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9 December, 1992

Mr. David Donoghue,
Anglo-Irish Division,
Department of Foreign Affairs.

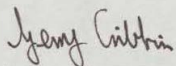
Dear Mr. Donoghue,

I enclose the brief - in draft ^{form} ~~form~~ - which I have prepared for the incoming Taoiseach on the three-strand Talks Process. Also enclosed is an overview of the security situation in Northern Ireland during the period January to end-November 1992.

I would greatly appreciate if you would kindly review the enclosed as soon as possible.

Thanking you in advance.

Yours sincerely,



Gerry Cribbin

ROINN AN TAOISIGH

Uimhir.....

To: Mr. O'Sullivan and Mr. Kirwan
From: Gerry Cribbin

Brief for incoming Taoiseach on the
M.I. Talks Process

1. I submit for your consideration a brief - in draft form - for the incoming Taoiseach on the Talks Process.
2. The complex and wide-ranging nature of the Talks, combined with a lack of information on the substance of recent discussions, militated against the production of a fully comprehensive brief. I have, however, endeavoured to compile as focused a brief as possible, bearing in mind the necessity for brevity and clarity. Supplementary briefing - whether verbal or written - may be desirable in the event of a new Taoiseach being appointed.

Gerry Cribbin

17 December, 1992.

NORTHERN IRELAND/ANGLO-IRISH RELATIONS
THREE-STRAND TALKS PROCESS

1. Present Position

- The ending of the Strand Two plenary session on 10 November brought to a close the latest round in the three-strand Talks Process involving the Irish and British Governments and the four main constitutional parties in Northern Ireland. This process began in Strand One on 9 March, continued in Strand Two from 6 July and in Strand Three which opened on 28 July.

- In the Joint Statement issued on 10 November on behalf of all the Talks participants, it was agreed that, although the ambitious objectives set by all on entering the process had not been achieved, these objectives 'continued to be valid and, in the view of the Chairman, achievable'. The Statement continued that the participants 'had identified and discussed most, if not all, of the elements which would comprise an eventual settlement; they had developed a clear understanding of each other's positions and established constructive dialogue on ways in which an accommodation might be reached on some of the key issues which divide them'. It further stated that 'the two Governments are of the view that further dialogue is both necessary and desirable'. The four Northern Ireland parties agree and, accordingly, will enter into informal consultations with a view to seeking a way forward'.

- In a statement issued on the following day, the Irish Government said that the process 'has enabled each of the main traditions in Ireland to define for the other the full dimensions of the sincerely held positions which must be reconciled in any lasting settlement' and that there is now an acceptance that 'new political arrangements must give expression to the identity and validity of each tradition'. It described these as 'very tangible gains' which 'offer a

promising foundation for the early resumption of negotiations'. It suggested that 'the intervening period might be availed of by all participants for the informal consultation envisaged in the concluding statement'.

- Again on 11 November, the Secretary of State for Northern Ireland, Sir Patrick Mayhew, said in a statement to the House of Commons that 'the Talks have seen substantive and detailed engagement on issues of the first importance'. He said that 'much has been done to identify and enlarge the common ground' and that, 'with goodwill and application, a comprehensive settlement can yet be secured'. He continued that 'we have a duty therefore to build on what has been begun, however slow that process has been and not to give up'.

- The Joint Statement agreed upon by all the talks participants and the subsequent statements of the Irish and British Governments sought to give this 'intermission' in the process 'a soft landing' and thereby lay the foundations for the earliest possible resumption of dialogue. Recriminations however did ensue. The DUP leader described the Talks as 'dead and buried' and he pledged that he would not return to the conference table until Dublin gave a commitment to remove its 'immoral, illegal and criminal claim' to the North. He also said that the DUP was not prepared under any circumstances to consider a north-south body with executive powers. He criticised the SDLP for its 'intransigence' on devolved government and he was also critical of the Irish and British Governments for their decision to hold the Anglo-Irish Inter-Governmental Conference on 16 November. The Alliance leader, Dr. John Alderdice, criticised the SDLP whose position he said, had 'not changed at all during the Talks'. The SDLP and the UUP leadership were much more moderate in their responses. Mr. John Hume said the process has 'laid a firm base for further consultations and negotiations' while Mr. Molyneux promised that his party would persevere in efforts to achieve progress 'through informal consultations'.

