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RJA/500/91/JEC

FROM: R J ALSTON
US (POL)

14 MAY 1991

- cc PS/PMG (B&L) - B
- PS/Min of State (B&L) - B
- PS/PUS (B&L) - B
- PS/Mr Fell - B
- Mr Pilling - B
- Mr Ledlie - B
- Mr Thomas (B&L) - B
- Mr Hamilton B 145
- Mr Wood (B&L) - B
- Mr Bell - B
- Mr Cooke - B
- Mr Dodds - B
- Mr D A Hill - B
- Mr D J R Hill (B&L) - B
- Mr Petch - B
- Mr Brooker - B
- Mr Pope - B
- Mr Archer, RID - B
- HMA, Dublin - B
- Mr Bevan, MOD*
- Mr Appleyard, Cab Office*
- Mr Gowan, Cab Office*
- Mr Bentley, Home Office*
- *through Mr Walker, SIL

PS/Secretary of State (B&L) - B

NOTE FOR THE RECORD

POLITICAL TALKS: VENUE FOR STRAND II AND ASSOCIATED ISSUES

This note records the main exchanges with the Irish Government between Wednesday, 8 May and Tuesday, 14 May on the issue of the venue for Strand II of political talks, and the associated issues of Chairmanship and the opportunity for the political parties to make input to Strand III.

WEDNESDAY, 8 MAY

2. At 6.00 pm, following the sequence of meetings between the Secretary of State and officials and the political parties, Mr Alston handed over to Mr O'Donovan at Maryfield the proposal floated that afternoon with the parties. He explained that there was some movement and a sense of purposeiveness in discussion of the

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main agenda but that the main issue was not yet resolved. He described the sequence of meetings during the day and the positions set out by the parties. In describing the proposal and the parties' initial reactions he stressed that the Unionists were still expressing preference for a neutral venue and were scornful of the SDLP argument against this on the ground of cost. They appeared however now to acquiesce in a scheme which would involve both London and Dublin. The Secretary of State's preference for the talks in Northern Ireland would be Stormont but at this stage the words "Belfast area" had been used in the proposal because of expressed SDLP difficulties, and fears that Unionists would not swallow it at this stage. In the course of the day it had become clear that other issues would need to be addressed as part of the package, notably Chairmanship of Strand II and the right of the parties to express views in Strand III. The Secretary of State would find an initial Irish reaction helpful for the beginning of talks the next morning but this was not essential. If the Irish authorities were in contact overnight with the SDLP it might be helpful to point out that, if they could not accommodate themselves with a mutually convenient venue in Northern Ireland, and also continued fiercely to reject a neutral venue, then the talks could face a breakdown.

THURSDAY, 9 MAY

3. Mr Collins telephoned the Secretary of State at 10.30 am. In de-briefing Mr Alston and Mr Pawson, the Secretary of State said that Mr Collins had chided him gently at having put the previous days proposal forward without prior consultation. In substance Mr Collins had said that he would be content for Strand II to open in London, with the bulk of talks taking place in Northern Ireland, and with one meeting taking place in Dublin before the end of June. Strand III should then take place in Dublin. The Irish would not envisage the political parties taking part in this. It was for the two Governments alone. If the political parties had views to express they should put these over in Strand II.

4. Reflecting a conversation with Mr Gallagher, Mr O'Donovan subsequently underlined two points in Mr Collins reply. It was the

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Irish understanding that Strand III would, in this scheme, be held entirely in Dublin. It must be kept quite separate from the other strands. The Irish were suspicious about talk flexibility. If the parties had points to convey they could do this in Strand II, reconvened for the purpose if necessary.

5. In the light of continuing failure to break the impasse later in the day, a decision was taken in the course of the afternoon that the Secretary of State and Mr Collins, supported by officials, would meet the following morning in London. Mr Alston also gave Mr O'Donovan draft language on the position of the parties in relating to Strand III.

