a meeting or meetings of all participants (and presumably followed by a closing ceremony).
6. Their formal position is that this can and should be done before 16 July but they are obviously constrained from acknowledging the possibility of continuing talks once the Conference has resumed full operation. However they acknowledge (Mr Molyneaux said it during a bilateral early last week) that 10 weeks is nowhere like long enough to achieve a proper settlement. They may hope to persuade the two Governments to extend the 'gap' once talks are properly under way. They might be able to claim some development in the talks (? an Irish Government commitment to consider changes to Articles 2 and 3) as justifying them in continuing even once Conference meetings resume, but it is more likely that they would seek at least a further gap or series of gaps in Conference meetings.
7. These two alternative views of the formal timetable could in theory be reconciled. The main problem - apart from the difficulty of finding a Chairman for strand two - would be likely to be the tension between the Irish Government's position that there should be a plenary meeting of strand two in Dublin before the end of June and

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ne Unionist position that any such plenary should be the last strand two plenary. The Irish Government would have difficulty providing a convincing justification for their position but it is actually difficult to see how it would be possible to implement the Unionist timetable within the time available without 'completing' strand two by the end of June. In short, if we were to follow the Unionist sequence we would need to comply with the Irish timetable anyway. That in turn would require highly intensive activity over the next 4 to 5 weeks. It would be necessary to launch strand two in London, probably in the week beginning 17 June, allowing time for four or five days of strand two discussions in Parliament Buildings either side of the following weekend before a 'final' plenary meeting in Dublin on, say, 27/28 June. Launching strand two by the week beginning 17 June would of course require very intensive discussion of strand one issues over the next 2½ weeks, to the extent that the items on the 'aide memoire' circulated on 3 May were all at least touched on and preferably some provisional conclusions drawn. That should enable the Secretary of State to discharge in a generally satisfactory way his duty to propose the launch of strands two and three.

8. The timetable for completing the talks before 16 July would therefore look something like this:

29/30 May - strand one plenaries commence
 12/13 June - Secretary of State proposes launch of strands two and three

17-18 June - opening plenary of strand two in London.
 Provisional outcome of strand one reported to the Irish Government. Opening statements of position and process of clarification. [NB: strand three could be formally launched at the same time]

19-21 and 24-26 June - strand two meetings in Parliament Buildings

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27-28 June - strand two plenary in Dublin. [NI parties express views on strand three issues]

1-5 July - two Governments discuss strand three issues [? in Northern Ireland and London], keeping NI parties informed through liaison arrangements

8 July - provisional outcome of strand three discussions reported to NI parties [? in Dublin]

9/10 July - all participants consider the provisional outcome of all three strands and sign a provisional statement of understandings/heads of agreement.

9. One immediate conclusion which can be drawn is that to meet this timetable it would be necessary for virtually final (albeit contingent) conclusions to be drawn at each stage because there would be very little opportunity to revisit earlier conclusions in the light of subsequent discussions.

10. It would also be necessary to have a lengthy subsequent process in which the details of any agreements reached were thrashed out and converted into the terms of new legislation, a formal understanding about the exercise of power within Northern Ireland, a formal agreement on North/South relations and a new Anglo-Irish (or British-Irish) Agreement. The timetable for all that might need to be meshed with any arrangements for validating the outcome of the talks and with appropriate electoral timetables.

The longer timescale

11. If the talks had a longer timescale it would be possible to work to a more logical and measured timetable and to exploit more effectively the interlinkages between the various strands of discussion. However, a more relaxed timetable might well lose any sense of impetus and lead to a situation in which the participants prevaricated to avoid difficult decisions, feeling secure in the

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pe that the timescale of the talks would continue to extend. [The government might need to make clear that it would only bankroll the talks for as long as there was evidence of continuing and substantial forward movement].

12. [In practice the advent of the next UK General Election might create a credible cut off point and convince everyone that while there might be one further 'gap', in the Autumn, there could be no guarantee of any extension on any similar basis thereafter].

13. The question which then arises is what position should we aim to reach by mid-July if we are to maximise the prospects of a successful resumption in the Autumn? The key would be to reassure all concerned that they are likely to gain from the process and to convince them of others' good faith. This might require no more than the development of greater mutual confidence and somewhat greater momentum but we could be surer of achieving the desired result the closer we got to launching strand two before the end of the present gap.

