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Fourth Meeting in Strand Three
Belfast, 14-15 October 1992



1. The Irish Government were represented by the Tanaiste and the Ministers for Foreign Affairs and Energy, who were accompanied by officials. The British Government were represented by the Secretary of State for Northern Ireland and Minister Hanley, also accompanied by officials.
2. The meeting, which began with a 45-minute private Ministerial session, lasted from 3 p.m. until 6.30 p.m. on 14 October and resumed from 9.30 a.m. until 10.30 a.m. on 15 October.

REVIEW OF TALKS

3. The Secretary of State opened the plenary part of the meeting by welcoming the Irish team.
4. The Minister for Foreign Affairs gave his evaluation of the present position. The Talks were moving in a circular direction and were, therefore, achieving very little. He underlined the leadership role which the two Governments might play in producing draft "heads of agreement" for possible delivery to the Chairman, as had been proposed the previous Friday. A joint approach by the two Governments in this regard might give the Talks a new beginning.

It had to be recognised that the two sovereign Governments were in charge of the island of Ireland for the time being. The Talks participants were effectively here at the invitation of the two Governments. A framework must be set in a joint governmental context.

The process was not helped by the UDUP's habit of coming in and out of the talks at will. They would presumably have a veto over whatever agreement might be reached. Their megaphone diplomacy was unacceptable. In response to their raising of Articles 2 and 3, the Irish Government had indicated that the Government of Ireland Act should be discussed in the context of whatever constitutional arrangements might be arrived at in due course.

Unless there was a strong executive element in proposed North/South structures, it would be quite impossible for a proposal to amend Articles 2 and 3 to be put to the electorate with any hope of success. An impasse between the two Governments was inevitable if the reference in the draft principles paper to "a significant executive role" was not retained.

The Minister recalled the Chairman's recognition of the Irish Government's patience in the face of Unionist cross-examination earlier in the Talks and also noted that there had been no leaks of Irish Government positions to the media. He contrasted this with the radio interview given by the Secretary of State last weekend, in which the stance taken by the previous Secretary of State on Articles 2 and 3 had been unhelpfully recalled.

5. The Secretary of State observed that he himself was also an object of UDUP criticism. As the UDUP had made movement on Articles 2 and 3 a condition of their participation in the Talks, it was impossible to avoid being questioned about this issue and occasionally saying something about it. If his party held its annual conference and a debate on Northern Ireland took place, it was unrealistic to imagine that he would not be interviewed after that debate. He quoted the relevant passage of his interview. He mentioned that he had subsequently been castigated by Paisley for omitting additional criticism of Articles 2 and 3 which was attributed (inaccurately, he believed) to the former Secretary of State.

He agreed that the Talks were going around in a circle from which we had to break out. He thought that informal discussions on the lines of those which had taken place in Strand One would help. He had doubts about the proposal relating to the Chairman and he noted that the SDLP had not supported it that morning.

The Minister for Foreign Affairs had indicated, very fairly, that the presence of a strong executive element in any agreed Strand Two institutions was a sticking point for the Irish Government. The British Government could not agree to a mandatory executive element being included, as they did not believe that the Unionists would accept this. He felt that more work was required on the detail of the executive function which the Irish Government would like to see in North/South institutions and on the accountability and funding of these institutions. Greater particularity about an executive role might ease Unionist fears. This was, however, a matter for discussion with the parties.

As regards the draft principles paper, he considered it inappropriate that a Strand Three document should contain a reference to a Strand Two institution. The Unionist and Alliance delegations were suspicious about the two Governments teaming up to present them with something for Strand Two via a Strand Three mechanism. It would be best if this could be recognised as a Strand Two matter which required further work in that Stand.

6. The Minister for Foreign Affairs rejected this suggestion. While he accepted that the detail of an executive role would need to be worked out, he insisted

on the need for this principle to be retained in the paper under discussion. Without an executive role for North/South institutions, the Government could not contemplate going to Dail Eireann with legislation or putting a proposal for constitutional change to the electorate. The Irish Government could not, and would not, agree to the removal of the reference in question.

