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2. cc Mrs Spence 3. Pol 2
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19 JUN 1990
HEAD OF THE...
SERVICE

From: PS/Secretary of State
18 June 1990

cc PS/SofS (B&L) - B
PS/MofS (B&L) - B
PS/Dr Mawhinney (B&L) - B
PS/PUS (B&L) - B
1. PS/Sir K Bloomfield - B
Mr Burns - B
Mr Ledlie - B
Mr Thomas - B
Mr Alston - B
Mr Wood (B&L) - B
Mr D J R Hill - B
Mr J McConnell - B
Mr Blackwell
Mr Daniell - B
Dr Donnelly - B

NOTE FOR THE RECORD

MEETING WITH THE SDLP: 15 JUNE 1990

1. The Secretary of State and Dr Mawhinney had a meeting in the Conference Room in NIO(L) on the afternoon of Friday 15 June with John Hume MP (leader of the SDLP) and Seamus Mallon MP. (Eddie McGrady MP and Dr Joe Hendron had also been expected to attend but in the event were unable to make it.) PUS, Mr Burns, Mr Thomas, Mr J McConnell and I were also present. The meeting was scheduled to begin at 12 noon but in fact started at 12.45 pm as a result of Mr Mallon's late arrival.

2. After initial courtesies, the Secretary of State said that he appreciated the helpful comments which Mr Hume had made in response to press reports exaggerating his remarks at Monkstown about the Irish Government not being a direct participant in internal political talks. There was of course no question of denying the Irish Government's right under Article 4 of the Agreement to put forward views and proposals on the modalities of achieving devolution. Mr Peter Barry had missed this point in his subsequent comments. The Secretary of State had always been at pains to stress that there were three strands in the process and that the Irish Government had to be directly involved in two of them. No conclusion could in practice be reached on any part of the process without everyone knowing the position on all three strands.

3. Continuing, the Secretary of State said that at the 24 May meeting he had put a number of proposals to Mr Hume and his colleagues. Now that there had been an opportunity for wider consultation on these within the SDLP, he would be grateful to know whether there was agreement that we now had a basis for moving forward towards formal dialogue. Mr Hume said that the SDLP leadership had indeed had lengthy discussions with the party at large and had also discussed the position with the Irish

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Government. In general, the SDLP was well pleased with the position which had now been reached. The party was united in wanting a lasting solution which would be reached through agreement with the Unionists and would give legitimacy to the aspirations of the minority community (through the device of twin referenda demonstrating that the agreed arrangements had a mandate from all the people of Ireland, thus finally removing any claims to legitimacy by PIRA). (In an aside Mr Hume said that he was glad to see that Dr Paisley, in saying that any arrangements had to be subject to a referendum in the North, had at least gone some of the way towards accepting the twin referenda idea.)

4. Continuing, Mr Hume said that there was however considerable concern in the SDLP about one grey area in the proposed arrangements, which focussed on when the North/South talks would commence. Many in the SDLP saw a danger that if the internal talks started first and the Unionists procrastinated, the SDLP might have the difficult task of trying to trigger the commencement of the North/South strand by a threat to withdraw from the internal talks. The SDLP therefore felt that there should be a timetable, laid down from the beginning, of the targets to be achieved during the gap. Also, the SDLP would like to be given further details of the official mechanism which would service the talks, clarifying in particular who would keep Dublin in touch with the progress of the internal discussions.

5. The Secretary of State said that he entirely accepted the promise underlying the concern which Mr Hume had voiced. Everyone involved in the process ought to know broadly where they stood on all the strands. However, he was nervous about a predetermined timetable, because that would create deadlines and might well turn into a straitjacket which would impede rather than facilitate a successful outcome to the discussions. Mr Hume said that he and his colleagues were quite clear that they could not agree to anything on any one of the strands until a comprehensive package covering all three of them was agreed. It therefore seemed to be common sense for all sides to table their proposals on all three dimensions at the start of the process and for all three strands to start simultaneously. But, if that were not to happen, there should at least be a timetable indicating when the different phases would be reached. The timetable need not be totally rigid: clearly there was the possibility that there might be some slippage, but a pre-existing timetable would at least enable all the participants to judge whether that slippage was reasonable or was simply the result of procrastination. The SDLP did not want to be stuck in internal talks in which the Unionists used the prospect of their talking to Dublin as a bargaining counter to force the SDLP to make concessions. In conclusion Mr Hume reiterated that a timetable was very much the second-best option for the SDLP: their preference was for talks on all three relationships to begin simultaneously. (In parenthesis Mr Hume commented that he thought the Unionists should talk to the Dublin Government alone rather than in company with HMG or the SDLP: he believed that for the Unionists to undertake these talks as members of a joint delegation would weaken their position).

