



An Chartlann Náisiúnta
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POSSIBLE AGENDA FOR STRAND THREE

1. Formal opening
2. Approval of agenda
3. Opening presentations by the two Governments
4. Examination of the causes of the conflict in Northern Ireland, its impact, and its implications for the two Governments.
5. Requirements to acknowledge and recognize the rights of the two major traditions that exist in Ireland.
6. Possible institutional arrangements and possible provisions of any new agreement or structure.
7. Constitutional issues
8. Implementation
9. Approval of conclusions
10. Closing statements

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SCRIPT FOR BRITISH MINISTERS FOR PRELIMINARY MEETING IN STRAND 3
FORMATIONIntroduction

1. Welcome to Irish team. Welcome to observers attending from each of the parties. [Response from Irish side.]

2. Much has been achieved in Talks thus far. The Prime Minister and the Taoiseach have stressed their support. The Talks are an historic opportunity.

3. The 12 June 1992 statement on next steps in Talks process also envisaged

- a meeting convened by Sir Ninian Stephen (on 19 June) to discuss a possible agenda for Strand 2 of the Talks. This went well and agreed a possible agenda

- further meetings of the Strand 1 Sub-Committee, concentrating on the points listed in paragraph 8 of the Sub-Committee's report of 10 June. These were held on 15 and 16 June and agreed two papers dealing with finance, and with human rights, a Bill of Rights and cultural expression and diversity.

4. Purpose of today's meeting is to "give preliminary consideration to the issues likely to arise in Strand 3." The 26 March 1991 statement envisaged that we were setting out to achieve a new beginning for relationships between the peoples of these islands, as well as within Northern Ireland and within the island of Ireland. The statement clearly envisaged that this would involve looking at the relationship between the two Governments, as well as at the other relevant relationships.

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5. The 26 March statement also recognised the interlocking nature of the three strands. In particular, it recorded that all the parties had accepted that nothing would be finally agreed in any strand until everything was agreed in the Talks as a whole. In addition, the 14 May document on "practical issues concerning Strands 2 and 3" envisaged that

- while Strand 3 discussions would take place between the two Governments, other participating parties remained free to discuss Strand 3 issues with the Governments
- other participating parties would be kept in touch with progress during Strand 3 by regular liaison
- the two Governments would meet other participating parties at their request for further discussion of Strand 3 issues while Strand 3 was taking place
- the outcome of Strand 3 would be considered by all the participants alongside the outcome of the other two strands and nothing would be finally agreed in any strand until everything was agreed in the Talks as a whole
- the Strand 1 formation or the Strand 2 formation, as appropriate, might consider issues further in the light of progress in Strand 3.

It is also worth recalling that the possible agenda for Strand 2 considered by the participants at the meeting on 19 June included "matters referred for consideration to Stand 3."

6. The British Government is a signatory to the Anglo-Irish Agreement of 1985. The Intergovernmental Conference established under the Agreement has provided a forum for exchanges between British and Irish Ministers and officials whose value I have

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experienced at first-hand. But it is common ground - recorded in the 26 March statement - that the two signatories of the Anglo-Irish Agreement (the British and Irish Governments) have made clear that they "would be prepared to consider a new and more broadly based agreement or structure if such an Agreement could be arrived at through direct discussion and negotiation between all the parties concerned." Noel Dorr helpfully confirmed this at the meeting on 19 June. [Response from Irish side.]

Possible agenda for Strand 3

7. Looking forward to our substantive exchanges in Strand 3, we shall clearly need to keep in mind the inter-relationship between Strand 3 and the other parts of the Talks process, to meet the points which I have rehearsed in relation to the position of the other parties participating in the Talks, to keep in mind our overall objectives for Strand 3, and to work through a number of substantive issues. Perhaps we could now compare notes on the main issues, or headings, for a possible draft agenda. We already have a possible agenda for Strand 2 and it may be sensible to follow the structure of that where appropriate.

8. For the first three items, we might perhaps cover formal opening, approval of agenda, and opening presentations by the two Governments.

9. At suitable points in the agenda we would like to cover expressly possible institutional arrangements, possible provisions of any new agreement or structure, and constitutional issues. But you may have views on other items which we should cover first, including the implications for the two Governments of the nature of the problem, and how Strand 3 discussions should take account of the implications for the two Governments of the existence of the two major traditions in the island of Ireland. [Irish side to respond.]

