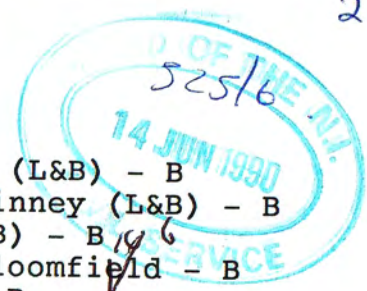


C O N F I D E N T I A L

From Q J Thomas
AUS(L)
14 June 1990

cc PS/M of S (L&B) - B
PS/Dr Mawhinney (L&B) - B
PS/PUS (L&B) - B
1. PS/Sir K Bloomfield - B
Mr Burns - B
Mr Alston - B
Mr Wood (L&B) - B
Mr Blackwell - B
Mr Hill o/r - B
Mr J McConnell - B
Mr Daniell - B
Mr Dodds - B
Dr Donnelly - B



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

MEETING WITH SDLP 15 JUNE

Aims

1. The meeting will have two main aims:

(a) To establish how firmly the SDLP are pressing the point about the timing of contact with the Irish, and to agree a way of handling their concerns;

(b) To reach agreement that the process can now move forward, perhaps through bilateral 'ground-clearing' meetings with officials, towards a full statement in early July; but if possible without further steps in launching the process being dependent on another Ministerial meeting with the SDLP.

I attach an updated Checklist (Annex A), and Speaking Note (Annex B).

Background

2. The Secretary of State last met the SDLP on 24 May. During the first half of the meeting they appeared mystified about why the Unionist leaders appeared so satisfied with the outcome of their talks with the Secretary of State, and were extremely suspicious that this could really have resulted from what the Secretary of State said had happened. By the end of the meeting, however, the SDLP representatives had graduated to a more positive, but still wary, attitude. Their key concern was the timing of North/South

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contact. Mr Hume wanted to know at what stage the initial talks on an internal settlement would broaden to include the North/South dimension, and whether the timing of this would be publicly announced in the initial statement. He also stressed that their agenda for the talks would include, as a major feature, the question of how and when the internal dialogue could be "legitimised" by being placed in the wider North/South context. The outcome of the meeting was that the leaders would report back to their party and would also talk to the Irish Government.

3. Since then, Mr Hume has made helpful comments on the structure of talks, and the participants in them, which were intended to play down the "nit-picking speculation" which greeted the Secretary of State's comments on 5 June. These were very helpful in ensuring that the process did not go off the rails.

Handling of the Meeting

4. The Secretary of State will wish to press the SDLP fairly hard on the timing point, which they have themselves identified as central. Are they making it a precondition of talks that a date for North/South meetings should be set, and, if so, will they be saying so publicly? Or is it a private negotiating point, and, if so, how hard are they pressing it? Do they have any views on how their concerns may be met?

5. The Secretary of State will not wish to give the impression that he can deliver the Unionists, and can emphasise that premature focus on timing may damage the progress already achieved to allow the process to develop organically, rather than forcing it into a strait-jacket. It would probably be counter-productive, in seeking to re-assure the SDLP of their position, to point to the fact that they could abort the internal talks in the event of their not being given a clear date by the Unionists for North/South contact. We do not want to encourage the SDLP to make this an obstacle on the first day of the gap, which would simply lead to the talks being deadlocked immediately.

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6. If the SDLP take a hard line, the Secretary of State might suggest that he finds it difficult to understand how they can logically decline to enter internal talks. A little history may help. Before the Agreement was negotiated the SDLP declined to take part in the pursuit of devolution through the Assembly on the grounds that there was no provision for the Irish dimension. One of the main thrusts behind the negotiation of the Agreement was the understanding that if the Irish dimension were accommodated in this way, the SDLP would then cooperate in devolution, as provided by Article 4. In other words the Agreement can be presumed to provide for them an acceptable way of dealing with the North/South and East/West relationships, and the internal relationship is the only outstanding one. The fact that the Unionists are not satisfied with the way the first two relationships are currently being handled is no argument for not moving on to the third item of the agenda the Agreement sets, particularly since, if the talks are unsuccessful, the Agreement will remain as a safety net in any case. The Secretary of State may also wish to hint that bringing the process to a halt on this one point would be perceived in an unsympathetic light by others, particularly since it is merely the date rather than the fact of North/South contact which is at issue. (And, needless to say, Mr Hume's thesis that the essential pre-requisite to anything is a Unionist accommodation with 'the rest of the people of this island' is not embodied in the Agreement.)

