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AN RÚNAÍOCHT ANGLA-ÉIREANNACH

ANGLO-IRISH SECRETARIAT

BÉAL FEIRSTE

BELFAST

*Mr. O'Sullivan 2/11/92*  
*hmn*  
*v. 11. 9. Jaisieark*

Confidential

21 October, 1992

Mr. Sean O hUiginn  
Assistant Secretary  
Anglo-Irish Division  
Department of Foreign Affairs  
Dublin 2.

*There are some significant elements here, as to British thinking.*

Dear Assistant Secretary

Conversation with Robert Alston: The Talks

*23-10-92*

I had a private conversation with my opposite number, Robert Alston, last evening. Alston talks fairly frankly in these meetings. His views were expressed on a personal basis for the most part but I think they would reflect the general consensus at the most recent of the briefing sessions that the Secretary of State holds regularly with his officials. The most important elements in his remarks were conveyed to you early this morning, but it may be worth recording them in some detail. I am writing separately about British reaction to the Taoiseach's Bodenstown speech and other matters.

Sir Ninian Stephen

The British side see the Stephen exercise as superseding the format of the Talks for the rest of the current phase. They would not envisage returning to meetings in any of the three Strands (I assume there will be no difficulty about bilateral meetings between the two Governments as, indeed, we had last Friday).

I wondered if Sir Ninian, having taken a close look at the baby he had been given to foster, might not hand it back fairly smartly to its parents? Alston agreed that the responsibility placed on Sir Ninian and his single assistant was a very heavy one. He would want to preserve his own credibility but the British sense of him was that he would do nothing precipitate and that he would persevere beyond this week and very likely to the end of the current phase. They foresaw a statement by Sir Ninian in the week beginning 9 November and a report by the two Governments to their respective Parliaments later that week, say, Thursday 12 November (the British do not take Paisley's cut-off date of 9 November too literally - he will want a buffer between the Talks and the Conference but he may not insist on a full week).

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### British Meeting with Sir Ninian

I took from this that Sir Ninian would not be too insistent in his probing of us today, or say too much about ideas of compromise in the Unionist camp, but would try to build slowly through successive rounds of bilateral meetings. I asked, however, about the British side's bilateral with Sir Ninian.

Alston said the Secretary of State had drawn attention to areas of convergence in the Talks and emphasised his view that "heads of agreement" could be achieved in the time available before 16 November. Alston did not give details of Mayhew's presentation on convergence but we know from the Talks and private conversation that their idea would be roughly and in brief:

The revision of Article One of the Agreement to acknowledge Northern Ireland as part of the UK, an amendment of our Constitution accordingly, and a balancing acknowledgement of the merits of a United Ireland. (Their recognition of the last point has been an achievement of the Talks but it remains to be seen how far they will be prepared to go in the form and wording.)

The Anglo-Irish Conference continuing its present remit except for those matters devolved to a Northern administration, possibly with an intensified level of activity and a right of audience for the Northern administration on some occasions.

A North/South structure dealing with cooperation in those matters for which the Northern administration has responsibility, overseeing or engaging directly in executive functions in certain areas (on the model of the Foyle Fisheries) and having the capacity to develop an autonomous role for the whole island over time and if the Unionists could be persuaded. The British Government might attend for those matters that the Northern administration needed to refer to London because of limitation on their powers.

A devolved administration in Northern Ireland on a modest scale and on the format agreed in Strand One, without the SDLP external commissioners. The scope would be essentially economic and social with important limitations, eg, as to fiscal policy. There would be provision for a consultative role in excepted or reserved matters and possibly direct control at the start or, more likely, in time, of some of these matters, eg, prisons and police. Control of the criminal law, the prosecution service, the courts, the British army, the intelligence services, immigration and other excepted matters would be highly unlikely.

I have asked a number of times where this scenario would leave us if Paisley or other Unionists simply refused to cooperate

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in the internal and North/South institutions. The reply has been that in the event of the devolved administration breaking down or becoming paralysed, the British could envisage the return to the Conference of the matters devolved; and that a similar carrot/stick arrangement could be made for the North/South structure.

**Sir Ninian's meetings with the parties**

The British understood that Sir Ninian found the UUP "constructive". Alston could not expand but he did offer the view that the Dublin/UUP channel was now crucial and that the British side regretted that a meeting that had been arranged for today had been put off sine die. (This refers to contacts between our Ministers and the UUP about a bilateral meeting this week. The British understand that a meeting was fixed, that the UUP accepted that it could not take place today because of Sir Ninian's visit to Dublin but that they felt "rebuffed" and "brushed off" because no effort was made on our side to make an alternative arrangement.)

Sir Ninian did not find the DUP "negative" but they did not give him anything to go on. It might be that at the dinner which he and his wife were attending with Dr. and Mrs. Paisley and Mr. and Mrs. Robinson last evening, some more positive indications might come from the DUP side. Alston was not hopeful.

The SDLP spoke to Sir Ninian on predictable lines and "put out their stall" (the inference was that the SDLP did not show any glimpse of a compromise that might be acceptable to them).

The British expected that Sir Ninian would ask us some probing questions today about our view of the shape of a possible outcome which could be agreed by all. They thought Sir Ninian saw the importance of the Dublin/UUP connection and would encourage us to have direct talks with the UUP.

