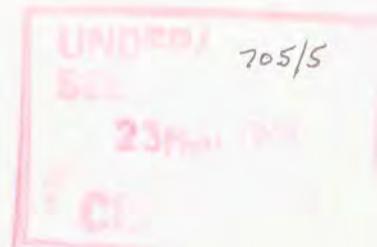


I N C O N F I D E N C E



FROM: C BARBOUR
Talks Secretariat
22 May 1991

cc: PS/SofS (B&L) - B
PS/PMG (B&L) - B
PS/MofS (B&L) - B
PS/PUS (B&L) - B
PS/Mr Fell - B
Mr Pilling - B
Mr Ledlie - B
Mr Thomas - B
Mr Alston - B
Mr Hamilton, Cent Sec - B
Mr Wood (B&L) - B
Mr P N Bell - B
Mr Cooke - B
Mr Dodds - B
Mr D A Hill - B
Mr D J R Hill - B
Mr Petch - B
Mr Brooker - B
Mr Marsh - B
Mr McCaffrey, Press Off - B
Mr Archer, RID FCO - B
HMA Dublin - B
*Mr Nick Bevan, MOD
*Mr Appleyard, Cab Off
*Mr Gowan, Cab Off
* Mr Bentley, HO
(* via Mr Walker SIL)

PS/SECRETARY OF STATE (PB) - B

SECRETARY OF STATE'S BILATERAL WITH THE SDLP: 20 MAY 1991

1. I attach the summary records of the Secretary of State's bilateral meetings with the SDLP held in Parliament Buildings on 20 May.
2. A copy is being passed to the party.

signed

CLIVE BARBOUR
Talks Secretariat

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I N C O N F I D E N C E

RECORD OF A BILATERAL MEETING BETWEEN THE GOVERNMENT TEAM AND THE
SDLP, HELD IN PARLIAMENT BUILDINGS ON MONDAY 20 MAY 1991

Government Team

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

Talks Secretariat

Mr D J R Hill
Mr Marsh

Also present

Mr Pawson

SDLP

Mr Hume
Mr Mallon
Mr McGrady
Mr Hendron
Mr Durkan
Mr Farren
Mr Feely
Mr Maginness
Mr McClelland
Mr McDonnell
Ms Rodgers

The meeting began at 12.10 and finished at 1.25 pm. Its purpose was to take mutual stock of the situation following the meeting between the Prime Minister and the Unionist leaders on 15 May and the Unionist paper which the Secretary of State had sent the SDLP and the Alliance Party on 17 May.

2. The Government Team reported that the Secretary of State had advised the Prime Minister to respond positively to the Unionist leaders' request for a meeting to discuss the Secretary of State's 14 May document and specifically whether an independent chairman for the second strand meant that HMG was considering international arbitration. Despite a prior Unionist press release which had appeared to give an answer to the document the meeting had gone ahead, partly as an act of courtesy to the Unionist leaders. Both the Prime Minister and the Secretary of State had taken time to ensure that they understood the Unionist position correctly. The key points of the meeting had been as follows:-

- (i) there had been no textual barter on the 14 May document;

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- (ii) the Unionists had received reassurance on the constitutional status of Northern Ireland in the same terms as that recorded in the 26 March statement;
- (iii) the Unionists had been told that the arrangements described in the 14 May document applied only to the second and third strands;
- (iv) the Unionists had been told that the appointment of an independent chairman did not mean that the issues in the second strand were open to international adjudication;
- (v) the Unionist leaders had agreed to "work the procedures" in the 14 May document subject to agreement on the chairman, to having the standing orders with which he would work, and to knowing the precise venue within Northern Ireland;
- (vi) the Unionists had been told, and had accepted, that the first strand could not be divorced from the second and third;
- (vii) the Unionists had made clear that they did not expect Articles 2 and 3 of the Irish Constitution to be abandoned before talks could take place;
- (viii) the Unionists had been told that one possible outcome of the totality of the talks was a willingness on the part of HMG to consider an alternative to, or a replacement of, the Anglo-Irish Agreement; and
- (ix) the Unionists had been told that the appointment of a Chairman for the second strand would be by the two Governments but after consultation with the parties.

