



An Chartlann Náisiúnta
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Informal meeting between the Tanaiste and the Secretary of State (22 January)

1. The Tanaiste and the Secretary of State for Northern Ireland had an informal meeting in Iveagh House on 22 January.
2. Following a thirty-minute tete-a-tete conversation, there was a meeting lasting one-and-a-half hours at which the Tanaiste and the Secretary of State were joined by officials (on the Irish side, Messrs Dorr, O hUiginn, O' Donovan and Donoghue; and on the British side, Messrs Fell, Thomas, Williams and Ambassador Blatherwick). The Tanaiste hosted a lunch for the Secretary of State and his officials.
3. The following is a summary note of the discussion at which officials were present (which covered all of the points which had arisen at the tete-a-tete).
4. The Tanaiste opened the meeting by formally welcoming the Secretary of State. He was glad to have an opportunity for an early meeting as he was anxious to get down to work as quickly as possible. On behalf of the Taoiseach and on his own behalf, he underlined the high priority which the Government would be according to the difficult task which both Governments shared. Recalling his own earlier involvement with Anglo-Irish relations in the mid 1980s, he said that he was personally very glad to be working in this area again. He was confident that he

and the Secretary of State would establish good working relations.

5. Thanking the Tanaiste for these remarks, the Secretary of State said it was a matter of great satisfaction to him that the Government would be according such a high priority to the problem of Northern Ireland. The Tanaiste's previous experience of this problem was very encouraging.

The prospects for talks

6. The Secretary of State noted that, in their tete-a-tete conversation, he and the Tanaiste had established that they had a common objective - a resumption of political talks. He felt that complete openness was required in relation both to the objectives of talks and the means by which these might be achieved. Only in this way could the two Governments bring common resources to bear in tackling the problems they faced. He considered that real and sensible grounds existed for supposing that the objectives set out in the statement of 26 March 1991 could be achieved.
7. Asked by the Tanaiste for his assessment of the positions of the parties, he recalled the agreement of 10 November last that the objectives of the talks process remained valid and achievable and that the two Governments considered further dialogue to be both necessary and desirable.

He sensed that things had "gone off the boil" to some extent in the interim. The UUP were already influenced to a degree by the impending local elections. The Alliance Party were very much affected by this factor

(which seemed to him to be the only explanation for Dr Alderdice's uncharacteristic remarks of several days previously). The DUP were worried by the elections and their position had hardened accordingly.

From his meeting with James Molyneux this week, the Secretary of State had the impression that the UUP wished to resume talks but would approach them very cautiously. Molyneux would be most reluctant to take any risks before the elections on 19 May. As for Alliance and the SDLP, they would participate in talks immediately.

8. Expanding on the mood in the UUP camp, the Secretary of State said that they felt that the process was a one-way street and that everything was being demanded of them. They had gone to Dublin, yet no concessions had been made by the Irish Government in relation to Articles 2 and 3. John Hume had at no stage altered his position in Strand One (which they had rejected). Their view was that they had taken various risks but had nothing to show for it. They were worried about resumed talks and gloomy about the prospects.

They were, however, still loyal to the process as such. Ken Maginnis' suggestion (in the Commons the previous day) that the last round of talks had exhausted the possibilities of round-table talks did not reflect the party leader's view (though the latter had been heard to say in private that he thought the talks were over).

9. The Secretary of State concluded with the comment that the chances of achieving the Governments' common objective would be maximised if "something of real substance" could be brought forward which would counter the feelings of gloom in the Unionist camp.

10. Noting that Maginnis' remark had related to the format for talks rather than to the resumption of talks as such, the Tanaiste observed that a window of opportunity still existed in that sense. He went on to suggest that the formation of a new Irish Government constituted a possible point of departure for fresh talks. Reading out relevant sections of the Programme for Government (which he felt had been misinterpreted in some quarters), he suggested that this offered an open and broad canvas for Unionists like Maginnis and should not be narrowly interpreted.