- At the Press Conference following the Anglo-Irish Inter-governmental Conference on 16 November, Sir Patrick Mayhew said that 'they (the Talks participants) had probably broken away for good from the three-strand process'. He clarified this view by adding that the informal bilateral meetings of the last four weeks of the process showed that 'people get on much better when they are talking party-to-party and one-to-one'. He felt that these informal arrangements were more conducive to progress than the previous formal structures. The Minister for Foreign Affairs agreed and said that the future talks process 'should begin in that mode'.

3. Overview of the Talks Process

1. In early 1990, efforts were begun to launch political talks between the Irish and British Governments and the four main constitutional parties in Northern Ireland. Initially, these efforts were focused on ways of addressing Unionist preconditions for participation in dialogue - namely, that the two Governments must be prepared to contemplate an alternative to the Anglo-Irish Agreement and that there must be a suspension of the Agreement and the Secretariat. A formula was eventually agreed which addressed these preconditions, thus enabling the Secretary of State for Northern Ireland to announce in the House of Commons on 26 March, 1991, that an agreed basis now existed for the commencement of the three-strand dialogue (see previous section for details).
2. After protracted procedural disputes over issues such as venues and the choice of a Chairman for Strand Two, substantive talks in Strand One began on 17 June, 1991. The parties exchanged analyses of the underlying problems and realities and some common ground was identified. However, three weeks later (on 3 July), they were brought to an end as a result of Unionist insistence that, because of the short time remaining within the period which had been agreed for the talks (30 April - 16 July), the Anglo-Irish Inter-Governmental Conference meeting scheduled for 16 July should not go ahead.
3. Efforts were made over the December/January period to revive the process but were frustrated by the Unionist leaders' stipulation that they would reserve their position on a continuation of talks until after the British general election in the event of a Labour Government coming to power.
4. However, following a meeting between the party leaders and the British Prime Minister on 11 February, 1992, it was announced that the parties would meet to see whether obstacles in the way of fresh political could be overcome. Following the Taoiseach's meetings at the end of February with the Prime Minister and the Leader of the Labour Party, Mr. Neil Kinnock, the Northern Ireland party leaders issued a statement to the effect that they saw no obstacle to the resumption of talks as soon as possible. At the Inter-Governmental

Conference meeting on 6 March, the two Governments agreed that, in order to facilitate talks, there would be no further Conference meeting until after the British general election had been called - at which point the Talks would cease. A Conference would take place very shortly after the election at which would be set a further interval between Conference meetings to facilitate talks.

5. On 9 March, Strand One discussions resumed with a brief plenary session in Stormont followed by a meeting of the Business Committee. On the following day, as expected, the Prime Minister called the election for 9 April. The return of a Conservative Government with a clear majority removed the threat posed to resumed talks by the prospect of Unionist exploitation of a "hung Parliament" outcome.
6. The post-election Inter-Governmental Conference Meeting took place on 27 April at which the two Governments agreed that there would be a three-month gap in Conference meetings running until a date in the week beginning 27 July and that provision would be made for a very limited extension of this gap in the light of progress made and on the basis of a unanimous request by the parties.
7. The three-strand political dialogue resumed on 29 April with Strand One discussions. This meeting heard a report from the Business Committee of 9 March which reviewed the procedures to be followed in future meetings - i.e. location, size of delegations and the timetable for discussions. The meeting also focused upon an updated version of the paper entitled 'Realities and Common Themes' tabled by the British Government towards the end of the Talks last year. The revision of the Realities section of the paper was left to the British Government, as the realities in question had been defined by the latter and not the participants. Discussion concentrated therefore on the Common Themes section. Overall the paper was extensively amended.
8. At the 29 April meeting, the British Government also flagged a discussion paper entitled 'Northern Ireland: Options for new Political Institutions'. This paper essentially aimed to provide participants with a checklist to some of the main questions which would arise in discussions on developing new internal institutions.

The subsequent discussions were protracted and difficult, effectively ending in deadlock. The UUP, DUP and Alliance parties favoured a devolution plan involving an 85-member assembly with a committee system and a three-member elected panel with significant monitoring, consultative and referral functions. The SDLP proposals, however, included the establishment of a powerful six-member executive commission, three of whom to be elected by the people of Northern Ireland, and one each to be nominated by the Irish Government, the British Government and the European Commission. A sub-committee report of 10 June indicated a measure of agreement between the parties on a possible structure involving an 85-member Assembly and a directly elected panel with specific adjudication responsibilities. The SDLP placed reserves on several elements in the paper such as on whether Assembly Chairmen should also be Heads of Departments and the precise range of responsibilities to be exercised by the Assembly.