Asked by the Secretary of State what institutions the Government contemplated in Strand Three, the Minister said that this was a matter for discussion.

The Secretary of State noted that there had not yet been negotiations with the Unionists about the extent to which they could live with an executive role. Ken Maginnis had made some encouraging noises last week about his own position in this regard. This element could conceivably form part of what both Governments might put before their respective electorates. Without this, he observed, "it's goodbye, isn't it?".

The Minister for Foreign Affairs agreed that this stage seemed to be approaching.

The Secretary of State felt that the only alternative was to get into negotiations with the Unionists and see how far they would go.

7. The Tanaiste recalled that Maginnis had been toying with the idea of executive "roles" for joint bodies on the lines of the Foyle Fisheries Commission. He commented that, if the two Governments were together to decide on a common approach involving executive roles, this would carry considerable weight with the other parties.

The Secretary of State replied that, just as he accepted that Irish Ministers were the best judges of what would be acceptable to the Irish people, he was probably the best judge of what the Unionists would accept. He did not believe that Unionists would be influenced by agreement between the two Governments that institutions should have a mandatorily confirmed executive power.

The Tanaiste observed that "mandatory" was a very strong term. He recalled that a decision had been reached 20 years ago on a North/South institution with executive powers, yet the British Government was saying that this was not acceptable in 1992. When the Secretary of State referred to Unionist memories of Sunningdale, the Tanaiste recalled that a weak British Government had been responsible for the collapse of the Agreement.

The Secretary of State repeated his preference for a phrase on the lines of "with a capacity to develop" (towards executive powers).

The Tanaiste observed that a plant's capacity to develop depends on the soil in which it is cultivated. In

relation to Articles 2 and 3, he pointed out that since 1920 the Irish Government had refrained from describing the Government of Ireland Act in public as unhelpful, even though it believed this to be the case.

8. The Minister for Foreign Affairs said he was disturbed by the British attitude. There was a perception in the South that the British Government was backing the Unionists in relation to Articles 2 and 3. This placed the Irish Government in a very difficult position. Bearing in mind the good relationship which existed between the two Governments, he found it very hard to accept that British Ministers would not back the Irish Government on the question of an executive role.

Supporting the Tanaiste's point, he noted that what was on offer was even less than had been agreed at Sunningdale. He recalled the terms of the latter agreement and the fact that it had not been conditional on the holding of a referendum.

The Secretary of State hoped that he would not be expected by anyone in the South to be a political neuter or eunuch. His predecessor had taken the view that Articles 2 and 3 were unhelpful. If he himself were to remain silent on this point, the Unionists would draw certain inferences. He shared his predecessor's view and he was entitled to his opinion. However, any impression that he was on the side of the Unionists in this regard was not justified. His objective was to secure a clear and unambiguously expressed consensus on constitutional issues, with the Irish Government taking any consequential action which it considered necessary. He did not, however, agree with the Unionist rhetoric about a "harsh territorial claim etc".

He again suggested that the question of an executive role for North/South institutions should be left for detailed discussion in Strand Two.

The Minister for Foreign Affairs disagreed. Noting that the "possible principles" were to cover all three Strands, he did not consider the Secretary of State's suggestion particularly apt. (The Secretary of State bowed to this point, ruefully describing his own suggestion as "a good shot").

9. The Tanaiste recalled that Unionists had never made any spontaneous concessions to nationalists. British Government pressure had always been required. He had hoped, therefore, that the two Governments might be able to agree an approach - though not one which would necessarily drive the Unionists from the table.

Later in the discussion, the Tanaiste observed that, in view of the great efforts made by the British side to bring the Unionists along, the latter should feel safe

and it ought to be possible for the two Governments to cash in on this by taking a joint approach.

10. The Secretary of State disputed the influence with the Unionists which was attributed to him. His judgement was that the Unionists, if faced with a joint proposal from the two Governments, could not be expected to "put their hands up and come quietly". If a Strand Three paper on principles addressed institutions which clearly belonged to Strand Two and contained a mandatory requirement for a significant executive role, the Unionists would object strongly.

The Tanaiste noted that the Secretary of State was effectively conceding a veto to the Unionist parties in relation to activity in Strand Three, which concerned the two Governments only.