11. The Secretary of State replied that "we have all welcomed that" (the Programme for Government) but that there was no substitute for actual talking. He suggested that the Tanaiste might invite James Molyneaux to find an occasion to meet him. The UUP leader might, of course, depute Ken Maginnis to meet him (who, the Secretary of State added lightheartedly, was already claiming an excellent personal relationship with the Tanaiste).

12. The Tanaiste replied jocularly that he could, of course, take a leaf out of James Molyneaux's book by sending a representative to meet the UUP leader. He and Maginnis had had many conversations in the past. His purpose in contacts with the Unionists would be to try to convince them that there was an "open door" as far as the Irish Government were concerned. He would try to explore with them whether formal or informal discussions offered the best scope for recommencing the political dialogue.

13. The Tanaiste emphasized the concern with which the Government viewed the threat of a serious upsurge in Loyalist paramilitary violence. He would be raising this at the next meeting of the Conference.

14. The Secretary of State felt that a round of exploratory informals might be helpful in the first instance. The Unionists would be reluctant to go straight back to the round-table format (though he did not exclude this possibility for later).

Since (as he believed) the Unionist community were "not far off despair" at present, it would be necessary for the Irish Government to demonstrate a "forward position" in relation to Articles 2 and 3. While the UUP did not take the same position as the DUP in this matter, it would be a great mistake nevertheless to underestimate the need for progress from the UUP's point of view as well. He had not come to Dublin to "beat the drum" on this issue. It was, however, of cardinal importance.

15. In response, the Tanaiste said that, as he had previously indicated, he intended to look at this issue in the context of the constitutional framework which had to be dealt with. He thought that it might be helpful if he were to seek out meetings with James Molyneaux and the Unionist parties. This would enable him to hear the views of the Unionists on this subject at first hand (and he would have certain points to make to them). However, in the context of the very recent formation of a new Government in Dublin, it would be very difficult to address the difficulties in relation to Articles 2 and 3 "overnight".

16. The Secretary of State responded that the suggestion of meetings with the Unionists was a very valuable one. The fact that the Tanaiste was anxious to hear the Unionists' views on Articles 2 and 3 and would be seeking meetings with them would be very helpful.

The need for balance in this area was clear. The

Secretary of State accepted that the Tanaiste would find it very difficult to make an advance in relation to Articles 2 and 3 without "something in the nature of a package". He was ready to discuss with him what might be in that package ("what we can do - and what we can't do").

The Coleraine speech had hopefully demonstrated that the British Government would never put any impediment in the way of people working towards a united Ireland, achieved with the consent of a majority in Northern Ireland. There had been nothing new in this speech; the Secretary of State had essentially repeated what his predecessor had said (though he had "hung a few bells on it").

Nevertheless, the Unionists had reacted to it in a way which he found disturbing. While this had been in his view a manufactured controversy (with the Telegraph and others promoting the idea that the British Government had gone soft on terrorism and John Alderdice contributing to it by comparing the Secretary of State's role to that of Chris Patten), it was nevertheless worrying and it had caused him to reflect on whether the speech might have been handled differently via-a-vis the media. He also mentioned that, in a conversation which they had in Derry, Kevin McNamara had dismissed the Coleraine speech as too tame and had suggested that the subsequent Rotary Club speech reflected the Secretary of State's "true colours".

17. On the prospects for talks, the Tanaiste felt that there was room for the two Governments to work together "ahead of the posse". In the context of the major constitutional decisions which would have to be taken, it was important that there should be safety-nets along the way. Last year's Talks had achieved a number of things

whose significance would gradually become apparent. A very sound basis for those Talks had been agreed after much effort. It had taken so long to achieve that basis that it would be best not to depart from it for any renewed talks.

18. The Secretary of State agreed, noting that, at their recent meeting, Dr Paisley had made precisely the same point. The Tanaiste suggested that the two Governments should clear in their own minds what they considered had to be done. The Secretary of State agreed that the Governments might tease out what they considered to be attainable; however, he warned against giving any impression that the two Governments were "cooking up something together".
19. The Tanaiste suggested that it would be useful to reconvene the Liaison Group.