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10. As to possible provisions of any new agreement or structure, and possible institutional arrangements, we envisage that this will need to cover a good deal of ground. This might include machinery for liaison between the two Governments (including consultative arrangements) in respect of matters for which either Government has direct responsibility. It might also cover the relationships between those institutional arrangements and any institutional arrangements considered in the other strands of the Talks.

11. HMG believes that there should be a place on the agenda in the Talks process for a discussion of constitutional issues. These issues may have implications for relationships within the island of Ireland, and the possible agenda for Strand 2 provides a place for constitutional matters to be raised. The conclusion of the discussion of these issues may also have implications for any new and more broadly based agreement which may emerge from the Talks. The British Government would see no difficulty in accepting that any such agreement should incorporate all three elements of Article 1 of the Anglo-Irish Agreement. Without anticipating substantive exchanges, it is right to let you know that HMG will express the view that, in the interest of achieving the "new beginning for relationships" envisaged in the 26 March Statement, and of ensuring that any new structures to emerge from the Talks process are acceptable, agreement on constitutional issues ought to be our aim in the Talks as a whole, bearing in mind the need to reconcile and to acknowledge the rights of the two major traditions that exist in Ireland. It will be a matter for each of the two Governments to consider what implications, if any, this may have. We have noted that your Government has confirmed that in the Talks as a whole delegations may raise aspects of the Irish Constitution in the context of the other issues to be considered; and we for our part acknowledge that your Government or, in the course of the process, any delegation, may

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wish to raise constitutional issues relating to Northern Ireland of particular concern to them.

12. As to the closing items on the agenda, these might include implementation, approval of conclusions, and closing statements. [Response by Irish side.]

13. In the light of this useful exchange perhaps we might in due course have a tea break during which officials could prepare a composite agenda. But first, if you agree, perhaps we could invite observations from other Talks participants attending this meeting. I envisage that we should not seek today to anticipate substantive discussions in either Strand 2 or Strand 3. But we will want to note very carefully any points raised by the observers, and, where appropriate, to take account of them in drawing up today a possible draft agenda for Strand 3 of the Talks.

[14. Consideration of composite possible draft agenda for Strand 3.]

15. Formal thanks to Irish side, and to observers attending from each of the parties.

[Defensive: Line if substantive issues are raised by the observers.]

16. It would be wrong today to anticipate substantive discussions in either Strand 2 or Strand 3. Have already recognized that the 14 May document made clear that other participating parties would be free during Strand 3 to discuss Strand 3 issues with the Governments and to have meetings with the Governments to this end, and that there would be regular liaison. The point which you have raised will in the meantime be carefully noted.]

Northern Ireland Office
25 June 1992

CONFIDENTIAL**ANNEX A****POSSIBLE DRAFT AGENDA FOR STRAND 3**

1. Formal opening.
2. Approval of Agenda.
3. Opening presentations by the two Governments.
4. Examination of the causes of the conflict in Northern Ireland, its impact, and its implications for the two Governments.
5. Requirements to acknowledge and recognise the rights of the two major traditions that exist in Ireland.
6. Possible institutional arrangements and possible provisions of any new agreement or structure.
7. Constitutional issues.
8. Implementation.
9. Approval of conclusions.
10. Closing statements.

CONFIDENTIALDraft Remarks by Irish representatives

1. The position of the Irish Government is based on the belief that progress in relation to the problem of Northern Ireland can be found only through political dialogue which addresses the totality of relationships involved. We therefore greatly welcomed the agreement embracing the two Governments and the four political parties, on a basis for the present political talks, which was set out in the statement of 26 March, 1991. We believe that this agreement is a valuable achievement which must be maintained and built on. It is valuable, firstly, because any agreement on procedure in delicate negotiations involving very diverse parties is bound to prove difficult and elusive. We are fortunate, therefore, that this initial hurdle has already been overcome and that we do not again have to become enmeshed in procedural issues, which the public tends to view with so much impatience. Secondly, the statement makes explicit a number of points of agreement which we believe reflect a joint willingness to address the problem in all its depth and complexity, and on terms which will promote a full and open discussion. That will certainly be necessary if we are to achieve the ambitious goal of achieving a new and more broadly based agreement to give adequate expression to the totality of our relationships. I can confirm that the Irish Government, like the British Government, remain committed to the position "that they would be prepared to consider a new and more broadly based agreement or structure if such an arrangement can be arrived at through direct discussion and negotiation between all of the parties concerned".