3. The Government Team further reported that after the meeting the Secretary of State had taken the view that in order to consult the SDLP and the Alliance Party it would be necessary to have a statement of the Unionist position. After an exchange of correspondence a document had been received from the Unionist leaders at lunchtime on 17 May; HMG did not endorse it but had sent it to the SDLP and the Alliance Party as the Unionists' perception of where matters stood. It had been neither appropriate nor practicable to publish an agreed communique after the Downing Street meeting; at that meeting there had been general acceptance that the Unionists would work the arrangements in the 14 May document and this had not been called into question by what the Unionist leaders had said at a press conference immediately afterwards.

4. The SDLP said that the situation was now unclear and that serious damage was being done to democratic politics. They still had difficulty with the concept that the Unionists could give "agreement in principle" to the clear ultimatum they had received on 14 May and which the SDLP (despite reservations) and the Alliance Party had accepted; it appeared that the document had been rewritten. And Dr Paisley had now said that in order to proceed the Government should withdraw it.

5. The Government Team said that it stood by the 14 May document and that it was not open to textual barter. But if a party had a violent objection to the choice of chairman it would clearly be impossible for the process to go ahead. Similarly the 26 March statement still stood absolutely. During the meeting with the Prime Minister the Unionists had been given assurances, not decisions. The present position could be summarised as one in which the Unionists had given their assent to the procedure put forward on 14 May, but that that assent was not pellucidly clear. The Unionists were however willing to work the procedure in practice subject to satisfactory determination of certain details, to which it was open to any participant to raise objection. But because of the manner in which this position had been reached the Secretary of

State would understand if other parties had reservations about whether it constituted a basis on which to go forward. He would totally understand if others felt insufficiently certain and wished to break off. But a pause might hazard the entire process. An alternative way of proceeding would be for the Unionists to explain their position and for the SDLP to cross-examine them directly. It was a finely balanced decision.

6. The SDLP replied that such a decision should be for the Secretary of State, not the other parties. They had problems with the Unionists' logic and feared that they were not willing to engage actively in the whole talks process; they felt that the Unionists wished to hide behind the Secretary of State. It now appeared that the Unionists had set down six new preconditions to the second strand and were attempting to separate the second and third strands from the first. The SDLP position on the other hand had been, and remained, flexible; it was based on acceptance of the 26 March statement and the 14 May document. It was essential for the Secretary of State to clarify the Unionists' position. This should be done during a pause in the process; a direct meeting between the SDLP and the Unionist parties would involve too much risk and lead to long-drawn-out wrangling. The SDLP considered it essential before proceeding to know whether or not the Unionists accepted the 26 March statement and the 14 May document. If the Unionists were serious about the process there would be no danger in such a pause for clarification. If they were not serious, and were trying to re-negotiate the whole package, a pause would in any event be less damaging than face-to-face recrimination.

7. The Government Team, summing up the meeting, said that the position between HMG and the SDLP was very clear. They would see the Unionists that afternoon and might also need to consult the SDLP again before the end of the day.

TALKS SECRETARIAT

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I N C O N F I D E N C E

RECORD OF A BILATERAL BETWEEN THE GOVERNMENT TEAM AND THE SDLP
AT 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

Secretariat

Mr D J R Hill
Mr Rodell

In attendance

Mr Pawson

1. The Government Team and the SDLP delegation held a bilateral meeting in Parliament Buildings between 17.20 and 18.10 on 20 May 1991.

2. The Government Team explained that since they had seen the SDLP earlier that day they had had a meeting with the joint Unionist delegation at which the Unionists had handed over a new statement of their position (a copy of which is attached at Annex A). The Government Team had spent an hour and a half quizzing the Unionist delegation on the contents of the statement and, so that there should be no confusion as to what had been said, an agreed set of minutes was being produced as a matter of urgency. Once these were ready the Government Team would be in a position to offer the SDLP any clarification they might require. The Unionist delegation had also agreed to consider amending their statement in the light of any comments which the Government Team might make as to matters which might add to its clarity and completeness. The Government Team emphasised that they had made clear to the Unionists that they were not accepting their statement as a basis on which to proceed but only as a basis for consultation with the other parties.