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6. Mr Mallon asked whether there was agreement between the two Governments on the need for a pre-set timetable for the talks before the process started. The Secretary of State said that there was not, because this was not a matter for the two Governments to decide between themselves: it was also necessary to get the views of the Northern Ireland parties who would be participating, including the SDLP. Mr Hume asked whether the Unionists had indicated that they would accept a timetable. The Secretary of State said that they had not accepted that particular proposition, but they had agreed that they would talk to the Dublin Government in the course of the overall talks process, which was a significant development in their position. If there had been a strict timetable on the Secretary of State's own current bilateral discussions with the parties and the Irish Government, he doubted that there would have been as much progress as there had been. The SDLP were understandably concerned with the legitimacy of their position, but so were the Unionists, who wished before talking to Dublin to have the authority conferred by having made some substantial progress in the internal talks. Mr Hume said that he did not see why the Unionists could not talk to the Irish Government about, for example, Articles 2 and 3 of the Constitution right at the beginning of the process. The reality was that, although some Unionists were keen to make sensible arrangements across all three relationships, others were not and might well try through procrastination to manoeuvre the SDLP into a position where they would be forced to break off the internal talks because of the failure of the Unionists to commence the North/South dialogue. The SDLP would then get the blame for breaking off the process. The Secretary of State said that, in determining the cause of any breakdown, he and other participants - not to mention public opinion - would clearly have regard to the whole spectrum of talks, not just the discussion on internal arrangements. If the root cause of a breakdown was the refusal by the Unionists to talk to Dublin then he was quite sure that that fact would not long remain concealed.

7. Mr Hume said that the contacts with officials which had been scheduled on the format of talks might surely also cover the question of timetable. The Secretary of State said that it might be possible for the official talks to address this issue, although it might well be that an agreed position could not be reached before the gap started, and discussions on the phasing of talks would need to continue during the gap. Mr Hume said that the timetable question would have to be fully resolved before the gap and before the talks process got underway. Mr Mallon agreed with this, and also commented that he believed that the timetable issue should be discussed at Ministerial rather than official level, since it was a "bedrock fundamental" issue rather than a matter of housekeeping. The Secretary of State said that the SDLP now appeared to be setting a pre-condition for the commencement of the talks process, which surprised him since Mr Hume had frequently said in the past that the SDLP, unlike the Unionists, was willing to talk without any pre-conditions. Was this a private pre-condition, or would Mr Hume be making it public? Mr Hume (who looked a little taken aback) said that the Secretary of State was straying into semantics. On this

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basis, every consecutive step in a process could be called a pre-condition. Mr Mallon said that, for example, the Secretary of State had said at their last meeting that the North/South dialogue would begin if sufficient progress had been made in the internal talks. That was clearly a pre-condition, and one that the SDLP were unhappy with. The Secretary of State said that he had said "when" rather than "if". Mr Hume said that all the SDLP were asking for was some idea of the "when" - some declared intention as to the timing of the start of the North/South dialogue. If that date were missed they would at least be able to judge whether there was an acceptable reason for this.

8. The Secretary of State expressed surprise that, given the SDLP's previous emphasis on having a gap which looked as natural as possible, they were now seeking a timetable which would rigidly parcel out the gap among different phases of the talks process. Mr Burns said that it was ironic that, on their side, the Unionists had a parallel fear that the SDLP would prevaricate during the internal talks in order to wring concessions as the end of the gap approached. The establishment of a rigid timetable would probably exacerbate that anxiety. Had the SDLP considered what they might be able to do in order to persuade the Unionists of their good faith? Dr Mawhinney said that the willingness of the Unionists to talk to Dublin was a historic development. He believed that it was a genuine evolution which cleared the way to real agreement, and had to be given the chance to work. But if the Unionists were not acting in good faith, the imposition of a timetable would not make up the deficit in political will. Mr Hume said that the SDLP needed an assurance about how and when all the issues would be approached. Dr Paisley had in the past suggested that the Unionists would only talk to Dublin once a new devolved Government had been installed in the North. That would be quite unacceptable to the SDLP. Mr Burns said that it would not be politically practicable for Dr Paisley to stand for election before he had made some progress on amending the Agreement, which would of necessity involve talking to Dublin.