FRIDAY, 10 MAY

6. The Secretary of State and Minister of State with officials met Mr Collins, Mr Burke and Irish officials at 9.00 am in Old Admiralty Buildings. The Secretary of State started by summarising the sequence of positions taken by the parties on the venue issue since the beginning of the talks. Referring to the idea of a neutral venue which had surfaced the previous weekend he expressed his personal reaction against it on presentational and cost grounds. He recalled the formula put to the parties on 8 May, acknowledging Mr Collins gentle rebuke on the question of consultation. He had constructed this on the basis that it was the position of neither major protagonist. The SDLP had started by regarding it as not serious and he had in fact had to explain it twice. Somewhat unfortunately the press had been interpreting the SDLP position as one of always having preferred "the island of Ireland". In fact their faces had not lit up like pintables in the face of this proposal. Following the proposal the Unionists had moved to a preference for a European venue as neutral (and were praying Archbishop Daly in aid in support of the idea). He had presented a written version of the proposal on 9 May after his conversation with Mr Collins. The Unionists had produced a written amendment to it and were taking the line that it bore no relation to their position.

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7. A new element which had surfaced during the day was a suggestion that movement on Articles 2 and 3 in advance by the Irish would permit the Unionist side to reconsider its position. At the very end of the day the Unionist leaders had called to admit that a member of their delegation had prepared a note on this which had leaked to the press. They were clearly embarrassed and wanted to stress that this was not their official position. He summarised the position the previous evening as being that the SDLP would not accept Europe and the Unionists would not accept Northern Ireland. Regrettably it looked as though people remained more concerned with the results of this scirmish than with the totality of the process. Faced with this impasse he had told the parties that he would need to consult the Irish Government. He had added that he would meet them again on 13 May and, if no movement had taken place, would put a proposal of his own.

8. He briefly discussed two other issues. The question of involvement in Strand III had emerged from members of the Unionist delegation not involved in the smaller bilateral discussions. They were taking the view that they assumed that if a package involving the Agreement was to be worked out the parties could not be excluded from it. Points from 26 March statement could be deployed to counter this but there was one reference to inputs. However, in response to Mr Collins telephone call he had withdrawn the last sentence of the formula floated on Wednesday. On the Chairmanship of Strand II it was clear that the Unionist leaders expected the Secretary of State to do this. It was an issue which had been raised prior to 26 March only by the Alliance Party. It was clear that the Unionists would insist on it being covered in any final proposition. Summing up he said that it would be a singular mistake to proceed with loose ends untied. Returning to the question of venue on the question of where talks might be held in Northern Ireland, the SDLP preferred Armagh but were prepared to consider other locations, though they had orally indicated "distaste" for the Stormont Estate. Despite their preference for a neutral venue the Unionists had several times probed on where in Northern Ireland talks might take place.

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Responding Mr Collins said it had been a wearisome week. The Government decided to be as helpful as possible although the Secretary of State's proposal had caused quite some difficulty. The two sides were not behaving similarly. The Unionists were trying to veto talks on the island of Ireland. Their present position had no credibility. It was a manufactured issue and they were trying to suggest that they were responding to rank and file pressure whereas they could perfectly well sell the line that they were going to Dublin to speak their minds. The SDLP position was clear. The last Unionist paper was extraordinary and was seeking to undermine the work of 18 months by reopening the question of substantial progress. It appeared to be an example of the old "not an inch" mentality. If we succumbed now we would be storing up trouble for the duration of the talks. The Unionists had to realise that they could not dictate to two Governments. Holding Strand II in Europe would be logistically a nightmare that would have an element of farce. However if it would break the ice the Irish Government could as a last resort agree to a symbolic meeting in Europe followed by East/West or North/South reputation. The discussion of the issue was bringing the whole process into disrepute. He wondered whether a cooling off period of a week or two would help.

10. On the modalities of Strand II, he regarded this as a further illustration of negative Unionist attitudes. It was a new issue, not a loose end. However, since reassurance was necessary he was prepared to see rotating or joint Chairmanship. Everything else could be agreed in consultation.