The Secretary of State recalled that the latter had done good work during the last Talks. Thomas felt that, if it were to meet again, some clarity would be required as to what it should do. Officials might have difficulty in moving too far on matters which would finally have to be resolved at political level. However, the Group could certainly do some basic ground-clearing work.

O hUiginn saw two functions for the Liaison Group: (i) to monitor contacts with the parties; (ii) to address the much deeper task of achieving a balanced treatment of the constitutional issues. He agreed with Thomas that officials could probably do only preparatory work in the latter area and that the key decisions would have to be taken at political level. There would be a lot of value, however, in the Liaison Group summarising the discussions which have already taken place and pointing

to options in preparation for a political-level discussion at a later stage.

The Secretary of State considered this a valuable suggestion. He felt that the Governments might revert to it in a more formal way at the meeting of the Conference due shortly.

20. The Secretary of State recalled that he had had difficulty during the previous Talks in satisfying the Irish Government delegation that he was not a spokesman for the Unionists. The Irish Government delegation, for its part, had been perceived by the Unionists as being "Hume's strong friend". The Tanaiste might bear that anxiety in mind in his contacts with them.

The Tanaiste considered it important that the two Governments should maintain their absolute independence. While the SDLP and the Unionists were crucial to the search for a solution, the two Governments had a relationship of their own which was equally important. (He recalled that, at a BIA meeting in Oxford last year which the Secretary of State had also attended, he had observed that, if the Northern Ireland problem had been left purely to the two Governments to solve, it would have been solved long ago).

The two Governments should carry out preparatory work regarding the possibilities for making progress. An important factor would be whether or not he was able to talk to the Unionists. He would be ready to signal his willingness to do so at an early stage. Any assistance which the Secretary of State could lend in this regard would be welcome.

21. Indicating his readiness to help, the Secretary of State

said that he thought the UUP and Alliance would accept the Tanaiste's invitation, though the DUP were unlikely to do so. In the latter respect, he remarked sadly that Robinson had proven "a broken reed" during last year's Talks in terms of his influence over the DUP leader.

Fell supported this point, saying that many had been disappointed by Robinson's failure to "deliver" Paisley. (Thomas recalled, however, that there had been occasions when Robinson had managed to rescue his leader from tight spots). Fell predicted serious competition between the ideological and pragmatic wings of the party (McCrea and Robinson) when it came to deciding the succession to Paisley. Robinson was by no means certain that he would win this contest - or that a more moderate stance would enhance his chances of doing so. On the other hand, Fell suspected that, if the Tanaiste's proposed contacts with the UUP were to prove successful, the DUP would come under pressure to reassess its position on contacts with the Irish Government.

22. O hUiginn asked how the British side rated the chances of Molyneaux becoming directly involved in contact with the Tanaiste. He observed that, if (as the Secretary of State had suggested might happen) the UUP leader opted to use Ken Maginnis as an intermediary, this would have certain disadvantages. Though a personable individual, Maginnis had no credibility in the wider Unionist community. He fell between two stools, to some extent, being neither a representative of UUP orthodoxy nor as forward-looking as people like Reg Empey or the McGimpseys.

23. The Secretary of State did not know what prospects existed for personal involvement on Molyneaux's part. Thomas observed that during the last Talks Molyneaux had

endorsed whatever the UUP team said. It was possible that he might name more than one individual as intermediaries in this context.

Picking up O hUiginn's suggestion that the ideal arrangement would be a meeting with Molyneaux personally, Fell thought that an entirely private meeting between the UUP leader and the Tanaiste might be encouraged. It was, however, likely that Molyneaux would favour a meeting at which he was accompanied by colleagues.

24. Asked by the Tanaiste what weight he attached to the May local elections in the context of a resumption of talks, the Secretary of State suggested that the two Governments should take the position that the "informal consultations" agreed on 10 November last (in which it was appropriate that the Governments play a part) should now be carried forward, with a view to talks beginning again on the basis of the statement of 26 March 1991. (He commented in this respect that it would probably not be possible to carry everything forward in the informal, or "Strand Four", format and that a reinvolvement of Sir Ninian Stephen, to which all the participants could be expected to agree, would be necessary at some stage).