**British "puzzlement" with us**

Alston had a few points to make about last week's sessions. The Secretary of State had derived a "good deal of satisfaction from the change of gear". He wanted to believe that this was true also of Irish Ministers, ie, that they would welcome the role given to Sir Ninian and would join with the British side in supporting him.

These comments indicated a degree of doubt about our commitment, which I questioned. Alston said the Secretary of State had been puzzled by last week's events. As he saw it, the Strand Three meeting had briskly unpicked a deal he thought he had done with our Ministers at the Strand Three meeting the previous week (8 October), drawn up at the informal session among Ministers but "consummated" at the formal session with officials. The deal was on the lines that if the Secretary of State himself foresaw a significant



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executive role evolving in North/South institutions, the Irish side would not insist on the executive role being fully fledged and operational from the outset.

I said this was news to me. I recalled a clear difference of view at the formal session which came down to precisely this point. I also recalled some drafting language being discussed in relation to the Principles document, which had then been remitted to officials and which had subsequently hit the rock of the "significant executive role" last week. I would report Sir Patrick's feeling about the understanding he believed he had reached in the informal session and his feeling that it had been undone last week but I could not say that I was conscious of any change of position on our side.

Alston was adamant that there had been a change in our position. He also had deeper concerns. The British entered the Talks thinking we could accept something that was an advance on the Anglo-Irish Agreement - transcending it in our phrase - and they believed this was on offer. But we were now talking of not accepting anything less than Sunningdale which was a collapsed arrangement of twenty years ago. Moreover, there was a persistent theme in Dublin that we were into damage limitation because the Talks were going nowhere. The British sense of this theme was strengthened by the departure of the Minister for Foreign Affairs for a lengthy visit to Australia with the President and the announcement yesterday that he would visit South Africa shortly. It seemed that the Minister chiefly responsible for the North on our side would be effectively absent for the rest of the Talks. I dealt with these two views in reverse order:-

The Minister for Foreign Affairs had important duties outside the Talks which could not be completely neglected. I wondered if the British side would think as they appeared to do if one Cabinet Minister had attended from the outset of the Talks. In fact, four had normally attended and we had not had less than two which contrasted with a situation where the British, who actually had responsibility for Northern Ireland, had fielded one Cabinet Minister and had occasionally been without him. I remembered that we had facilitated them on one occasion when both their senior and junior Ministers had felt obliged to be in London (officials had operated in "mini-committee"). I pointed out that successive Taoisigh had always dealt directly with Anglo-Irish affairs, that the Anglo-Irish Division had always reported to him as well as to the Minister for Foreign Affairs, and that the officials servicing the Talks provided the secretariat for the Ministerial Talks team as a whole. It was absurd to suggest that the Government were not interested in a positive outcome to the Talks because the Minister for Foreign Affairs was away.

Secondly, we had spared no effort in our commitment to the Talks. We did have the sense that the British Government were taking too low a view of what was necessary, were not

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sufficiently appreciative of the need for significant measures to put to our people in the context of any referendum and were, in the person of Sir Patrick, repeatedly giving intellectual and emotional comfort to the Unionists and openly supporting them in relation to the "unhelpful" Articles 2 and 3. We were sure that one thing could be safely relied upon: the Unionists would not go further than the British themselves, they would go less; and, in that respect, British policy was flawed even in its own interest.

Alston accepted that there was force in these points. Perhaps his side did not recognise the degree of influence they held or could hold with the Unionists but were not we prone to underestimate the real fears on the Unionist side? They were no longer triumphalist but scared. We had always said that much would come from direct discussion between Dublin and the Unionists, a discussion among all Irishmen. We had promised generosity. Now the UUP at least were keen to talk to us but we were not showing much interest, there was not much evidence of a real questing to engage Unionists.

I said I was sure we had no difficulty in meeting the Unionists and that the meeting envisaged and postponed because of Sir Ninian's visit could be re-arranged. Were the British making too much of the postponement? On the general point of engagement with Unionists, I pointed out that a persistent difficulty in the Talks was that one Unionist party was playing ducks and drakes with the agreed arrangements when it was not beating our four Ministers over the head about Articles Two and Three with the encouragement of the British; and the other party was fielding spokesmen who might not carry sufficient weight in their party to sell a deal. Molyneaux was often absent. No doubt Paisley had attended the DUP meeting with Sir Ninian but had Molyneaux been there? Alston said he had not, but argued that the presence of Joe Cunningham in the UUP seats at Stormont, even if he was not one of the two regular spokesmen, was an assurance that the UUP were serious. The DUP might not be and, in the end, it might be necessary to move on without them. The UUP already foresaw that possibility.

#### **A significant executive role**

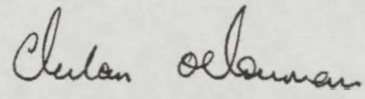
One thing the British side hoped we could do was to begin to elaborate with them and with the Unionists our idea of a significant executive role in the North/South structures, how it might start and how it might develop. By executive did we mean autonomous? Did we envisage that in all cases Ministers on either side would remain accountable to Parliament as was the case, for example, with the Foyle Fisheries? I accepted that there was scope for further discussion.

Lastly, Alston wondered whether the difficulties in this area could be put aside. Could some general understanding be reached for the so-called heads of agreement with the proviso that areas of executive (autonomous ?) authority would be

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fleshed out before any final agreement was reached. I thought we would need to have a clear understanding of the parameters before heads of agreement could be secured in the current phase.

Yours sincerely



Declan O'Donovan  
Joint Secretary