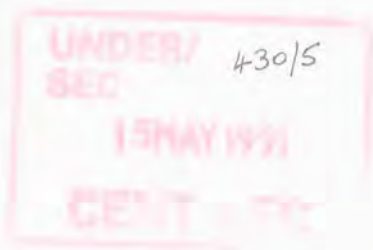


IMMEDIATE
DESK BY 11.40

FROM: D J R HILL
Talks Secretariat
15 May 1991

15/5 164
as the Staff

cc. PS/Paymaster General (L&B) - B
PS/Minister of State (L&B) - B
PS/PUS (L&B) - B
PS/Mr Fell - B
Mr Ledlie - B
Mr Pilling - B
Mr Thomas - B
Mr Alston - B
Mr D J R Hill (L) - B
Mr McNeill - B
Mr Cooke - B
Mr Petch - B
Mr Wood (L&B) - B
Mr Copeland - B
Mr Archer, RID, FCO - B
HMA Dublin - B



PS/SECRETARY OF STATE (L&B) - B

UNIONISTS' MEETING WITH THE PRIME MINISTER: DRAFT BRIEF

I attach a revised brief for the Prime Minister's meeting with the Unionist leaders this afternoon. I understand No. 10 have asked for it by 12 noon.

It comprises:

- (a) objectives
- (b) points to make (drawing on hallowed formulae which the Unionist leaders will look for)
- (c) a Q and A brief for defensive use
- (d) a copy of the paper of 14 May, for reference
- (e) a draft statement to issue after the meeting; and
- (f) a draft letter for the Prime Minister to send to the Taoiseach.

signed by D J R Hill
D J R HILL
JEN/ADMIN3/17

MEETING WITH UNIONIST LEADERS: 15 MAY 1991

Object of meeting:

1. The object of the meeting is to provide reassurance to the Unionist leaders on certain points concerning the political talks, to provide them with "cover" for their climb down in accepting the Secretary of State's proposal on venue and on other procedural questions and to confirm that they are indeed now ready to move ahead on this basis. The specific points in issue are:

- (i) A confirmation of HMG's willingness to consider an alternative to and replacement of the Anglo-Irish Agreement;
- (ii) The constitutional guarantee: namely that HMG remains committed to the proposition that Northern Ireland will remain part of the UK unless and until a majority of people living there wish for some different arrangement;
- (iii) the Unionist leaders' concern about the Irish constitutional claim to Northern Ireland;
- (iv) And, possibly, confirmation that one of HMG's objectives in the talks is to secure better arrangements for the government of Northern Ireland within the UK.

2. The Prime Minister may also wish to express his concern about terrorist violence and HMG's commitment to combat it vigorously; his appreciation of the constructive part all the constitutional political parties in Northern Ireland are playing by engaging in the talks process; and his view that the political talks have an important part to play in combatting terrorism.

3. The Secretary of State will be able to field any detailed points concerning the political talks and recent negotiations.

4. Against this background, the Unionist leaders are likely to agree to accept the Secretary of State's proposals (as agreed with the Irish Government) concerning a venue for strand two (North/South) talks; an independent chairman for this strand; and

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the proposals for the parties' involvement in strand three (between the two Governments). All these understandings are incorporated in the attached paper which was agreed with the Irish Government and given to the four political parties yesterday and accepted by the Alliance Party and the SDLP and contingently accepted by the Unionists, subject to the meeting with the Prime Minister. This paper will be published later today. The Prime Minister will wish to make clear to the Unionist leaders that this text is not open to amendment: it has been presented to all the parties on a take it or leave it basis.

POINTS TO MAKE

Introductory Points

Welcome. I was glad to respond to your request for an urgent meeting, particularly as the Secretary of State advised me how helpful this would be to the political talks in which you are all engaged. I know he told you [in his letter of 21 March] that I would be happy to meet you both from time to time, and that I would continue to take a close interest in developments concerning these talks. Nonetheless I should make it clear that the Secretary of State has my full confidence, and is responsible for the political talks. I expect that in general you will continue to deal with the Secretary of State who, within the Government, has the lead responsibility for Northern Ireland matters.