9. On 12 June, the Strand One discussions focused upon a possible transition to Strand Two.
10. On 19 June, the two Governments held a meeting in pre-Strand Three formation under the chairmanship of Sir Ninian Stephen and at which observers from each of the Northern Ireland parties were present. The purpose of the meeting was to discuss a possible Strand Two agenda - on which agreement was reached.
11. On 30 June, the first full meeting in Strand Three formation was held in London and was co-chaired by the two Governments. Agreement was reached on the agenda for Strand Three and statements were made by observers from each of the four parties. At a Plenary session of Strand One on the following day, the Secretary of State for Northern Ireland announced that, after consultations with the party leaders, he was formally proposing the launch of Strands Two and Three.
12. The Strand Two discussions opened at London's Lancaster House on 6 July under the chairmanship of Sir Ninian Stephen. Each of the participants commenced with an opening statement. The substantive discussions of the subsequent weeks were on a questions-and-answers format where each party in turn was questioned at length on its opening statement by the other participants.

13. On 15 July, the Strand Two discussions moved from London to Belfast. On this and the subsequent two days, the Irish Government's submission was scrutinised at length by the other participants - most notably the DUP. These discussions, which were at times very difficult, continued until 24 July when both Governments tabled submissions in response to the opening presentations of the other parties. In general, the Strand Two discussions to this date could be described as exploratory. The sporadic leaking of talks documents exacerbated mistrust and at times threatened the entire process. The Anglo-Irish Inter-Governmental Conference Meeting scheduled to take place on 27 July was postponed until late September so as to ensure the smooth continuation of the Talks.
14. The first substantive discussions in Strand Three formation took place in Dublin on 28 July. The two Governments agreed on arrangements for liaison on Strand Three issues with the other Talks participants and they gave preliminary consideration to the interaction of Strand Three with the other two Strands in the light of progress to date. With the ending of this meeting, the process went into recess for the summer period.
15. Before the Talks went into recess, the Government decided on 21 July that Departments should prepare draft papers covering their appropriate areas on comparisons between North and South with a review of possibilities for closer co-operation or liaison. These papers would be sent to the Department of Foreign Affairs with a copy to the Department of the Taoiseach. Papers would also be prepared on the security aspect of North-South relations and on fiscal and possibly monetary issues. It was also decided that a study should be done of the all-island aspects of the Government of Ireland Act, 1920, the Sunningdale Agreement and the Anglo-Irish Agreement. All these papers were prepared in advance of the resumption of Talks.
16. The Talks Process resumed in Strand Two formation at Stormont on 1 September. It was planned that the discussions would involve three days of meetings each week - initially at Stormont Castle, Belfast and then moving to Dublin. On the following day, Plenary agreed to constitute a committee to consider and report on issues arising under Item 6 of the Agenda - namely, 'Fundamental aspects of the problem:

Underlying Realities; Identity; Allegiance; Constitutional'.

Speaking rights would be accorded to two delegates per delegation, no record would be taken of the committee's proceedings and committee reports would be prepared by a small drafting group consisting of one nominee per delegation.

17. On 9 September, the DUP delegation - led by Dr. Ian Paisley - walked out of the Strand Two discussions in protest at the decision by the other participants to place Articles 2 and 3 at the bottom of the agenda on which the aforementioned sub-committee was working. The DUP vowed not to return until the Articles came up for discussion. The leaking on 13 September of a confidential paper prepared by the Irish Government on constitutional issues and of a British Government discussion paper on North-South institutions placed further strain on the process, provoking Mr. Molyneux to say that the Talks would end "if it becomes clear in a few weeks that the Irish Government has no intention of removing its illegal claim". The DUP position hardened even further. Merely reaching the Articles on the Strand Two agenda was no longer sufficient. The party's attendance at the Dublin leg of the discussions would now be conditional upon a commitment from the Irish Government to amend the Articles. The Government rejected these calls to pledge an unconditional amendment to Articles 2 and 3 since such pre-conditions contravened the agreed basis for the Talks.
18. The Dublin discussions under Strand Two began on 21 September and lasted for three days but without the presence of the DUP. These discussions were generally described as "very fruitful" and "constructive". Confidentiality had again been breached however by press reports of a speech delivered at Stormont on 18 September by the Minister for Foreign Affairs.
19. At the London meeting between the Taoiseach and British Prime Minister on 25 September, a second and final extension of the interval between Inter-Governmental Conferences was agreed. The next Conference meeting would take place on 16 November.
20. On 27 September, Mr. Peter Robinson threatened that the DUP would leave the Talks process altogether if a final agreement was not reached by 16 November. He ruled out any possibility of the DUP

