

C O N F I D E N T I A L

INTERNAL NOTE OF A BILATERAL BETWEEN THE GOVERNMENT TEAM AND THE
SDLP HELD IN PARLIAMENT BUILDINGS ON 20 MAY 1991

Government Team

Secretary of State
Minister of State
PUS
Mr Fell
Mr Pilling
Mr Thomas
Mr McNeill

SDLP

Mr Hume
Mr Mallon
Mr McGrady
Dr Hendron

Talks Secretariat

Mr D J R Hill
Mr Rodell

In attendance

Mr Pawson

The meeting began at 5.20 pm. The Secretary of State apologised for the fact that the meeting was taking place somewhat later than expected but explained that he had not been able to see the Unionists until 3.30 pm because one of their delegation had been attending to some business away from Parliament Buildings.

2. The Secretary of State said that at the outset of the meeting the Unionists had given him a piece of paper (the Joint Unionists Position Paper of 20 May) and his immediate response had been to ask them if it was a document that he could show to the other parties. He had made it clear to the Unionists, that given the confusion that had arisen the previous week, any decision as to whether or not the paper provided a basis upon which to move forward could only be made in consultation with the other parties. The Secretary of State went on to say that before he showed the paper to the SDLP he wanted to say that although it was a much clearer statement of the Unionists' position than the document they had seen the previous week it did not deal with all the outstanding issues. This was why, after having taken a quarter of an hour to look at it carefully, he had discussed its contents with the Unionists for a further hour and a quarter. A full minute of that meeting was being prepared as a matter of urgency so that there could be no doubt about what had been said, as there had been after the meeting in Downing Street,

C O N F I D E N T I A L

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and so that he would be in a position to answer questions. The Government Team had also undertaken to draw attention to areas where the Unionist document was unclear or not comprehensive and to suggest drafting improvements.

2. [Copies of the Joint Unionist Position Paper were then handed over the SDLP delegation.]

3. Mr Hume (who appeared very suspicious of the paper) asked what status it had. The Secretary of State said that it was a Joint Unionist Position Paper. Mr Hume asked what status it had in relation to the Secretary of State's own paper of 14 May. The Secretary of State said that that would become clear and emphasised that he had told the Unionists that what happened next was still undecided. Mr Hume (referring to the second paragraph of the Unionist paper, a copy of which appears at Annex A) asked when the Unionists had recommitted themselves to the 26 March statement and pointed out that earlier that day Dr Paisley had publicly called for the Secretary of State to withdraw his "Dublin Ultimatum". [The meeting was in fact taking place at the end of a day of almost unrelieved Unionist media briefings, mostly couched in similar terms.] The Secretary of State pointed out that Dr Paisley had been referring to his proposition of 14 May and not the 26 March statement which the Unionists had, indeed, endorsed. Mr Mallon asked what evidence there was of this.

4. Mr Hume noted that the paper proposed that the outstanding arrangements for strand two be settled in discussions held in parallel with the plenary sessions of strand one. The Secretary of State said that during his meeting with them the Unionist delegation had also agreed to a number of other points. Mr Mallon asked if these were important. The Secretary of State said that he had pointed out to the Unionists that their document did not address a number of issues and that they had agreed that it should be revised to make clear that they accepted,

- that the opening session of strand two should take place in London;

- that the bulk of the plenary sessions should then be held in Northern Ireland;
- that one meeting, not necessarily the last, should be held in Dublin; and
- that the final meeting of strand two (wherever it was held) should provide an opportunity for the parties to state their views on strand three.

5. Mr Mallon said that this last point was a return to earlier 'fuzziness' about the distinction between strands two and three. The Secretary of State denied this and said that the distinction remained clear. Mr Mallon said that it was difficult to make a decision when the proposals were not all on paper. Mr Hume suggested that the Secretary of State should continue to negotiate with the Unionists about their reservations until a settlement was reached and then meet the SDLP at that stage. He said that the SDLP were not prepared to begin plenary meetings until this matter was settled. Clearly suspicious of the Unionists' motives he asked why they were suddenly so concerned about the standing orders for strand two when they had never shown any interest in the standing orders for strand one. The Secretary of State pointed out the Unionist delegation had, in fact, discussed the question of standing orders for strand one with him at their first bilateral on 3 May 1991. He said that the Unionists were looking for a clear understanding of the standing orders so that there were no loose ends lying around to cause further problems at a later stage.

6. Dr Hendron said that the Unionists seemed to be resurrecting the idea of a transition from strands two to three. The Secretary of State again denied that there was any 'fuzziness' on this point, the meeting at which the parties would put forward their views on the business of strand three would be part of strand two and the fact that the independent chairman would be present would make that clear.