7. The most desirable outcome of the meeting would be for the SDLP to agree to participate in ground-clearing talks on the understanding that the Secretary of State will use his best endeavours to cover this timing point on their behalf, either before the gap or in handling discussions after it begins. There are a number of ideas which might be presented to the Unionists in the ground-clearing exercise to move us farther forward on this point, for example:

- (a) The Secretary of State might set out a timetable at the plenary session, based on discussions with the parties during the bi-laterals; this would include an indicative date for

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North/South contact, although this date could be reviewed in the light of the way in which the talks were progressing.

(b) The Secretary of State might raise the issue of North/South contact at a particular point in the internal talks, and seek agreement to his assessment that substantial progress had been made. If such agreement was not forthcoming, the parties would be asked to define what further progress needed to be made for it to be termed "substantial".

(c) The Secretary of State could seek agreement before the talks on some general criteria by which he would consider that substantial progress had been made. These criteria would still, admittedly, be vague, but they would be slightly more definite than the phrase "substantial progress".

It is unlikely that the Secretary of State would wish to deploy these points at this meeting, but they are mentioned here simply in order to demonstrate that there may in fact be some room to manoeuvre on this issue once we get into the ground-clearing exercise.

8. At the meeting on 11 June with the Irish, Mr Collins noted that the SDLP would have difficulty with the word "normal" in the language designed to deal with precondition three (Annex A, paragraph 3). However, since we have not formally given this wording to them (although the Irish obviously have) it is probably easiest simply to make no reference to it unless they bring it up. In such a case, the Secretary of State might deploy the same arguments that he used with the Irish: the Unionists have come a long way, this is a significant advance on their position six months ago, it would present difficulties if we were to press the point further with them now, and so on.

(SIGNED)

Q J THOMAS
AUS(L)
Extn 6469
MRC/5483

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ANNEX A

CHECKLIST (14TH JUNE)

Precondition 1

1. This has essentially been met by the Secretary of State's letter of 4 May to the Unionist leaders, which is in the public domain. The crucial passage in this said:

'In the context of such discussions of possible future arrangements for the Government of Northern Ireland, we would give serious consideration to any implications for the Agreement which such arrangements might have. I confirm that in the context of these discussions we would also consider any proposal (including any proposal for an alternative to the Agreement) you or other parties might put forward which would advance the underlying objectives I believe we all share.'

Note the SDLP's attention was drawn to this passage at the 24 May meeting.

Precondition 2

2. The words to announce the gap, which might be in a Press Conference rather than communique, would be:

'The dates have been arranged to assist the orderly planning and conduct of Conference business and the two Governments have also had in mind the opportunity that the interval before the [second] meeting may provide for political progress [within Northern Ireland].'

Note Last four words to be deleted at Irish request. We hope the Irish are content on that basis. This wording has not been shown by us to the SDLP (though they have probably seen it via the Irish). On 24 May, the SDLP were told that the Unionists

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had accepted that any talks should take place in a pre-defined gap between Conference meetings.

Precondition 3

3. Something on these lines might be said:

'As the Conference will not be meeting between dates X and Y, the Secretariat at Maryfield will accordingly not be required to discharge its normal role of servicing Conference meetings provided for in Article 3 of the Agreement.' (UK words agreed with Unionists; we have not shown this to the SDLP.)

The Irish have proposed this alternative:

As the Conference will not be meeting between X and Y it will not be necessary for the Secretariat established under Article 3 of the Agreement to service meetings of the Conference during the period'.

Note Deletion of word 'normal'. Removal of reference to 'Maryfield' - a point of great symbolic significance to the Unionists. The Irish have probably shown the original wording to the SDLP, and this alternative takes account of their views. On 11 June Mr Collins told the Secretary of State that the SDLP would have difficulty with the word "normal", which implied a limitation on the functions of the Secretariat.