He did not wish to give explicit weight to the local elections; he would prefer to see what the parties themselves had to say in this connection. If the parties brought up this factor (in the sense of declining to continue talking while the campaign was in progress), the two Governments could always utilise the time concerned for Strand Three discussions.

25. Fell expected that the Governments' contacts with the parties would bring out more clearly what the latter thought about the local elections factor and might also

indicate the kind of "heads of agreement" which each envisaged. Noting a very positive article by Sean Farren in Friday's Irish Times, he thought that the shadow of the elections might retreat if there was a shared understanding of the possibility of a successful outcome to resumed talks.

26. The Secretary of State then referred to the position in Strand One. He commented that real progress had been made in the Strand One sub-committee and that an "astonishing degree of agreement" had been achieved there. As John Hume would not endorse what his negotiators had contingently agreed, however, it had been decided to "bank" this. The problem was that Hume had not shifted since then from his opening position, which was "considered to be unsustainable". This had contributed to a sense in the Unionist camp that nothing was coming their way in these Talks.

In his contacts with them, the Tanaiste would find this to be a major irritant. The Secretary of State did not know how this problem could be approached. As the SDLP negotiators had been ready to agree to something different, he wondered to what extent Hume's position represented a purely personal view.

Thomas added that, whether rightly or wrongly, the Unionists found the SDLP proposal for three external Commissioners unacceptable. The respective powers of the "panel" (proposed in the sub-committee's report of 10 June) and the Assembly were also a source of disagreement.

27. O hUiginn recalled that the panel's powers had never been very fully defined and that the Unionist attitude in this respect had yet to be fully tested. He detected a slight

tendency on the part of the British side to overestimate the degree of agreement which existed in this area (including within the SDLP). The SDLP's reserves in relation to the 10 June report reflected real concerns and were not of a formalistic nature.

The Secretary of State agreed with these comments. However, he recalled a private remark by the SDLP leader during the Talks to the effect that he would never agree to any form of Executive in Northern Ireland which derived its power from an elected Assembly, as he did not wish to run the risk of Unionist majoritarianism. If that was the SDLP's attitude, "we won't get very far".

28. Thomas remarked that the impasse might be resolved if the two tiers (panel and Assembly) were given an ability to check on each other.

O hUiginn suggested that the nature of Hume's objections to the 10 June proposals was essentially practical: he was concerned with the possibility that Assembly elections could produce some undesirable members who would seek to obstruct the new arrangements.

The Secretary of State agreed with this comment. He suggested that the Tanaiste would be best placed to gauge Hume's views in this respect. The Unionists considered Hume to be intransigent and to be standing in the way of an accommodation. As far as they were concerned, everything in the Talks was going in the SDLP's direction - "it's all one-way".

29. Dorr observed that there seemed to be an assumption on the British side that, if a little more effort could be applied in individual areas of disagreement, these areas could then be regarded as definitively settled. He was

worried about the implications for resumed talks of an approach which involved looking at certain elements of the negotiations in isolation from the others. Recalling the provision in the terms of 26 March 1991 that "nothing is agreed until everything is agreed", he underlined the need for participants to be sensitive at all times to the larger picture and the broader objectives which underlie the Talks.

30. While supporting the principle that "nothing is agreed until everything is agreed", the Secretary of State still sought an indication of readiness to move in certain areas of the negotiations.

Fell agreed with Door's emphasis on the need for a holistic approach. He observed that the three-stranded approach, while valuable in many respects, had been weak in others. The inevitable trade-offs, for example, would have to occur across all three strands. (Hence the attractions of the "Strand Four" format). At some stage agreement would have to be reached on a single text and that was when the "real horse-trading" would have to begin.

30. O hUiginn commented that the role of the two Governments was crucial. It was up to them to "stop the music" and declare that the talking should now begin. It was necessary to secure conditions in which the Governments could do this with confidence.

The Secretary of State felt that the Governments would reach that stage. However, he had difficulty in identifying the point at which the "horse-trading" would actually begin.

