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**Reference Code:** 2021/102/23

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THE NORTHERN IRELAND TALKS - A LOOK AHEAD

1. Since Strand Two opened we have had two and a half days of meetings in Lancaster House and three days of meetings in Stormont. These have been taken up with opening presentations and questions from other delegations on those opening statements (which in fact have turned into more general questioning of basic positions). This paper offers some comments on the situation to date and some reflections on the more serious negotiations ahead.
2. It was to be expected that when the Unionist politicians - and especially Ian Paisley - sat down at last opposite Irish Ministers to argue directly with them, there would be a phase of polemical confrontation. This is added to by the fact that there is a rather large 'audience' in the room and a new-comer - the neutral Chairman - whom the participants, consciously or not, will want to impress.
3. While the exchanges have been somewhat tiresome and may seem rather discouraging, we should not wholly discount the point that they may have led to some clarification of our positions so far as the Unionists are concerned. Undoubtedly, as well as the very basic disagreements between us, there are additional misunderstandings about the Irish Government's position - particularly on the part of the UDUP - and the exchanges so far may have served, to some degree at least, to clarify some of these points.
4. Apart from this, in considering only the content of the exchanges, it would be easy to overlook the significance

of the very fact that they are taking place: that, not just the official Unionists, but Ian Paisley and his party are sitting down in the same room as Irish Government representatives and preparing to negotiate with them in an atmosphere which, while often polemical, is sometimes lightened by humorous exchanges. It may be of interest also that Paisley, on several occasions, has explicitly accepted that it is legitimate for the Nationalists of Northern Ireland to have an aspiration to Irish unity.

5. It is also necessary, in reflecting on days of hostile and repetitive questioning, to allow for the fact that Paisley no doubt has to let his followers outside see that he is 'grilling' the Irish Government in a thorough fashion. This may be necessary in order to have his followers accept that he should sit down across a table from Irish Government representatives in the first place.
6. If and when serious negotiation develops, we must expect more of this. That is to say that any movement which may occur will have to be covered by a certain amount of huffing and puffing directed at the more intransigent followers outside.
7. Another point of interest as the talks proceed is the extent to which the confrontation is between the Irish Government delegation and Paisley's party and indeed Paisley himself. One could indeed say, listening to the exchanges so far, that three somewhat different voices can be distinguished within the overall Unionist chorus of opposition to the Nationalist position: a) the UUP voice - critical but not unreasonable; b) Robinson of the DUP - sharp intelligent and precise in his hostility;

and c) Paisley - diffuse and at times emotional in its opposition but also engaging, to some extent and at times in a degree of humorous exchanges. It is of interest to reflect on the question - with whom will the real negotiation eventually take place? The most solid negotiating opponent would obviously be the official Unionists but Paisley, whether or not he is a direct opponent in the negotiation, will obviously have to be brought along. In dealing with him we need to remember that behind him are followers who are quite difficult and very poorly informed. We can expect, therefore, that it will be necessary to read somewhat between the lines; and that if there is to be significant movement it will be made under cover of the smoke-screen of polemics.

8. If we succeed, as we hope, in getting a recess in the Strand Two talks on or around 24 July, it will give us some time to prepare our positions. This will have to be done during the month of August when Cabinet would not normally be meeting. We must expect, however, that at the latest by the very beginning of September when the talks resume, we will have to be in a position to present a considered and fairly concrete paper setting out the position of the Irish Government. This will have to be a position which the Government can eventually stand over in public since we must expect that in one way or another, or at some time or another, it will become known.
9. It is more likely that we will be expected to produce the paper in the latter part of August, perhaps a week before the talks resume in September - through this is still to be decided. Indeed, we may need to have cleared our minds somewhat if we are to probe British thinking at

Strand Three meeting next week - although it should not be necessary to have a fully developed policy position by then.

10. In any case, the challenge will be to have ready by the end of August policy papers which can be presented; which will be much more concrete in character than any policy statements by way of speeches over recent years; which will contain proposals calculated to advance the talks process and the Irish Nationalist position within it; and which the Government can stand over in public when they become known, as they are almost bound to do within a relatively short period.
11. Difficult as this may be, and dissatisfying and repetitive as the talks process itself may seem to have been so far, we should in the last analysis keep in mind that Irish Nationalism and Irish Unionism are at last sitting down to discuss the future together in a negotiation which previous generations would have given a great deal for but never achieved.

Main issues we will face

12. While discussions so far have been little more than 'letting off steam' and any kind of real negotiation, if it is to occur, remains a matter for the future, it is nevertheless possible to discern in broad outline at least the rough shape which any 'deal' would take and thus the issues which the Government here will have to consider.

13. The two fundamental points in the statement of 26 March, 1991, which are basic to the present negotiations are:
- a) the willingness of the two Governments 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', and
  - b) the idea that discussions will focus on the three main relationships and that the outcome must give all of them adequate expression.
14. There is an essential ambiguity about what 'a new and more broadly based agreement or structure' might be. For the Unionists it would have to diminish, or preferably eliminate, the direct involvement by the Irish Government in the affairs of Northern Ireland. The starting point for Nationalists in Northern Ireland and, for the Government here, is that it would need to maintain or even increase the direct role of Dublin in Northern Ireland.