2. Let me at once express my concern about continued terrorist activity in Northern Ireland, and my deep regret at recent atrocities including the assassination this week of Mr Robert Orr. For our part we shall take all necessary means within the law to bring terrorism to an end. We fully support the security forces whose courageous work provides the first and most important line of defence. I know that you and your parties strongly support the security forces in their work and that is much appreciated.

3. I fully support the political talks on which you are currently embarked. I am greatly encouraged by the constructive approach which I know you have taken over the months of discussion which have enabled the formal talks to begin at Stormont. I urge you to continue your efforts. Since important and difficult issues are at stake I know that you, and indeed the other parties, will require persistence, patience and imagination. Apparent setbacks, delays and disagreements seem to me inevitable: the important thing is that all of you remain committed to the process.

4. One reason for doing so is the important part continued political cooperation, within a framework allowing for constructive dialogue with the Irish Government, can play in demonstrating a

democratic alternative to terrorism. On the other hand a return to political stalemate and sterility opens a flank to the terrorists, and may perpetuate the communal division on which the terrorists feed.

5. I hope that you will now agree to move ahead in the talks, on the basis of the understandings in the paper the Secretary of State tabled. We plan to publish that text today. I shall make it clear that there is no question of our amending that text at this stage.

Points to make in response to expected Unionist demands

(i) Replacement for 1985 Anglo-Irish Agreement

6. I am aware of your concern about the Anglo-Irish Agreement. I confirm that HMG is ready, in the context of these political discussions, to consider the possibility of a new and more broadly based agreement, including any proposal the Unionists or other participants might put forward for an alternative Agreement which would advance the underlying objective all those engaged in the process share. (Indeed, as the Secretary of State's statement of 26 March confirmed we know that the Irish Government too is ready to consider a new and more broadly based agreement within the context of the talks.)

(ii) Constitutional position of Northern Ireland

7. I am very happy to repeat HMG's position on the constitutional status of Northern Ireland. Northern Ireland is a part of the UK in national and international law. Northern Ireland should remain a part of the UK while that is the wish of a majority of people living there. Accordingly there should be no change in the status of Northern Ireland unless and until a majority of people there want it. If in the future a majority of the people of Northern Ireland clearly wish for and formally consent to the establishment of a united Ireland the Government will introduce and support legislation to give effect to that wish. Against that background, it seems clear to me personally that Northern Ireland will remain a part of the United Kingdom for the foreseeable future.

(iii) Articles 2 and 3: Government Attitude to Amendment

8. I understand your concern about the Irish constitutional claim, though given the position of HMG and Northern Ireland's status in international law the threat is perhaps more theoretical than real. HMG's position is clear. We do not accept or recognise the Irish Constitutional claim to Northern Ireland, which has no basis in our law or, equally important in international law. I know you see it as a major block to the development of constructive relationships. The Government has made clear that it does not regard the claim as helpful. I welcome the signs of recognition in political circles in the Republic of Ireland that changes to Articles 2 and 3 might indeed facilitate a comprehensive political accommodation in relation to Northern Ireland. It is encouraging that all concerned were able to agree, in the context of the 26 March statement, that it should be open to all the parties in the Talks to raise any aspect of the relevant relationships, "including constitutional issues". In various public statements Irish Government representatives have made clear that they accept Articles 2 and 3 will be a matter for discussion in the Talks. I urge you to take the opportunity of the talks to engage in debate on these issues with all concerned.

(iv) Outcome of talks: good Government within the UK?

9. As you well understand all the parties to the talks approach them with somewhat different objectives: though, equally, they have a number of important things in common, including a determination to resolve disputed matters by peaceful and constitutional means. As far as HMG is concerned, on the reasonable assumption that for the time being Northern Ireland remains in the United Kingdom, I am happy to confirm that our own objectives in the talks include better arrangements for good Government there. Specifically we hope to establish within Northern Ireland workable, stable and durable institutions, which are democratically accountable to local people, command widespread support, and provide for an appropriate and fair role for both sides of the community. In practice it seems clear that this is unlikely to be achievable save within a framework of

harmonious relations involving all parts of these islands.