2. We have already therefore the benefit of a valuable consensus on the basis for our talks. The situation has however advanced beyond that. The Irish Government is not

privy to discussions in Strand One, but it seems clear that very worthwhile and constructive dialogue has taken place. Secondly, work has been completed successfully on a possible agenda for Strand Two which we hope can be approved by the participants and facilitate discussions in that Strand, which we view as particularly important in determining the success or otherwise of this process. It is right here to recall our common agreement that all three sets of discussions will be underway within weeks of each other. It is the view of the Irish Government - and I believe we are not alone in that view - that the transition to Strand Two of the process is now greatly overdue. It is our fervent hope that all participants can agree to make that transition without further delay.

3. I come now to our present meeting. Its purpose, as we see it, is to give preliminary consideration to the issues likely to be on the agenda in Strand Three, as we have already done in relation to Strand Two. Strand Three, as we have all agreed, is to deal with the relationship between the two Governments. It is of course confined to the two Governments, although both have also agreed that

- other participating parties will be kept in touch with progress during Strand Three by regular liaison;
- the two Governments will meet other participating parties at their request for further discussion of Strand Three issues while Strand Three is taking place;
- the outcome of Strand Three will be considered by all the participants alongside the outcome of the other two strands and nothing will be finally agreed in any strand until everything is agreed in the talks as a whole.

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4. The purpose of this meeting, like the corresponding preparation for Strand Two, is therefore essentially procedural. Its purpose cannot be to anticipate the substance of the discussions which will take place once Strand Three proper is launched. Still less can it be to anticipate, even indirectly or obliquely, possible outcomes from what will undoubtedly be very arduous negotiations. But even confining ourselves, as we must, to purely procedural aspects of the agenda, there is a further difficulty: Strand Three deals with the relationship between the two Governments as that relationship may be affected by the talks process. However the implications for the Governments of possible developments arising from the negotiations will become clear only as these negotiations progress in the other two strands. Anything agreed by way of joint agenda must therefore be tentative, and subject to review in the light of developments in the internal and North/South negotiations.

5. We can however confirm in general terms that the Irish Government considers the value of our discussions, and the prospects of their success, will be directly proportionate to the degree they embrace the real scope of the problem. We must base our negotiations on the conflicting aspirations and identities as each tradition itself perceives and defines them, not in the form the other tradition might find it convenient for them to be. We must make our solution fit the problem, not seek to define the problem in terms of the solutions we are prepared to offer. Our approach to the agenda will therefore be both flexible and comprehensive. It is in any case one of the agreed ground rules for the talks that it will be open to each of the parties to raise any aspect of these relationships, including constitutional issues, or any matter which it considers relevant. Our agenda must therefore avoid all undue restriction and be an enabling framework for the fullest possible consideration of

all the factors which affect the intractable problem we have set to grapple with.

- 6. In the light of these remarks we could envisage an agenda on the following lines:

Possible Agenda for Strand Three of the Talks

- 1. Formal opening
- 2. Approval of Agenda
- 3. Examination of the causes of the conflict in Northern Ireland
- 4. Impact of the conflict, including on relationships between the British and Irish Governments and peoples.
- 5. Report from Chairman of Strand Two.
- 6. Measures which would reconcile and acknowledge the rights of the two major traditions that exist in Ireland.
- 7. Measures to ensure parity of esteem and equivalence of political and symbolic expression to both communities in Northern Ireland.
- 8. Implementation of such measures by the two Government.
- 9. Possible legislative and other consequential measures.
- 10. Formal closing.

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(ORIGINAL BRITISH DRAFT)

The Government believe that there should be a place on the agenda of Strand 3 for a discussion of constitutional issues. The issue has implications for the relationship within the island of Ireland (and the possible agenda for Strand 2 provides a place for constitutional matters to be raised) but it also arises in relation to what happens to the present Article 1 of the Anglo-Irish Agreement. The British Government would see no difficulty in accepting that all three elements of the present Article 1 should be dealt with in any successor to the Agreement. Without anticipating substantive exchanges, it is right to let you know that HMG will argue that, in the interests of achieving the "new beginning for relationships" envisaged in the 26 March Statement, and of ensuring that any new structures to emerge from the Talks process as a whole are acceptable, an unambiguous consensus on the constitutional issues should be reached in the Talks as a whole. This may well have implications for Article 1(a) of the present Agreement. HMG will also argue that it would be right to continue to recognise unambiguously the aspirations to which Article 1(c) currently gives expression. We acknowledge that this line of argument may well have constitutional implications for the Irish Government and people, and that you would be free to raise other constitutional issues. We have noted that your Government has confirmed that the Talks as a whole will provide an opportunity to discuss Articles 2 and 3 of the Irish Constitution in the context of the other issues to be considered in the Talks as a whole.

(25.6.92)