11. On the involvement of the Northern parties in Strand III, the Irish position was that the integrity of Strand III must be maintained and that the parties had no locus there. They could share views in the context of Strand II. He recalled that it had been agreed all along that the stands should be parallel, not sequential. Concluding, Mr Collins said that the process was not achieving the purpose of creating elements of trust. The Secretary of State commented that the problem was that the scirmish was public and immediate. In private he had detected a genuine and purposeful attitude to dealing with the issues. He had however never weakened

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on the principle that the issue of venue had to be resolved before the parties began. However the facts and realities still seemed less important than perceptions. He did not believe that a symbolic single meeting in Europe would help.

12. There followed an extended discussion of the relationship of the parties to Strand III, based on the language handed to the Irish side the previous evening. The outcome of this was the production of a revised draft which was agreed later in the morning. In this discussion the Secretary of State emphasised that if a deal was to be achieved in Strand III which all would accept it would require astonishing wisdom if it required no verification with the parties. The words of 26 March statement could be related to Strand II but were not limited to it, and were in any event based on Irish language in their 30 November paper. (Mr Collins reacted sharply to this latter point.) The Secretary of State underlined the need for a deal that all could accept. It was of course the case that discussions could backtrack from one strand to another but the parties needed a safety valve to reassure them that they would be consulted. Irish Ministers were concerned to emphasise that the parties would not be at the Strand III table and were sceptical about the need for additional mechanisms because each Strand would remain in existence and would not therefore need to be specifically reconvened. The Minister of State argued that there was a need for clear mechanisms to enable discussion to return from one strand to another. In response to a question from Mr Collins, the Secretary of State explained that the idea of consultation prior to the opening of Strand III was primarily to provide a vehicle for Unionists to set out their views before Strand III discussion began. There was a need to make it clear that the parties would have an opportunity to express views on issues which went wider than Strand II as narrowly defined eg relations between Northern Ireland and the South. A trigger was needed which could be used by the Unionists as well as by Governments in order to reassure Unionists that there was no cunning plot to prevent the presentation of views. The Minister of State underlined that the formula was set out to ensure that people knew they had a specific opportunity to make views known whilst maintaining the integrity of the process.

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Mr Collins expressed some suspicion that this right could turn into a veto on Strand III starting. Concluding this stage of the discussion the Secretary of State emphasised that we were more likely to take the trick on venue if we had patently responded to apprehensions on other issues.

13. At this stage the Minister of State responded to Mr Collins suggestion for a cooling off period. He was not sure that this would be helpful. People might merely try to rally support behind their positions. An attitude of trust had to be developed fairly swiftly. He did not feel that the sharp tone which had emerged the previous day had damaged the process irretrievably or that stringing the process out over a longer period would help.

14. There was then a brief discussion of the Chairmanship of Strand II. The Secretary of State recalled that this had not been raised prior to 26 March (save briefly by the Alliance Party). He had to say that in his judgement rotation of Chairmanship with the bulk of talks held in Northern Ireland would not run. He did not want to arrogate functions to himself but there was a need to look at how decisions would affect handling of business. For example if the Irish Government was in the Chair how would it express its own view? Mr Collins said that he could accept Joint Chairmanship rotation, or even no Chairman. The Secretary of State put forward language prepared the previous day under which there would be no Chairman as such but he would have certain roles as convenor with responsibility for domestic arrangements depending on location. At this stage the meeting broke up for a tete-a-tete discussion, lasting nearly an hour, between the four Ministers.

15. At the conclusion of the tete-a-tete, the Secretary of State and Minister of State de-briefed officials. The Irish side had rehearsed the arguments for co-Chairmanship or for alternation, based on symbolism and consistency. They had real difficulty with the argument that Chairmanship should not be broken into a series of discreet stages and that there was a need for continuity. They had suggested (though neither side had governmental cover for the proposal) that consideration should be given to the appointment of a

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neutral Chairman who could be impartial. The appointment of a European could be a gesture towards Unionist views on venue. There had been discussion as to whether this should be put forward to the parties as a concept, or with an individual name already attached. The Minister of State had stressed that the debate could not be allowed to run on and that there was a real risk of breakdown unless the issues could be swiftly resolved. This appeared to have had an effect.