Talks with Dublin

4. At the meeting on 22 May the Unionist leaders agreed that they could subscribe to a proposition on these lines:

'We recognise that the implementation of any agreement on internal Northern Ireland arrangements would be greatly strengthened if agreement were also reached on the relationship between any new Northern Ireland administration and the Irish Government. This will require direct discussions between the UK team, including representatives of the Northern Ireland

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political parties, and the Irish Government, and we would envisage a meeting to open such discussions as soon as substantial progress had been made on the internal discussions.'

Note These words have not been exposed by us to the SDLP, which is unlikely to want to appear as a member of the UK team. They may possibly have seen them via that Irish, but this is not very likely: at the 11 June meeting Mr Collins referred to his "sense" of the SDLP position on timing, and said that he could not speak for them since meetings with them had been fairly general.

5. At the Secretary of State's meeting with Mr Collins in Dublin on 28 May the Secretary of State indicated that he might make a statement about his expectations of the talks' process. The latest version of this draft statement, as handed to Mr Collins, on 11 June, follows:

'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,

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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.'

Note It is unlikely that the SDLP have seen this text: we have not shown it to them, though conceivably the Irish may have.

The procedural next steps

6. The best view of the way the process might be developed appears to be on these lines. Before the commencement of the gap there will be further exchanges with the Irish. There might also be discussions between the parties and officials aimed at ground clearing, but these would certainly not involve negotiation. They might address such matters as the timing and logistics of talks, the agenda, and various forms of words that would be used in the launching of the process. The Secretary of State hopes to make a full statement to Parliament in early July. No doubt Irish Ministers will wish to report to the Dail at about the same time.

7. Once the gap was started, perhaps in September, there would be further bilateral talks between the Secretary of State and the parties, for example on the agenda. This would be in week 1. In week 2 there would be an initial plenary involving the Secretary of State and the parties in Northern Ireland. In weeks 3 and 4 there would be further bilateral talks to pursue the points arising and to finalise the agenda for interparty talks, which might start in week 5. The Secretary of State hoped that North/South talks might

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follow 2-3 weeks later (ie in weeks 7 and 8). He would certainly aim for a meeting on North/South issues before the end of the gap.

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ANNEX B

SPEAKING NOTES FOR MEETING WITH SDLP, 15 JUNE

1. Glad of opportunity to meet you again. Very much hope that today we can reach agreement on the next steps towards launching formal talks. May I say at the outset that I appreciate your very helpful comments in response to the press reports exaggerating my remarks about the Irish Government not being a direct participant in internal political talks. There is 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. And I have of course throughout this process been at pains to stress that there are three strands, in two of which the Irish Government must be directly involved, and that no conclusion can in practice be reached on any part of the process without each participant knowing the position on all those three strands. Your comments, I believe, helped to maintain a sense of perspective, and I am very grateful for that.

2. At our last meeting on 24 May, I put to you a number of proposals. Now that you have had a chance to consult with your party on these, what are your general reactions? Do you feel that we have a basis for moving forwards towards formal dialogue?

3. Your main concern clearly revolves around the issue of the interface between the internal talks and the North/South talks. As I am sure you know this is a point I have discussed with the Irish Government. Indeed I have been throughout this process most anxious to move forward on the basis of a common understanding with them, and Mr Haughey's supportive comments earlier this week are some indication of that. We are wholly at one on the point that North/South talks are an essential ingredient of the process, and that they should begin as early as possible in that process. I wonder whether we could not in fact meet your concerns by my ensuring that any statement I made at the close of this round of

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discussions emphasised the intention of both Governments to keep in close contact from the outset of the process, and underlined the Irish Government's direct role in the North/South talks, and, of course in taking forward any implications that the process may have for the Agreement. [The passage in the Checklist, paragraph 5 could be tabled.]

4. I believe it would be counterproductive to try to insist on a specific date or timetable for opening the North/South talks. The Unionists have in fact come a significant distance since the beginning of the year, and the gap between their public position and what they have told me they will accept is quite a substantial one. In practical terms, they can only sell so much to their followers at once. The lowering of their sights implies that they are being serious, and if they turn out to have been insincere, they have lost their only real chance to achieve their main objective. It is important to preserve the credibility of all sides, and in particular to place the Unionists in a position where they can legitimately pursue contact with Dublin (and indeed, where they have no option but to do so).