The Secretary of State replied that everyone in the Talks had a veto. Sunningdale had failed because Unionists leaders had got too far ahead of their electorate. A settlement without the UDUP would be possible but not without either of the Unionist parties.

The Tanaiste commented that, while others in the Talks were trying to achieve something in good faith, the UDUP were not.

The Secretary of State commented that a settlement which excluded Paisley, while possible, would still be only "second best".

He suggested that a reiteration of the remarks made by the Irish side about Articles 2 and 3 during the Dublin meeting (to which Maginnis had responded ineptly at the time) would help to unblock matters.

10. The Minister for Foreign Affairs pointed out that, although the Irish side had made important concessions to Unionists over the years in the constitutional context, they always came back looking for more. He was not satisfied that the Secretary of State's judgement in this area was correct.

Minister Hanley reiterated the British Government's difficulty with the inclusion in the principles paper of a reference to an "executive role", which would undoubtedly produce a very negative reaction from the Unionist parties.

11. The Minister for Energy complained that, although one of the two sovereign Governments was being asked to make a major constitutional concession, the other was evidently not prepared to work to achieve a reciprocal constitutional change in the other direction. What the Unionists wanted was clear. We, for our part, wanted an executive role in North/South institutions. From comments made by the parties, he thought that there was

room for the exploration of proposals which might bring the two sides closer together. Detailed work away from the table was required.

Asked by the Secretary of State if the Irish Government was excluding a bilateral with the UUP, the Minister said it was not.

12. The Secretary of State suggested that, if the line he was recommending in relation to an executive role was not acceptable, the Governments should tell the parties that they had agreed a paper on principles but that they had not agreed the six-word reference in question. This was a matter to be resolved in detailed discussion.

The Minister for Foreign Affairs disagreed with this. The six-word reference was crucial to the Irish Government and no paper would be agreed without it. There could be no talk of an "agreed paper" to the parties.

Chilcot suggested that the area of agreement between the two Governments on the paper might be confined to those principles arising in the relationship between the two Governments. The Minister for Foreign Affairs could not accept this suggestion either.

The Secretary of State suggested that, in the liaison report to the parties, the two Governments might indicate that they did not agree on this point and that further work on it would be required. The Minister for Foreign Affairs suggested that they might say that the discussions were ongoing. The Secretary of State proposed to say that this session of Strand Three had been adjourned; that a date for its resumption had not been set; and that the intervening period would be used for the additional work required.

13. The meeting adjourned at this point for one hour.

When it resumed, the Secretary of State acknowledged that the issue of an executive role for North/South institutions could prove to be the sticking point for the Talks. Best endeavours were required to ensure that "this is not goodbye".

He accepted the Irish Government view that the issue of the nature of North/South institutions was central - to Strand Two, to Strand One and to the outcome of the Talks as a whole. The key question was how a clear understanding could be reached of what all participants would accept on this issue. Various procedural devices were available. The two Governments should now agree on which of these they should jointly press for.

An essential accompaniment of each was bilateral discussion with all parties by both Governemnts and between parties themselves. The devices included the

submission of sealed bids to Sir Ninian on Strand Two institutions only; continued discussion of the British Government's Strand Two paper of 9 October, under cover of which bilaterals could take place informally; and the submission of the bids on draft heads of agreement on all Strands to Sir Ninian.

The British Government favoured the second of these devices, though it also saw advantage in the first. The third involved too lengthy a process.

The Secretary of State then read out the terms of a possible statement to the parties. It would indicate that the two Governments had continued their discussion of principles in Strand Three; that they had found that this work interacted closely with the later Strand Three agenda item on institutions; that they had accordingly decided to continue their discussions on both these agenda items without attempting to reach conclusions on either in isolation; that in these circumstances they proposed to postpone the liaison meeting planned for Friday; that they had arranged a further Strand Three meeting for next week and would propose a date for a liaison meeting thereafter; and that in the meantime they invited any further views on Strand Three principles and Strand Three institutional arrangements.