7. Mr Hume (in what seemed to an attempt to draw the meeting to a close) repeated his advice to the Secretary of State that he should pursue these matters with the Unionists and send for the SDLP when they were resolved. The Secretary of State explained that, while he

understood that the Unionists' document would need to be completed before the SDLP could be expected to react to it, he had not wanted to waste time by waiting until the following day before giving them an idea of what was happening. Mr McGrady (oblivious to any suggestion that SDLP had said all that it had to say) asked the Secretary of State how the SDLP could react to a document which contained so many caveats and which lay such heavy emphasis on the assurances, to which they were not privy, that the Unionist leaders had received from the Prime Minister. The Secretary of State pointed out that this was exactly the same argument as the Unionists had used ten days earlier in relation to the question of where the second strand of the Talks were to be held and he reminded the SDLP in passing that the Northern Ireland venue for strand two had still to be settled. He went on to say that although the parties would, obviously, be consulted about the identity of the independent chairman and no candidate would be deemed to be acceptable who was not acceptable to them all, the actual appointment of the chairman would be a matter for the two Governments and it was to them that he would answer.

8. Mr Hume said that nothing had changed since that morning except that the Unionists were now using more polite language; they still did not accept the principle of an independent chairman and were still demanding that they should be able to veto his identity, the ground rules under which he would operate and the Northern Ireland venue for strand two. Mr Mallon said that the proposal to settle these issues in the margins of strand one and the nod in the direction of 'fuzziness' about strands two and three were exactly what the SDLP had been warning against for the past 16 months. The Unionists were trying to make the launch of strand two conditional on other matters. This was in complete contravention of the Secretary of State's statement on 26 March. If the SDLP agreed to begin strand one before the Unionists were committed to beginning strand two then the preconditions for moving into that second strand would be endless. The outstanding issues had to be dealt with before strand one could begin and it was not acceptable to deal with them in the margins by means of yet another round of bilaterals. The Secretary of State said that this was not necessarily how it would be done, another way would be to deal with the issues in a

sub-committee under the Minister of State. Mr Mallon retorted that, with respect to the Minister of State, that was an even worse prospect. The Secretary of State remarked that this was a very pessimistic attitude to take.

9. Mr Mallon said that the Secretary of State was not helping himself. The SDLP delegation had been sitting in their room for two weeks now while he negotiated with the Unionists. They had done everything in their power to facilitate the talks process and for his part the Secretary of State had only responded by pressing them for more concessions. Now he was trying to press a document on them which they simply would not accept. He did not mean to suggest that the Secretary of State had intended to act in an underhand way but the SDLP were certainly fed up with the way they were being treated. Mr Hume repeated his assertion that, except in terms of the politeness of the language used, there was no difference between the paper now before them and the statement the Unionists had released after their visit to Downing Street.

10. The Secretary of State said that the right of anyone to say no at any stage of the process was enshrined in the statement he had made on 26 March. The Minister of State asked the SDLP if, when they had accepted the proposition put to them by the Secretary of State on 14 May, they had done so absolutely or whether they had, in fact, reserved the right to say no to particular candidates for the chairmanship and particular venues for the Talks. He said that the Government Team had always assumed that the SDLP had taken the latter position and that the position outlined in the Unionists' paper was very similar and not far removed from the 14 May proposition. Mr Hume replied that a lot had happened since 14 May and that it had confirmed the SDLP's fears. The Unionists had gone to the Prime Minister over the Secretary of State's head and their purpose in doing so had been made apparent by the statement they had issued afterwards. It was up to the Secretary of State to sort out these Unionist reservations and then come back to the SDLP when he had done so. Mr Hume went on to say that he was not prepared to waste any more time sitting around Parliament Buildings. In the last twenty years he had never done so little work as he had in the last two weeks!

11. The Secretary of State responded by saying that Mr Hume should have used this last remark to open his article in the Irish Times. [At the bilateral held earlier that day the Secretary of State had questioned Mr Hume about the origins of an article that had appeared in the Irish Times that morning and which had claimed that the SDLP would be putting an ultimatum to the Government. Mr Hume had denied any responsibility for the article.] Mr Hume said that it was not he who had muddied the waters by going over the Secretary of State's head; he had never done such a thing and had, in fact, only ever met "your" Prime Minister at the then Secretary of State's request. All he was saying was that the Secretary of State should clear these matters up. The Secretary of State replied that Mr Hume was, in fact, saying more than he had said earlier that day he was saying that the venue for strand two, the identity of its independent chairman and the standing orders that he would work by all had to be settled. Mr Hume said that nothing had changed since they had met earlier except that another day had been wasted. If the Unionists were serious and not simply putting up road blocks then everything would be settled within a matter of days. The Secretary of State replied that the Unionists' position had now been clarified, it was the SDLP's position that was unclear. Before lunch they had said that the Unionists reservations were a matter for him to deal with, now they were saying that they must be settled before plenary sessions could begin. Mr Hume said that the SDLP's position was that the Secretary of State should sort these matters out. The Secretary of State replied that this was the position of the article in the Irish Times. Mr Mallon interjected and said that they had been sitting in their room all day and the Secretary of State was now quoting the Irish Times to them! Mr Hume pointed out that he was not putting down an ultimatum he was trying to help deal with obstacles that had been created by the Unionists reaction to the Secretary of State's own ultimatum. The Secretary of State said that the SDLP's position was quite clear they were not prepared to take part in further discussions until these matters were resolved.