14. On one analysis the Irish Government has potentially so much to gain from facilitating talks which are moving towards direct North/South exchanges and would be subject to so much criticism for insisting on an unrealistic timetable that they would be forced to agree to a further 'gap' in the Autumn. However this seems over-optimistic. They have demonstrated their readiness to be robust and have gained general support in the Republic for their stand; and the level of confidence in Unionist bona fides has substantially reduced in recent weeks. Moreover the Irish Government and public opinion will be considerably influenced by John Hume and the SDLP who will presumably not wish to expose their hand on "internal" issues unless assured of a fairly rapid follow up in the shape of "North/South" talks. We should seek to establish what their views are but it seems unlikely that the nationalist camp would contemplate substantive discussions in strand one during the present gap solely on the strength of some commitment to resume and (perhaps) to move to strand two in the Autumn: they would probably

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nt to know that substantive North/South talks would at least start before 16 July. If there was no such commitment we might well see no substantive exchanges in strand one before then, and the process would be very vulnerable if it had to adjourn in mid July without chalking up any substantive progress.

15. If it were possible to launch strand two by then, even if no substantive discussion could be expected, the process would be much more likely to survive until the Autumn. Ex hypothesi the SDLP would by then have given the Unionists sufficient reassurance about their readiness to engage in substantive discussion about new arrangements for the government of Northern Ireland. The launch of the North/South strand would reduce nationalist suspicions of the Unionists' readiness to get involved in talks with the Irish Government. Any evidence which the Irish Government might chose to give at that meeting of its readiness to at least consider an amendment of Articles 2 and 3 of the Irish Constitution might encourage the Unionist to come back to substantive North/South talks in the Autumn. On this model we might aim to make the transition to strand two at the end of June and have the opening plenary session (in London) in the first week of July.

16. The main obstacle to pursuing this approach is likely to be nationalist suspicions that the Unionists were trying to spin matters out in order to avoid getting into substantive exchanges with the Irish Government and were simply exploiting another means to obtain outline agreement on an "internal settlement" before pulling the plug on the rest of the process. To overcome such suspicions the Unionists would need to maintain the attitude they showed last week. All things being equal it might be desirable to try to launch strand two in time to have two or three weeks of substantive exchanges before the end of the current "gap", though the fact that this would lead to the discussion of possible North/South institutions or arrangements during the height of the marching season might make life difficult.

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. More directly, it would be necessary to tackle the Irish Government's view that strand two should start by halfway through the current gap and its "longstop" position that there should be a plenary meeting of strand two in Dublin before the end of June. If the latter cannot be shifted it might be necessary to persuade the Unionists to accept such a meeting at a very early stage in strand two. One might envisage strand two being launched with a meeting in London (?24/25 June) followed by one in Dublin (27/28 June) and possibly a few days of discussions at Stormont before being adjourned. It seems unlikely that we could persuade the Unionists to agree to a single meeting of strand two, in Dublin, before the end of the current gap.

18. Whatever the precise timing and sequence of strand two meetings towards the end of the current gap, we might expect to be able to concentrate on strand one issues until at least 19 June. Even that does not allow much time for detailed exchanges on the issues listed in the 3 May aide memoire, but in this scenario there would of course be less need to get close to final agreement: the discussion might be more akin to a "second reading" than a Committee Stage.

19. It would, however, be desirable to produce some evidence of progress and some written basis on which to resume discussions in the Autumn. One possibility would be to work towards agreement on a Statement of Principles such as the one attached to the Talks Handling Plan. The more this could cover "strand two" issues as well as "strand one" issues, the better.

20. On this scenario, a possible target timetable might be:

29/30 May - strand one plenaries commence

21 June - Secretary of State proposes launch of strands two and three

24/25 [or 24-26] June - opening plenary of strand two in London

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27/28 June [if still necessary] - plenary session of strand two in Dublin

1/5 July - discussion in Parliament Buildings of a statement of principles to serve as a basis on which the talks could be adjourned until the Autumn.

Implications

21. The choice between these timetable options will have obvious implications for the Secretary of State's handling of the strand one plenaries. At one extreme he will be seeking virtual agreement on the whole range of issues listed in the 3 May aide memoire by 14 June. On the other main scenario, he might be seeking to do little more than give all the issues a thorough airing by 21 June. The choice between the two approaches is one we might need to take quite soon.

22. Four other points already seem clear:

- a. we should encourage the Unionists to provide further and continuing evidence of their commitment to the 3 - stranded process generally, and to strands two and three in particular;
- b. we should carefully open discussions with the Irish about the depth and nature of their commitment to a strand two plenary in Dublin before the end of June; and their readiness to accept that strand two should not start by halfway through the gap;
- c. we should continue to chip away at the Unionist expectation that it is the final meeting of strand two which should take place in Dublin, even though this removes their "strand three" cover for visiting Dublin, which could be very difficult for them;