9. At this point the Secretary of State handed over a paper containing two draft paragraphs which he believed might offer mutually acceptable language. (This draft is annexed as an Annex.) After studying the paper, Mr Hume said that his initial reaction was that the first paragraph, which envisaged parallel talks, appeared to be contradicted by the second paragraph which seemed to propose a more consecutive arrangement. The Secretary of State said that he envisaged that the talks would indeed proceed in parallel once they had all started, but they would not all begin at precisely the same moment: the discussions on internal arrangements would come first and would trigger the other two strands once they had covered a certain amount of ground. Mr Hume said that there appeared to be an assumption in the second paragraph that the Irish would have no views on the internal process. The Secretary of State said that this was of course not the case: under Article 4 of the Agreement the Irish had every right to put forward views and proposals on the modalities of bringing about devolution. If this position was not adequately reflected in the draft paragraphs then he would be happy to look at the scope for amendment.

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10. Mr Mallon said that the talks process should indeed be organic (as suggested in the second paragraph) but hardly could be if one of the major organisms involved (the Irish Government) was not present from the start. Dr Mawhinney explained that in biological terms it was quite possible for the range of organisms involved in an organic process to increase as the process developed. Mr Mallon (abandoning his metaphor) said that it was still unacceptable to ask one of the central players in the process to sit outside the door when talks started. Mr Hume said that the Unionists might well be in a position to be more generous in negotiations on an internal settlement if they knew, for example, what the Irish proposed to do about Articles 2 and 3. Was it in fact the Unionists who were insisting that the internal talks should be taken first? The Secretary of State said that this was the Unionist position, which however he agreed with. In answer to a further question from the SDLP leader, the Secretary of State confirmed that the Irish had seen the draft paragraphs which he had handed over. The Irish had also been attracted by the idea of a timetable, and the second paragraph of the draft had been added to clarify the position and allay their fears. Mr Hume said that the second paragraph could do with further strengthening: he wondered whether a new sentence could be added (after that referring to the "straitjacket of timing") on the lines of

"But it is our intention that the following schedule should broadly be adhered to"

Mr Thomas said that another option would be for the Secretary of State to declare his intention of seeking to agree a timetable in the bilateral talks which would take place once the gap started.

11. Mr Hume said that the scope for a timetable, and the nature of the liaison mechanism, were key areas. He would like to study the draft paragraphs more fully with his colleagues and would then come back to the Secretary of State as soon as possible with a considered response. The Secretary of State said that he would be content with this, although there might equally be benefit in continuing to discuss the draft at the current meeting. Mr Mallon said that it was highly discourteous to a sovereign Government to say that Dublin could not be involved in the talks right from the start. The Secretary of State said that the point was whether or not the process would reach a successful conclusion. If the Irish were not fully involved at the appropriate stage, then by definition the process would fail since there could be no amendment of the Agreement without their full participation. In that event the Agreement would come back with renewed strength, since it would have been demonstrated that no alternative could be achieved. That reality meant that it would be self-defeating for the Unionists to procrastinate in the internal talks. Mr Mallon said that excluding the Irish from the internal talks would also be an abbreviation of the SDLP's rights, since it would be very difficult for them to discuss internal arrangements in the North without the presence of Dublin. Dr Mawhinney said that to insist on the presence of the Irish at the internal talks would effectively be to collapse the three relationships into two, which would go against previous SDLP statements which had recognised the existence of three distinct, but

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related, strands. But of course the relationship was strong, which was why it was inevitable that the internal talks would soon broaden out to include the North/South dimension. Mr Mallon said that the unpalatable reality was that the initiative on when the talks should broaden out would be entirely in Unionist hands. The Secretary of State wondered what sort of timetable the SDLP were looking for. If, purely for example, the internal talks were to start in mid-September, would the SDLP have expected by, say, mid-October (on the assumption that there was no procrastination on any side) to have made sufficient progress to commence the North/South dialogue then? Mr Mallon (apparently oblivious to the irony) said that it was quite unreasonable of the Secretary of State to seek to get the SDLP to agree to this sort of detailed timing in advance of talks actually beginning.