5. Not pressing the point at this stage, however, does not mean that it can be lost sight of. In any statement I would make to bring this round of discussions to a close, I would want to set out clearly and sympathetically the integral role of the Irish in this process, as our joint partners to the existing Agreement (I would naturally wish to give the parties an opportunity to comment on the text of the statement before I deliver it). I would also hope to probe the issue further in any ground-clearing talks before the gap, when timing could emerge naturally as one of the details to be resolved. And of course, at any plenary session, once the talks proper have begun, I would want to inject a further degree of order by returning to the timing point. I have no intention of letting this issue go by default, and I believe the Unionists know and accept that.

[FOR USE IF NECESSARY

8. The question of when substantial progress has been made on the

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internal talks is necessarily one which cannot be precisely predicted. But I will do all that I can to ensure that at an early stage the parties' attention is drawn to this, taking account of the fact that early contact with Dublin will itself be instrumental in ensuring that such progress is made. Of course, I cannot speak for others, still less deliver them, but in the political circumstances of Northern Ireland, I would be tempted to define "substantial progress" in terms such as: constructive talking is still going on after a period of time; there is some convergence of views, in that at the end of that period the parties are closer to agreeing on the issues; there is at least a vague outline of a structure emerging, or evidence that the key issues are accepted by all concerned; all the participants are satisfied with the direction and pace of discussions so far. This is simply the sort of thing I would be looking for, and of course, should others disagree, it will be up to them to define what is missing.]

[FOR USE IF NECESSARY

7. I should mention that the Unionists envisage that they will take part in discussions with the Irish Government as part of a UK team. I assume that you would not necessarily wish to participate as members of a UK team, nor would I wish to suggest that that is appropriate or necessary. We need not be specific as to that capacity in which each delegation would become involved in the North/South talks. Our main objective is to get everyone round a table, and if some delegations wish to be there under the auspices of a wider group, there is no need to quarrel with that. My own view is that when everyone is together the various artificial divisions we have had to make to launch the process will in practice disappear, since all the issues are likely to be seen as strands in a single thread.]

8. The SDLP position is underwritten by the Agreement, no matter what happens. It is the Unionists who are in the position of demandeur. If the process does not end in something with which everyone is satisfied, the Agreement still remains: the onus is therefore on the Unionists, and the SDLP have nothing to lose. The

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only conceivable problem would be criticism from Sinn Fein, and we have covered that by ensuring that we move only after close consultation with the Irish, and by emphasising throughout the integral role of the Irish in the process.

[FOR USE IF NECESSARY, SHOULD THE SDLP TAKE A HARD LINE

9. We have proceeded so far on the basis that from both our points of view the agenda is clearly set by the Agreement. That tells us what the East/West relationship is, and makes provision for North/South contacts. The remaining item on the agenda is devolution, which will only take place in certain conditions. And you, to your credit, have consistently said that you would be willing to discuss that last item at any point. The Unionist proposals do not involve damage to the Agreement: they are prepared to enter talks, and to acknowledge publicly the triple strands, but it is the Unionists wish to re-open issues that from our point of view are already settled by the Agreement. I cannot understand on what basis you could decline to enter talks about the one outstanding issue on your agenda just because others wish to reopen items that have been satisfactorily settled from your point of view. Are you really making this a precondition? And, if so, are you ready to make this public?]

Next Steps

10. If you are content, I would propose to move forward by seeking your views on the agenda for talks through ground-clearing meetings with officials, as I will be doing with other parties.

11. As regards publicity, I intend to keep a low profile on this over the next few weeks, to avoid damaging speculation. Would you be content to do the same, so far as possible? Your approach so far has certainly been exemplary. As to our line immediately after this meeting. I suggest we both say that we are encouraged that further progress is being made, but do not propose to elaborate further. My aim is to reach sufficient agreement to enable me to make a full statement, the thrust of which I would wish to clear with you and

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the other parties, to Parliament in early July. (No doubt the Irish would make a statement at about the same time to the Dail.)

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