16. When the full session resumed the Irish side said that they had not attempted to clear any points with Dublin during the recess. Consideration was given to re-drafted language on Strand III and on venue which was then agreed.

17. On the Chairmanship Mr Collins said that the Irish side could agree ad referendum to either of two alternatives, a rotating Chairmanship to convene meetings, set the agenda and manage a steady flow of business, or the seeking of an impartial Chairman eg from Europe. The Secretary of State said that he could see the force of Irish arguments on the first alternative but was attracted to the second because of the likely reaction of the parties. Insistence on the first would be tantamount to deciding the end of the process. Mr Collins said he was prepared to refer back to see if agreement could be given to impartial Chairmanship in principle. There would then need to be a process to find the person. The Secretary of State agreed that it should be put on the basis of the principle. The only alternative seemed to be a recess whilst an individual was identified and he did not support this. He added that he would not limit the search for an individual to the European community and there was then discussion of wording for the proposed document as to how the final choice of an individual should be presented and what should be the role of the parties in the process. At the end of this discussion Mr Collins said that, if agreement had been reached on a package, his understanding was that the Secretary of State would present it on 13 May on a take it or leave it basis. The Secretary of State qualified this by saying that he would do so subject to what he heard from the parties on the morning of 13 May when he checked whether there had been movement over the weekend.

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he meeting concluded with some discussion of the prospective timing of events on 13 May.

18. At 3.15 pm British officials led by Mr Pilling and Irish officials lead by Mr Gallagher met for the weekly liaison meeting. Final approval (ad referendum to Governments) was given to a consolidated text on the issues discussed by Ministers during the morning. The bulk of the meeting was devoted to a review by the British side of impressions of the discussion during the week. Mr Pilling described the sequence and configurations of the various meetings. It had been difficult to read the signals of the various discussions on venue. The Unionist performance was patchy, particularly orally, whereas their documents were not ill-judged. They had frequent recourse to the trade union negotiating tactic of starting meetings with an unexpected grievance. The Alliance were preoccupied with the media. The SDLP would claim with some justice that they were playing things by the book. Their performance had been relaxed with serious and constructive contributions by Mr Mallon. Mr Hume was however deeply frustrated by the failure of his efforts to make Unionists realise that they had nothing to fear. Mr Thomas confirmed, in reply to a question, that there was to a degree a lowest common-denominator factor working amongst Unionists with policy being worked out as they went along. In reply to a question as to whether they were learning, Mr Thomas said that they were addressing more issues and slight moderation was evident. Mr Pilling commented that Dr Paisley was not naturally reflective and learned slowly. Mr Molyneaux was quicker and gave every appearance of being prepared to face a very long haul. Some in the Unionist teams were expressing a measure of frustration but appeared to be willing to put up with the leaders tactics. There was an element of a "fear of transigence" in the way Unionists behaved. He thought that, on the DUP side, some of the opposition to a Northern Ireland venue reflected fears that it would produce demonstrations by their constituents, in which the more natural posture of party leaders would be at the head of the demonstrators rather than inside the meeting.

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SUNDAY, 12 MAY

19. On returning to Belfast from Dublin, Mr O'Donovan confirmed to Mr Maye (Duty Officer for the Secretariat) that Irish Ministers had approved the document discussed at the meeting in London on the morning of 10 May.

MONDAY, 13 MAY

20. At approximately 1.30 pm, following the Secretary of State's discussions in the morning with the Unionist leaders and Mr Hume, Mr Alston communicated to Mr O'Donovan the Secretary of State's sense that there had been movement by the Unionists at the de facto level. He had explored this with John Hume who had taken the view that much would depend on the manner in which it was presented. The Secretary of State was now working on possible language and would put a form of words to the Irish Government later in the day. He emphasised the Secretary of State's sense that seeking to build in this way on a measure of flexibility shown by the Unionists in the morning was in full conformity with the agreement reached on 10 May.