Thomas suggested that a series of mutual reassurances

were required. A reassurance was needed from the Unionists that they could contemplate a North/South institution. This would be best pursued not at the level of the two Governments but through the Irish Government's own contacts with the Unionists.

O'Donovan observed that part of the problem was the SDLP's fear of majority domination of structures in Northern Ireland and their corresponding need for an element of externality. In the last Talks the UUP had seemed to us to come a long way towards recognizing this. It was important that the British Government should encourage the Unionists along that road if we were to find the expression of nationalists' external identity which the SDLP - and others - considered to be necessary.

31. The Secretary of State agreed with these comments. He would be happy to encourage the Unionists to accept North/South institutions which would facilitate North/South cooperation. He also felt that that they had moved towards a "very proper and apt" recognition of the interest which the Irish Government had in affairs in Northern Ireland.

Problems had arisen, however, because they perceived the Irish Government to be using North/South institutions as a vehicle for the attainment of the objective of Irish unity. It had to be accepted that the sudden emergence of North/South institutions with substantial powers would not be reassuring to Unionists and that a gradualist approach was the more sensible way to proceed. Progress might be made if the Tanaiste could make clear in his contacts with the Unionists that there was perhaps "a longer game-plan" on the Irish Government's part than they had imagined.

32. Blatherwick commented that the Unionists were also worried about a North/South body which would have authority in itself to take action on a North/South basis. He suggested that the practicalities of such an institution would impinge on Dail Eireann as much as on a prospective NI Assembly. Certain practical limitations would have to be borne in mind.

33. Dorr suggested that the following point should be impressed on the Unionists.

The Unionists were assuming change in relation to Articles 2 and 3. Their fear in relation to the Sunningdale Agreement and the Anglo-Irish Agreement had been that they would be placed on the slippery slope to a united Ireland. If Articles 2 and 3 were changed, however, an entirely new situation would obtain - in which the Unionists' fear of new institutions would be counteracted by the constitutional action which the Irish Government had taken. This action, of course, could only be taken if the institutions were of some political significance. A circular process was involved, therefore.

The Secretary of State agreed with this analysis and hoped that it would be "lodged with them".

34. Responding to the Secretary of State's emphasis on a gradualist approach, O hUiginn drew attention to a problem which this would pose. Assuming that new institutions would have to operate by consensus, it would be extremely difficult to sell to nationalists a package involving institutions whose full powers were not in place from the outset.

Fell endorsed this point, recalling the Council of

Ireland experience of 1974. He suggested, however, that the need to provide nationalists with clear assurances was not irreconcilable with what the Secretary of State had said. The problem could be addressed by looking at the various practical issues involved (e.g., accountability, funding, power of "override", etc). He noted also that the Northern parties did not possess enough expertise of their own to address these issues on their own.

35. O' Donovan observed that Ministers would be faced with a crucial political question in the context of a possible referendum in the South: "if Paisley does not work the North/South institution, what have you got in return for changing Articles 2 and 3?".

Fell agreed, noting that this reinforced his earlier reflection on the interconnection between the various strands (e.g., the presumed accountability of a North/South institution to a NI Assembly presupposes a clear understanding of the way in which that Assembly would operate).

36. Blatherwick remarked that it would not be possible for a North/South institution to be established with a guarantee from the outset that it would be worked. The Irish Government were possibly overestimating the ability of the British Government to persuade Unionists to do something which they did not wish to do.

Dorr responded that, since Unionists could not be made to work North/South institutions, this made it all the more important for the nationalist side to be given something more on the constitutional front.

O' Donovan wondered if a way could be found of enabling a

North/South institution to work in circumstances in which the Unionists did not wish to work it. Thomas speculated about a trigger mechanism which would restore direct rule for the relevant policy areas in the event of a Unionist blockage. Fell remarked on the dilemma which would arise if the British Government gave a role to "Irishmen" and was later brought back into the picture.