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3. [The Government Team handed copies of the Unionist statement to the SDLP delegation].

4. The SDLP asked what the document's status was; the Government Team said that it was what it claimed to be, a joint Unionist position paper. The SDLP noted that the paper proposed that plenary sessions of strand one should begin immediately and that discussions on the venue for strand two, the identity of the independent chairman and the standing orders by which he would work should continue in the margins. The Government Team said that during their meeting with the Unionist delegation the Unionists had also agreed:

- 1) That the opening plenary session of strand two should be held in London;
- 2) That the bulk of the plenary sessions should then be held in Northern Ireland;
- 3) That one meeting, not necessarily the last, should be held in Dublin; and
- 4) 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. The SDLP said that it was difficult to react to a proposition that was not on paper; they pointed out that what elements of the Unionists' proposals were on paper were still hedged with qualifications; and suggested that the Government Team should send for them again when the Unionists' reservations had been met. For their own part, they were not prepared to begin strand one until everyone had agreed to the arrangements for strand two. A matter of particular concern was that the notion of a transition between strands two and three seemed to have been re-introduced. The Government Team disputed this last point and said that the presence of an independent chairman at the meetings in the second strand meant that no-one could be confused about when strand two ended and

strand three began. They understood that it was difficult for the SDLP to react until a revised version of the Unionists' paper was available but they had not wanted to keep them in the dark until that was ready.

6. The SDLP said that the Unionists' paper did not represent any advance on the position they had held that morning; they still did not accept the principle of an independent chairman and they were still making their attendance at the second strand conditional on their being satisfied with the venue, the standing orders and the identity of the chairman. The Government Team said that they had assumed that when the SDLP had accepted their proposition of 14 May they had themselves reserved the right to object to the appointment of a chairman who they found unacceptable or to a venue which they believed to be compromising. They pointed out that the position the Unionists were adopting was, in fact, very similar. The SDLP expressed concern that the Unionist parties were being deliberately obstructive and were trying to re-introduce an element of conditionality into the launch of the second strand.

7. The SDLP went on to say that they did not believe that there was any purpose to be served in their meeting the Government Team again until the Unionist parties' outstanding reservations had been cleared up. The Government Team said that the SDLP seemed to be going beyond what they had said earlier in the day, then they had appeared to take the view that the Unionists' reservations were a matter for the Secretary of State to resolve, now they seemed to be saying that their resolution was a precondition to the SDLP's participation in the process. The SDLP denied that there had been any change in their position during the course of the day and said that they were not trying to lay down an ultimatum. If the Unionists were serious about wanting to resolve these issues urgently then plenary meetings would be underway within a matter of days.

8. The Government Team asked whether this meant that the choice of chairman and location could be made without further

reference to the SDLP. The SDLP replied that they had only ruled out one location in Northern Ireland (the Orange Hall in Lurgan) and that they were almost certain to accept any person put forward for the chairmanship by the two Governments. The Government Team said that they took this to be an affirmative answer.

9. The SDLP asked if the Unionist position paper would be made public and the Government Team replied that it would not.

10. The Government Team pointed out that it might take two or three weeks to find someone to be chairman of the second strand who was both acceptable to all the participants and willing to do the job. This would mean that six or seven weeks of the ten week gap would have been lost before plenary meetings even began. The Government Team asked how, given this situation, the SDLP saw the Talks process being taken forward. The SDLP made the point that they had not been responsible for the time that had been lost and said that if the outstanding issues were not settled it would not be just time that was lost but the framework of the whole process because strands two and three would never take place. They repeated their concern that the Unionist parties were being deliberately obstructive and said that the speed with which the outstanding issues were settled would be a test of their seriousness. The SDLP went on to say that they would consider the question of the chairmanship to be resolved when agreement was reached on a candidate, regardless of whether or not that candidate subsequently accepted the post.

11. The Government Team asked what line the SDLP would be taking with the press; the SDLP said that they would have to consult the other members of their delegation before they made that decision.

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