21. At approximately 5.00 pm, Mr Alston handed over to Mr O'Donovan proposed language revising that discussed in London on 10 May. In doing so he made the following points:

- the Secretary of State had formed the view in the morning that the Unionists were looking for an accommodation on the venue question but without losing too much face. The Secretary of State was trying to build on this. Mr Alderdice had encouraged to seek a way forward which avoided an ultimatum. He regarded this effort as fully consistent with the 10 May agreement. He hoped to be able to hand the language to the parties that night and would be happy to discuss it with Mr Collins;
- he summarised the proposed changes, pointing out that the major ones were reflected in paragraphs 4 and 5 of the new draft. The new paragraph 4 was an attempt to move away from formulations

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used in proposals the previous week which were already the subject of Unionist counter-proposals;

other language reflected a sense by the Secretary of State that the Unionists would want in Stage 2, after an opening plenary, to seek the basis for a deal (eg on Articles 2 and 3) but not necessarily in plenary discussion. The language proposed provided a mechanism for this, not defining the venue for bilateral meetings partly in order to protect Irish interests. It also provided for discussion between parties (eg not involving the Chairman). It was important to register that, to protect the transition mechanism, all this would follow the opening plenary;

- the final phrase of the paragraph specified that plenaries and other meetings would be held in Northern Ireland. There was agreement amongst all the parties informally that there was a high expectation that such plenaries would be needed;
- the additional sentence in the revised paragraph 5 was designed to recognise the Unionist desire to clarify their position in relation to Strand III but at the same time to avoid unacceptable language in relation to the Dublin meeting such as "closing" or "transitional".

22. At about 7.00 pm, Mr O'Donovan telephoned to say that Irish officials had concluded that Ministers would need to discuss the proposed language. As Mr Collins was returning from Brussels this would preclude a reply that evening. Initial reaction was that the 10 May agreement had reflected a straightforward way of dealing with the problem. The new language had, in order to deal with the simply problem of venue, opened up other issues and made the package much more complex.

TUESDAY, 14 MAY

23. Mr Collins telephoned the Secretary of State at around 10.15 am. The conversation (recorded more fully by Mr Pawson)

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asted for some 40 minutes. Mr Collins argued strenuously in favour of sticking to the 10 May agreement. The Irish disagreed with our assessment about the significance of any Unionist movement. They regarded the proposed language as solving the problem of venue by greatly complicating the process in a way which placed the success of Strand II at risk. At the very end of the conversation Mr Collins had grudgingly expressed willingness to examine forms of words which would more modestly amend the 10 May agreement to provide a fig leaf which would not foul up the process. The Secretary of State commented that this might well have the effect of bringing the process to an end, and he and Mr Collins had agreed that it might be necessary to consider a cooling off period.

24. Following consultation with officials, Mr Alston was instructed at 11.45 am to present to Mr O'Donovan three amendments to the 10 May language; moving paragraph 6 to become paragraph 3; including the word "plenary" in the paragraphs referring to meetings in London and Dublin; and inserting in brackets at the end of the paragraph about exchanges in Northern Ireland the text "it will of course be open to the Chairman and the participants to hold non-plenary meetings wherever suits their mutual convenience".

25. At 2.15 pm, Mr O'Donovan delivered a letter from Mr Collins accepting the revised wording based on the understanding that exchanges would normally be in plenary session. The Secretary of State invited Mr Alston to tell Mr O'Donovan, in order to avoid any misunderstanding, that this would also be his interpretation assuming that any meeting at which all participants are represented is covered by the word "plenary". Mr Alston added that the purpose of this was to preserve the freedom of manoeuvre of plenary to determine its own working practices. Mr O'Donovan subsequently confirmed that, on this basis, the Secretary of State's comment did not cause problems for Dublin.

(Signed)

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