(v) Independent Chairman for Strand Two

10. Since strand two discussions will involve two sovereign governments there could be no question of the Secretary of State chairing all sessions, including the meeting in Dublin. I understand you found difficulty with the idea of co-chairmanship involving the two

Governments. In the light of that, the proposal for an independent chairman was designed to respond to your concerns. I do not believe it raises constitutional issues. Indeed, given the stance you have adopted it is difficult to see what other generally acceptable arrangement could be devised.

DOWNING STREET STATEMENT: 15 MAY 1991

The Prime Minister this afternoon met, at their request, the Unionist leaders Mr Molyneaux and Dr Paisley. The Prime Minister was accompanied by the Secretary of State for Northern Ireland Mr Peter Brooke and the Minister of State for Northern Ireland Dr Brian Mawhinney.

2. The Prime Minister expressed his condemnation of continuing terrorist atrocities in Northern Ireland and his regret at recent outrages including the murder of Mr Robert Orr. He confirmed the Government's commitment to take all necessary measures within the law to bring terrorism to an end and reaffirmed his support for the security forces whose courageous work provides the first and most important line of defence.

3. There was a discussion of the political talks being conducted on the basis of the Secretary of State's Parliamentary Statement of 26 March. The Prime Minister expressed his strong support for the process, and his appreciation for the serious approach shown by the Unionist leaders, and all the other participants. He acknowledged that, since important and difficult issues of principle were at stake, persistence, patience and imagination would be required from all those involved. He emphasised the important part continued political cooperation, within a framework allowing for constructive dialogue with the Irish Republic, could play in demonstrating a democratic alternative to terrorism.

4. The Prime Minister welcomed the fact that all the participants in the talks were now ready to move into plenary sessions on the basis of the understandings set out in the paper the Secretary of State had tabled.

5. The Prime Minister noted the views the Unionist leaders expressed about the Anglo-Irish Agreement. He confirmed that, with the Irish Government, HMG was ready, in the context of the political discussions, to consider the possibility of a new and more broadly based agreement, including any proposals the Unionists or other participants might put forward which would advance the underlying objectives all those engaged in the process shared.

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6. In response to a request from the Unionist leaders, the Prime Minister confirmed HMG's position on the constitutional status of Northern Ireland: namely that it is a part of the United Kingdom in national and international law; that Northern Ireland should remain a part of the United Kingdom while that is the wish of a majority of people living there; and that, accordingly, there should be no change in the status of Northern Ireland unless and until a majority of people there wished it. The Prime Minister also repeated HMG's commitment that if in future a majority of the people of Northern Ireland clearly wished for and formally consented to the establishment of a united Ireland it would introduce and support legislation to give effect to that wish.

7. The Unionists leaders expressed their concern about the territorial claim to Northern Ireland in the Irish Constitution. The Prime Minister noted that the Secretary of State's statement of 26 March recorded that it would be open to each of the parties to the talks to raise any aspect of the relevant relationships, including constitutional issues.

8. At present there was no evidence of a wish for a change in the status of Northern Ireland as a part of the United Kingdom. Against that background the Prime Minister confirmed that HMG's own objectives in the talks included the establishment within Northern Ireland of workable stable and durable institutions, which would be democratically accountable to local people, command widespread support, and provide an appropriate and fair role for both sides of the community. This was unlikely to be achievable save within a framework of harmonious relations involving all parts of these islands.

DRAFT LETTER

Charles J Haughey

I have been taking, as I know you have, a close interest in the Northern Ireland political talks. I very much appreciate the ready and constructive response which you and your colleagues have given to the various issues which have arisen. Peter Brooke and Gerry Collins had a most useful meeting last week.

As you will know Peter and I saw the Unionist leaders today, at their request. Following the meeting we issued the Statement attached.

It may be helpful if I explain the background, as it seems to me. The Unionist leaders are committed to the process, partly no doubt because they are conscious of the growing public support, particularly in Northern Ireland, for the process. They are ready to accept the procedural arrangements, including the position on venue for strand two talks, which Peter has drawn up in close consultation with your Government. However they felt the need for some reassurance from me, given the extent of the retreat they have had to make from the unrealistic positions they were publicly known to have adopted.