#### Unionist Approach

15. The Unionists have by now talked themselves publicly and privately into a position where they will not be willing to take part in any new structures or settlement without a change to Articles Two and Three of the Irish Constitution. A successful - or at least an acceptable - outcome of the talks from their viewpoint would be the following:

- (i) removal of articles Two and Three of the Irish Constitution.
- (ii) A devolved Assembly in Northern Ireland with suitable guarantees for minority positions.
- (iii) A structure for external cooperation between North and South to replace the present involvement by Dublin directly in the affairs of Northern Ireland.
- (iv) Possibly - a residual Anglo-Irish Agreement structure in which the two Governments would continue to cooperate on non-devolved matters such as perhaps security.

#### British Approach

16. The British approach to the talks is probably something on the following lines:

- (i) At best a settlement will have been achieved; at worst Mayhew and the British Government will be seen to have tried once again patiently to promote negotiation to resolve an intractable situation in Ireland.
- (ii) The position of the Irish Government on Articles Two and Three of the Constitution will be weakened at least. At best from their viewpoint (and granted what the British may see, mistakenly, as a certain acceptance of the idea by public opinion here) the Irish



Government may be under pressure to remove or modify them.

- (iv) In any case, by being put in a position where it has to produce its own blueprint for the island's future, the Irish Government will have been forced to 'put up or shut up'. The result could be a considerable deflation of the Irish Government's ambitions.

#### SDLP Approach

17. The SDLP position is probably that they have fought the good fight in Strand One over several months and put down the proposals in their Strand One paper as a marker to maintain the external involvement of Dublin and ultimately the EC. They are now probably glad to have drawn in 'big brother' - that is the Irish Government - through the opening up of Strand Two. They will certainly want to see no substantial diminution in the role of the Irish Government in Northern Ireland; and they will not want to see Articles Two and Three removed - unless perhaps as part of a really deep and final settlement.

#### Issues for the Irish Government

18. Against this background, the most basic interest of the Irish Government must be to maintain its credibility on the Northern Ireland issue itself by putting forward proposals which it can stand over; and to maintain a public attitude of willingness to negotiate which will



ensure that blame does not rest on its shoulders for any breakdown.

19. In looking seriously at the negotiations, however, in hope of achieving a genuine settlement, the Government will have to face fundamental issues very soon:
  - (a) are the Government willing to propose a modification of Articles Two and Three? If so, what outcome or structure would have to be achieved in order to allow such a proposal to be put to the electorate here? In other words, what result would be sufficient to justify the removal of Articles Two and Three?
  - (b) In particular, could the Government consider accepting something less than was achieved in the Anglo-Irish Agreement of 1985 in return for the wider acceptance of the outcome? That is to say if we could now reach a settlement which brings the main strands of Unionism aboard would that in itself be enough to allow us to settle for a lesser degree of involvement in the affairs of Northern Ireland than was accorded under the 1985 Agreement (which the Unionists rejected)?

#### Negotiating tactics

20. Apart from whatever answers we may give to these basic issues and the content of our negotiating position, we will have to consider seriously how we work towards it in the particularly difficult framework in which we are now operating. In other words even if we can discern the

shape of a 'package' which might be generally acceptable we will have to have a carefully thought-out strategy about presenting it so that it is not "shredded" in the initial stages and further negotiated downwards.

Speculative ideas for the future

21. While it would be premature to put forward any specific ideas until the Government have given further thought to the issues, the following points may be worth thinking about:

- (1) It may be better to think of modifying the provisions of Article Two and Three of the Constitution rather than removing them. There are many ways in which this could be done. One would be for example through an addition to Article Three or even a new Article after Article Three to write into the Constitution the concept that the 'integration of the National territory' would require the consent of a majority in Northern Ireland (in other words the basic idea of Article One of the 1985 Agreement). While the Unionists would no doubt prefer to see the Articles deleted, they should be able to accept a modification which made the realisation of unity subject to agreement of a majority in Northern Ireland; and such a modification would probably be easier to present to the electorate here.
  
- (2) We might perhaps think of working for an agreed settlement document between all the parties which could itself be endorsed in some way in the

Constitution - for example as the Maastricht Treaty has been. This idea might be coupled with the previous point so that one would have at the same time some modification of Article Three and an explicit endorsement of a settlement added by the people to the Constitution itself as their direction about National policy in relation to the phrase 'reintegration of the National territory' in Article Three.

- (3) It would be desirable in approaching these issues - that is to say a settlement package and possible modification of the Constitution - to work out a 'guarantee' to the Unionists against their being absorbed against their will in a United Ireland which would be expressed in exactly similar terms and endorsed by all parties to the negotiation. This would mean for example that whatever terminology we use in the Constitution would also be written by the British Government into their legislative guarantee. It should also be accepted by the Unionists. If properly phrased, with some degree of positive encouragement for Irish unity (on the explicit condition that it would only be achieved if acceptable to a majority in Northern Ireland), then the endorsement of such a positive phrasing by the British might even provide a sufficient basis for the IRA to call off their campaign.
- (4) Security issues will be extremely important since if the IRA do not lay down their arms as part of a settlement they will certainly renew their assault on any new institutions. Could we perhaps look at

some of the provisions in the documents recently endorsed at Helsinki which allow for help and support for policing in areas of potential conflict within the CSCE area?

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22. The foregoing are no more than preliminary ideas. The immediate issue is to prepare ourselves in general terms at least for the Strand Three meeting with the British Government next week and more importantly to submit a reasonably concrete paper to the Strand Two talks by the end of August.

N. Dorr  
Secretary, DFA  
20 July, 1992.