12. The Secretary of State said that he was not unsympathetic to the point that some form of progress schedule would need to be drawn up if optimum use was going to be made of the gap. He was quite happy to say that a discussion of the process of the talks (including timing), as well as the agenda for them, would be an early requirement to be addressed in the discussions. But it would be much easier to draw up an agreement on the progress which should be achieved once the parties were in the same room, rather than when they were still using the Secretary of State as an intermediary. He would like to stress that he would not have embarked on the whole process if he had thought that agreement could not be reached, and having now come so far he would certainly do all he could to avoid the discussions simply running into the sand because of procrastination from one side or the other. He did not believe that this was a real danger. Mr Hume (who appeared reasonably satisfied by this assurance) said that he and Mr Mallon would consult with colleagues on the draft document and come back to the Secretary of State (by phone) as early as possible.

13. In a lengthy coda to the meeting (during which Mr Hume gave some signs of exasperation at his colleague's tactics), Mr Mallon pressed the Secretary of State about the role and functions of the Liaison Group. Had HMG agreed with the Irish that the Joint Heads of the Secretariat would constitute this Group? The Secretary of State said that the two Governments had broadly reached a private understanding that the Joint Heads of the Secretariat (in their "usual channels" role) would be the conduit through which the Irish might contribute their views and proposals to HMG on the modalities of achieving devolution. It was also understood that the Heads might separately be included in the British and Irish official teams advising Ministers during the talks process. Precise details of the role of the Joint Heads had not yet been agreed with the Irish, but he and Mr Collins both concurred that the concern over timetable was more important and that any problems in respect of the Liaison Group could be left to be settled later. Mr Mallon said that in other words the role of the Liaison Group had not been agreed by the Governments. The Secretary of State said that it had been left to one side to be tidied up later, since both sides were mutually satisfied that it would not pose any insuperable problems. On a

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point of detail, he should say that it might be that the term "Liaison Group" would not in the event be used, at any rate in public. Mr Mallon said that he was worried about the private nature of the role of the Liaison Group. He believed that the Group should be a public body on which all the parties would have a representative. It was astonishing that the Secretary of State had not yet sorted out this fundamental issue. The Secretary of State said that he and Mr Collins were busy people and had concentrated on the priority issues at their meeting the previous Monday. They had both agreed that the detailed arrangements concerning the Liaison Group were not a substantive issue and could be sorted out in slower time.

14. Mr Mallon said that the SDLP saw this as an extremely substantive issue. The Liaison Group should be a public body which would have representation from all the parties and would have a central (and public) role in the process. The Secretary of State said that he did not understand what Mr Mallon meant by a public liaison role. Insofar as there was a need for this, he would probably fulfil it himself. The Joint Heads and other officials would be servicing the talks behind the scenes. Mr Mallon said that once all three sets of talks got under way, with the four Northern Ireland Parties and the two Governments all involved, the arrangements would be far too cumbersome for significant business to be transacted in plenary session. The Liaison Group should act in effect as a key sub-committee to progress the major issues. The Secretary of State commented that he had considerable experience of business being transacted in much larger plenary sessions in the Council of Ministers. The fact that a plenary framework was in place did not of course mean that bilaterals could not take place in parallel. Mr Mallon said that he would have to reserve his position on the role of the Liaison Group. The Secretary of State noted this. But if he were to come back on the issue, it would be helpful if he could spell out precisely what significance the SDLP attached to the issue and what their proposals were.

15. After some discussion of the line which the SDLP and the Secretary of State would take with the Press, the meeting concluded shortly before 2.30 pm.

Signed

S J LEACH
Private Secretary

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PAPER HANDED TO THE SDLP ON 15 JUNE 1990

'It is because the Northern Ireland parties all look, as I do, to address each of the three relationships that the talks I have described will necessarily involve discussions between the Northern Ireland parties, discussions involving the Northern Ireland parties and the Government of the Republic of Ireland: and discussions between the two Governments. These discussions may not necessarily start at the same time. But if real progress is to be made, it will be necessary to get all three sets of discussions under way at an early date and if an agreement satisfactory to all is to be reached on the three relationships, then discussions will need to proceed in parallel, and to conclude simultaneously.'

'The British Government will maintain contact with the Irish Government from the outset of the process on all matters of concern to them. The participants in the talks on future political arrangements in Northern Ireland will be the British Government and the Northern Ireland political parties. Talks on future relations between Northern Ireland and the Republic, in which the Irish Government and the Northern Ireland political parties will participate, will begin as soon as sufficient progress has been made in the internal talks to make this worthwhile. It would not be right to force these talks into some strait-jacket of timing. It is important to recognise that they are an organic process. But, taking account of that, and given the parties' constructive approach, I am confident that this point will be reached quickly. And the two Governments will be in constant touch about any implications for the Agreement proposed arrangements may have or about suggestions for an alternative to the Agreement.'