I was ready to help them on this occasion, while conceding nothing of substance. My hope is that they will have gained valuable experience over the last three weeks, and that the parties can now

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settle down to plenary sessions on the real issues. I have certainly urged on the Unionist leaders the need to make progress.

Our two Governments must, I am sure, remain in close touch as this process continues. We have already identified the need for you and me to meet at the appropriate juncture.

Why has Mr Brooke done a deal with Mr Collins and offered it to the parties on a take it or leave it basis?

Mr Brooke saw Mr Collins after two weeks of bilateral exchanges with the parties. The views of the Irish government have to be taken into account in relation to strands two and three because the subject of each strand brings them in. (Strand two is about future relationships among the people of the island of Ireland and strand three is about the relationship between the two governments.) Mr Brooke considered that the proposition he offered yesterday was the best balance that he could strike among competing interests. He judges that if the talks cannot go ahead on that basis it is unrealistic to expect that they can proceed on anything like the timetable originally agreed.

Where will the Northern Ireland venue be in the second strand?

The location remains to be determined. Because of the need to make practical arrangements Mr Brooke hopes to identify options and achieve a consensus quite quickly. Settling the specific location within Northern Ireland does not need to be done before plenaries begin in strand one.

Does not an independent chairman for strand two bring into question HMG's commitment to Northern Ireland's constitutional status?

No. Strand two is concerned with relationships between peoples some of whom are part of the United Kingdom and some of whom are part of the Republic of Ireland. It is not concerned solely with Northern Ireland which is the subject of strand one. An independent chairman became the best way forward given the refusal of the Unionists to attend a meeting chaired by a member of the Irish government and the expectation by the Irish government that they would have to be seen to share responsibility for a strand that concerns their country as well as Northern Ireland.

Why can the parties not have a veto on the identity of the chairman like the Irish government?

It would be impractical for all parties to have a guaranteed veto but it is hoped by consultation to find someone willing to take on the task who is acceptable to all the participants. Given the role of the Irish government in strand two, it is right for an independent chairman to be announced by the two governments acting together.

What sort of person will the independent chairman be?

He or she will need to have the experience and stature to chair a major international conference, must speak English fluently and must, of course, be available full-time for several weeks at quite short notice. The search for a suitable person will be unconfined. Serious work in identifying someone has not begun in advance of establishing reactions to the proposition put by the Secretary of State yesterday.

Support/staff for independent chairman etc

Not yet addressed.

Why can the parties not participate in strand three on equal terms?

Strand three is concerned with the relationship between the two governments. Mr Brooke's proposition yesterday provides a full opportunity for the parties to make an input at all stages and, of course, to evaluate the outcome.

POLITICAL TALKS

Practical Issues Concerning Strands Two and Three

1. There has been extensive discussion of the venue for strand two, and other related practical questions, over the last two weeks.
2. In the light of that, with the benefit of the views expressed, and after close consultation with the Irish Government, I have decided to indicate the basis on which these talks would be held.

Strand Two

3. All meetings of strand two will have an independent chairman whose identity will be announced by the two governments after consultation with other participating parties.
4. Opening plenary meeting of strand two to be held in London.
5. Bulk of substantive exchanges in strand two to be held in Northern Ireland in a location to be determined. (It will of course also be open to the Chairman and the participants to hold non-plenary meetings wherever suits their mutual convenience.)
6. A plenary meeting of the strand two discussions to be held in Dublin towards the end of June.

Strand Three

7. While participating parties remain free to discuss strand three issues with the governments, strand three discussions will be concerned with the relationship between the two governments, and will take place between the two governments:

- other participating parties will be kept in touch with progress during strand three by regular liaison

- the two governments will meet other participating parties at their request for further discussion of strand three issues while strand three is taking place the outcome of strand three will be considered by all the participants alongside the outcome of the other two strands and nothing will be finally agreed in any strand until everything is agreed in the talks as a whole.

8. The strand one formation or the strand two formation, as appropriate, may consider issues further in the light of progress in strand three.