12. [The meeting looked as if it was about to break up when the PUS passed a note to the Secretary of State.] The Secretary of State

said that he had been asked to confirm that the SDLP were content for him to choose a chairman and a venue without any further reference to them. Mr Hume said that they had only ruled out one location [by which he was understood to be referring back to an earlier comment about Lurgan Orange Hall] and that they were almost certain to accept anyone put forward for the chairmanship by the two Governments. The Secretary of State said that he took this as an affirmative answer.

13. Mr Mallon asked if the Secretary of State was intending to make the document public. The Secretary of State said that he was not; he had told the Unionists that he would not be asking the SDLP to react formally until the paper had been revised but Mr Hume had already made their position clear. Dr Hendron said that the obstacles to progress and the process of clarifying positions seemed endless. The Secretary of State replied that he believed that the problems could have been solved within a day but Mr Hume had made it clear that the SDLP would not take part in talks until the chairmanship, location and standing orders of strand two were all settled. This was a different position from the one they had taken that morning when they had simply said that it was his responsibility to find a way forward, which he accepted.

14. The Minister of State made the point that it might take two or three weeks to settle the chairmanship and asked the SDLP how they saw this affecting the ten week timetable of the Talks. Mr Hume said that he did not think it affected the ten week timetable at all. The SDLP might have been prepared at one stage to go ahead with strand one while difficulties continued to surround strand two but the last few days had taught them that they would have to be 'dead stupid and blind' to do that now. If these difficulties were not a Unionist game then it should be possible to resolve them very quickly and the Secretary of State was the only person who could do that. The Minister of State pointed out that if two or three weeks were lost finding a chairman it would mean that only three of the ten weeks set aside for the Talks would be left. It was clearly impossible to complete all three strands in three weeks. He asked again how the SDLP saw the process being taken forward in that

situation. Mr Hume said that the Unionists were simply trying to procrastinate, first they had said that they would only attend the North/South talks as part of a UK delegation; then they had said that the head of that delegation must chair all the meetings even though the other delegation would be discussing its country's constitution. It had been clear that the chairmanship would have to be exercised jointly or alternately but the Unionists had rejected both these arrangements; they had been offered an independent chairman and now they were saying that they would only accept that if they approved of the morals of whoever was chosen. The Minister of State said that he was not questioning the logic of the SDLP's position he was simply asking whether the Government should abort this ten week session and try to set up another later in the year. Mr Hume reiterated that if the Unionists were serious about taking part in the Talks then the obstacles could be cleared away very quickly. Mr Mallon said that it was not the SDLP's fault that time had been lost and that the Minister should direct his questions to those who were responsible.

15. Mr Mallon went on to say that the document before them represented a retreat from the Government's publicly stated position. The Secretary of State said that it was a joint Unionist position paper, its inadequacies had been acknowledged and it would be refined. He reminded the SDLP that when the Talks had begun the Unionists had been arguing that strand two had to take place in Great Britain and that the SDLP had argued that it had to take place in the Republic of Ireland. After some discussion it had now been agreed that only one meeting would be held in Great Britain and that the rest would be held on the island of Ireland. It was clear that Unionists had already had to eat a lot of words. Mr Hume said that the SDLP had been very flexible and had very quickly accepted alternation. The Secretary of State pointed out that it was not true to say that they had modified their position at the very beginning of the Talks. Mr Hume said that they had done so as soon as they had realised that there was a problem. Mr McGrady said that if the Secretary of State did not settle the outstanding issues then not only the timetable but the entire framework of the Talks would be aborted because strands two and three would never take place. Mr Hume reminded the Secretary of State that earlier in the day he

had offered the SDLP three alternatives:

- (1) settle the outstanding issues before proceeding;
- (2) begin Plenary sessions; and
- (3) meet together in a sub-plenary to discuss the outstanding issues.

16. They had opted for the first alternative because it involved the least risk. If the Unionists were not playing games then it would all be settled very quickly. The Minister of State again pointed out that even if there was a desire to sort out the remaining difficulties it could still take up to three weeks to appoint a Chairman because there was no guarantee that the first person to be offered the job would accept it. Mr Hume disputed this and said that the whole matter could be settled in ten minutes. He would be prepared to move into plenary sessions, however, as soon as a candidate for the chairmanship was agreed by the two Governments and all the parties regardless of whether or not that person subsequently accepted the post.

17. The Minister of State asked what line the SDLP would be taking when they spoke to the press. Mr Hume said that he would need to report back to the rest of his delegation before deciding.

18. The meeting concluded at 18.10. The SDLP started the meeting in a somewhat belligerent mood and reacted strongly against what they may have misinterpreted as the Government's endorsement of the Unionist paper. The discussion which followed the reference to the Irish Times article and the suggestion that the SDLP had hardened their position during the day introduced a further note of acrimony. In retrospect, the SDLP line as consistently expressed by Mr Hume had obviously been agreed beforehand but they were noticeably shaken by the interpretation which the Secretary of State put on their position. The second half of the meeting was fairly confused with each of the four SDLP representatives continuing their own lines of argument regardless of how the discussion had developed

around them and Mr Hume studiously avoiding the Minister of State's question about the timetable of the Talks.

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