14. The Tánaiste asked for time to reflect on this proposal overnight. The Minister for Foreign Affairs probed the British thinking in relation to bilateral meetings. He wondered whether the Unionist parties would agree to meet the Irish Government. The Minister for Energy suggested that the Chairman might have a role in arranging these. Fell wondered whether the Chairman might float the idea of bilaterals in a Committee session.
15. The meeting adjourned at this point.
16. When it resumed on the following morning, the Minister for Foreign Affairs told the British side that the draft statement to the parties was acceptable and he agreed that it might be read out by the Chairman. He again asked for clarification of the British thinking about how the bilaterals would operate, e.g. would the two Governments meet the parties jointly or separately? would the British Government meet the SDLP? what role would the Chairman play? etc.
17. Minister Hanley (deputizing for the Secretary of State) said that the British preference would be to have as unstructured an approach as possible. The Governments might meet the parties separately. The Chairman could be available to help as required, e.g. he could provide cover for a meeting between the Irish Government and the UDUP. It might also arise that individual parties would wish to meet the two Governments together.

18. The Minister for Foreign Affairs indicated that the Irish Government were not attracted to the option of "sealed bids" to Sir Ninian. They preferred oral submissions which, furthermore, would encapsulate all Strands. The Tanaiste recalled that Peter Robinson had favoured the presentation of views across all three Strands. (He noted, however, that the Irish Government's non-participation in Strand One might give rise to some difficulties).

Minister Hanley said that the British preference was for sealed bids confined to item 9 in Strand Two, which might encourage a more concrete discussion and outcome.

19. Thomas suggested that the Chairman might be asked to bring forward proposals in the light of bids which he had received from each participant.
20. After a short break, the Tanaiste suggested that either or both Governments might propose to Sir Ninian that he consult with delegations individually in order to establish what each considered to be the best way forward. These consultations would cover all three Strands (on the Robinson model).
21. Asked by the Minister for Foreign Affairs to clarify British thinking in relation to bilateral meetings, Minister Hanley said that they envisaged meetings between either Government and the parties (individually) or among the parties themselves.
22. Dorr described the Irish Government's thinking in the following terms. Just as the two Governments were engaged here in a process of informal and private consultation, so Sir Ninian would be invited to undertake a similar exercise with the parties on possible ways forward. The Irish Government's response, when consulted as part of that exercise, would be to propose a further round of private consultations - best done orally - which would enable participants to speak in very broad terms of "heads of agreement" which might possibly be envisaged. Sir Ninian would decide what to do at the conclusion of this two-stage process.

Asked by Minister Hanley whether he envisaged "heads of agreement" in all three Strands as the outcome of Sir Ninian's efforts, he said that, while that could be the direction in which the Chairman ultimately headed, it might be best not to describe that as his objective from the outset.

Minister Hanley suggested that it would be best if Sir Ninian were seen publicly to have taken the initiative in asking the parties for their views on how to proceed. This was agreed.

23. Thomas said that the British side would welcome a response to the draft they had supplied on possible

institutions in Strand Three. Noting that there was no agreed position between the two Governments in this respect, he wondered whether the Governments might present separate views to Sir Ninian. Invoking the distinction between Strands Two and Three, Fell supported this point.

O hUiginn said that the Irish side had seen the institutions draft as coming after the principles draft. He noted that, in the statement which would now be made to the parties, the Governments were acknowledging a linkage between both. The question of Strand Three institutions was very much dependent on what happened in the other two Strands.

Thomas said that the British side would like to see Sir Ninian beginning with Strand Two institutions. The Tánaiste supported O hUiginn's point about the relevance in this connection of discussions in the other Strands.

Fell suggested that the two Governments might tell Sir Ninian that (i) they saw the next step as bilaterals between him and the participants, either orally or in writing; (ii) they believed the exercise, which would inevitably cover all three Strands, could well lead to draft "heads of agreement"; (iii) they regarded North/South institutions as a central issue in this respect.

Dorr accepted that North/South institutions were one "strut" supporting the overall structure. It was, however, necessary to know what the other struts were. (Minister Hanley described this as "very fair"). He also recalled the 26 March understanding that "nothing is agreed until everything is agreed".

David Donoghue
19 October 1992