37. The Secretary of State agreed to discuss further the need for constitutional balance but he did not really see what more could be done. It had already been made clear that the British Government had no selfish strategic or economic interest in remaining in Northern Ireland. He had made clear that the British Government would not impede the aspiration to Irish unity (achieved by constitutional means). But he could not join the ranks of the persuaders.

Quiginn said that the British Government's role was rightly seen as crucial. He drew attention to the imbalance which would exist if future arrangements based on a theoretically neutral treatment of the two aspirations left Unionists in the full enjoyment of their aspiration but nationalists merely with a token acknowledgment. He suggested that the Secretary of State's refusal to "join the ranks of the persuaders" was a sub-set of that problem of failing to strike a real balance.

38. The Secretary of State replied that it would be very difficult for the British Government to provide an agreed constitutional balance which would not lead to disorder in Northern Ireland. This issue would clearly be a major area for discussion between the two Governments, and he would look at anything put forward, but frankly he was pessimistic about the chances of agreement. He drew

attention in this context to the negative Unionist reaction to his Coleraine remarks.

39. Regarding arrangements for a "gap" (which he felt the Unionists would insist on for fresh talks), the Secretary of State suggested that there might be two Conference meetings followed by a gap. The Tanaiste agreed in principle; he would, however, like to see the momentum of the Conference clearly established before the gap began.

Security cooperation

40. The Secretary of State praised the very good security cooperation between North and South, for which he was very grateful. If the Tanaiste could emphasize in his contacts with the Unionists the importance which he attached to security cooperation, that would be very reassuring to them. The Garda Siochana could not have been more helpful in relation to the Mullaghmore incident.
41. The Tanaiste said he was unequivocally committed to security cooperation. Over the years he had condemned violence in consistent and vehement terms. Of course, there was a need for balance; the importance of an even-handed approach on the part of the NI security forces could not be overstated.
42. The Secretary of State commented that resources were a problem for both Governments. The border was the biggest single asset for the Provisional IRA. He was very grateful for the assistance rendered by the Garda Siochana and the Irish Army during Operation Loren last year.

"Peace envoy" proposal

43. The Secretary of State said that his reaction to this proposal (which, he noted, had not been so described in the Clinton letter to Morrison) was that what was required was not a "peace envoy" but success in the Talks process. Any indication that the idea was not very popular with the Irish Government either would be very helpful.
44. The Tanaiste, in a non-committal response, said he would keep an open mind on this subject. (Blatherwick hoped that it would not be "too open"). The Tanaiste felt that the proposal needed some development; the Government would see what the new Administration was thinking of.

Extradition

45. The Secretary of State speculated that the Unionists would also raise extradition. They believed that there was far less cooperation in this field than was actually the case. It would be very helpful if the Tanaiste could indicate to them that he understood this problem and was addressing it.
46. Recalling his own direct involvement in the McGlinchey case some years ago, the Tanaiste said it was obvious that the two Governments needed to cooperate at the highest level in this area. Mistakes had been made in the past on both sides. There was ongoing work to be done and he attached a lot of importance to it.

Security/confidence issues

47. The Secretary of State recalled that, towards the end of

the last Talks, the SDLP had raised the question of security responsibility being entrusted to cross-border institutions. He commented that this idea, which needed fuller exploration with the SDLP, "could wreck things".

48. O hUiginn observed that, while Seamus Mallon's proposed solution was perhaps problematic, his analysis of the fundamental problem was a very real and credible one.
49. The Secretary of State agreed with the emphasis laid by the Tanaiste on the need to stimulate public confidence in the NI security forces. He described the recent appointment of an Independent Commissioner to monitor procedures in the holding centres as "no mean" step in that direction (as was the appointment of a Commissioner for Army complaints procedures). In the latter respect, he mentioned that soldiers would now be required to issue written guidelines to members of the public to clarify the complaints procedures.

Noting that two members of the Scots Guards had been charged with murder in the McBride case within the first 21 hours, he underlined the Government's "unyielding insistence" that the members of the security forces should act at all times within the law.

Date of next Conference

50. The Tanaiste and the Secretary of State agreed to hold the next meeting of the Conference on 3 February in London.


David Donoghue

U January 1993