going back into the Talks in the event of another gap being set in Conference meetings after 16 November. Two days later, he issued a statement describing the SDLP Strand One proposals as 'a betrayal of the Talks Process' in response to a radio interview given on the previous day by Mr. John Hume in which he said that Articles 2 and 3 were not the real obstacle to good North-South relations. The DUP did however return to the table on 30 September following a meeting with Sir Patrick Mayhew.

21. On 9 October, the British Government tabled a paper entitled 'Strand Two: Issues arising from the discussion of possible institutional arrangements'. Drawing from the papers on North/South institutions submitted by all the other participants and the subsequent discussions on them, this paper sought to identify the common ground and to suggest possible areas which might be explored further. Two Strand 3 papers were also tabled - one on possible institutional arrangements and the other on possible principles for a new agreement. Constitutional issues were not addressed in either of these papers.
22. On 10 October, the UUP leaked to the media its document on institutional arrangements. The document allowed for a 'Council of the British Isles' comprising representatives of the Irish and British Governments and of any new Northern Ireland Assembly. The UUP would also countenance an Inter-Irish Relations Committee to deal with North-South economic, environmental, social and cultural matters and suggest that they would take part in any British-Irish parliamentary body. These proposals were conditional upon amendment of Articles 2 and 3 and the proposed bodies would have only a consultative function. The UUP proposals are at variance with the position adopted by the Irish Government and the SDLP - namely, any new British-Irish agreement must offer some executive function or some form of joint sovereignty for the nationalist representatives.
23. On 13 October, the Government decided that the Minister for Foreign Affairs should prepare a model of devolution of functions on a North/South basis on the lines of the Sunningdale Agreement with any adaptations considered necessary. Five days later in his Bodenstown address, the Taoiseach said that 'any agreement that is reached ...

could be put in a referendum to the people both North and South at the same time'. The Secretary of State for Northern Ireland described these remarks as "interesting and encouraging".

24. The Strand Two discussions were in essence entering into deadlock on the North/South arrangements. In response, Sir Ninian Stephen - with the agreement of the participants - moved the discussions from the formal round-table structure of negotiation to a series of bilateral meetings. It was felt that this new arrangement would help the participants to focus on the issues of division and to induce compromise.
25. The series of bilateral meetings commenced on 19 October and, on 23 October, a formal meeting of the Strand Two Committee took place to consider the results of these bilaterals. Sir Ninian listed four key areas for consideration - (1) Constitutional issues; (2) Executive arrangements within Northern Ireland; (3) The nature and authority of a North-South body; and (4) Security. He envisaged that the ensuing bilateral discussions would enable him to produce a paper which would set out in broad terms the elements of a settlement. Many of the participants expressed unease at the production of such a paper as a leakage of it would seriously undermine their negotiating positions. The parties agreed to continue with the bilateral meetings but Sir Ninian's 'Heads of Agreement' paper would not be circulated and would be taken up after the next Committee meeting.
26. As the bilateral meetings continued, it was becoming clear that a meaningful 'Heads of Agreement' paper was beyond reach before the Inter-Governmental Conference of 16 November. In essence, the two Governments and the Chairman started to focus the attention of the other participants towards a "soft landing" for the process. These attempts to steer the process into safe territory were largely successful, culminating in the Joint Statement issued on 10 November on behalf of all the Talks participants. Unfortunately, the ensuing recriminations of the DUP and, to a lesser extent, of the Alliance party undermined this achievement somewhat.
27. At the meeting between the Taoiseach and British Prime Minister on 7 December, the two leaders had an exchange on views in relation to

Northern Ireland in the course of which they reviewed the talks and said they were determined to see a resumption of dialogue.