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FROM: R J ALSTON
US (POL)

6 May 1992

cc PS/Mr Fell - B
Mr Ledlie - B
Mr Bell (PB & L) - B
Mr Chesterton - B
Mr Steele - B
Mr Watkins - B
Mr Wood (B&L) - B
Mr Allsop - B
Mr Cooke - B
Mr Dodds - B
Mr D A Hill - B
Mr D J R Hill (PB & L) - B
Mr Maccabe - B
Mr Petch - B
Mr Percivil - B
Mr Templeton - B
Mr Brooker (PB & L) - B
Ms Lodge - B
Mr Bentley, HOLAB
Mr Archer, RID - B
Mr Hallet, RID - B
HMA Dublin - B

mm 376/5
BFC

Mr Jones
Mr Murphy

Mr Thomas (B & L) - B

TALKS STEERING GROUP: STRANDS II AND III

I attach a draft paper for discussion under this heading at the meeting of TSG set for 8 May at 9.00 am.

(signed)

R J ALSTON
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NOTE FOR TALKS STEERING GROUP: ISSUES RELATING TO STRANDS II AND III

1. Issues relating to Strands II and III have been covered in a number of existing papers. Paragraph 37 of the Talks Handling Plan says "it would be rash to attempt to chart a way through ... at this stage, but some features may be worth highlighting as likely to require attention nearer the time". Paragraph 38 notes a need to "give some thought to the substance of [Strands II and III] well before they are launched". Paragraph 2 of the negotiating position paper "Future North/South and East/West Institutional Arrangements" states that "given the inter-relationship between the three Strands it is not possible to arrive at any precise or definite conclusions about the likely outcome of the second and third without having an idea of what is likely to emerge from the first". However the paragraph also refers to possible self-standing improvements to the East/West relationship and the issue of overarching or tripartite institutions. Paragraph 28 of the negotiating paper on "The Constitutional Issue" concludes that a comprehensive accommodation seems likely to require an unambiguous multi-lateral reaffirmation of the constitutional guarantee, and that modification of Articles 2 and 3 of the Irish Constitution should be a UK objective, whilst noting that such a modification is most likely to emerge from a process of debate. The Talks related issues are also part of the broader fabric of Anglo-Irish relations discussed in the paper "Anglo-Irish Strategy" included in the folder of Assessments and Policy Analytical Papers submitted to incoming Ministers.

2. Most of the work on all of these papers was done a month or more ago. Strand I talks have now begun and the Anglo-Irish Conference set a target for transition in the period 25 May to 13 June. It is still too soon to judge the likely Strand I outcome but, on the principle of successive approximation as the way in which these issues have to be approached, there are a number of Strand II and Strand III issues which need to be addressed now (on some of which work is already in hand), not least in order to ensure that both we and the independent Chairman are prepared for a transition on time. Annex A lists a number of practical questions, summarising the

tion in hand or required, and indicating who is carrying them forward. The rest of this note looks at broader issues under three headings:

- a. HMG's objectives
- b. Preparing the ground
- c. The conduct of Strand II

HMG's objectives

3. In the context of the three stranded analysis HMG has an interest in new arrangements for the government of Northern Ireland, ways of further alleviating the difficult relationships within Ireland which have beset the period since 1918, and further improving Anglo-Irish relations. The talks are a central part, but only a part, of our broader relationships. The approach to Strand II and III needs to be robust to a situation in which those Strands fail to produce agreement, or in the worst case, to start at all. What the principles of our approach should be have yet to be approved by the Secretary of State and the Prime Minister, though the constituent elements are clearly defined in the papers referred to above. They would include:

- a. A shared understanding of the constitutional status of Northern Ireland and the circumstances in which it might change;
- b. Measures to reinforce a common sense of interest and identity within Ireland, and to break down traditional misunderstandings, suspicions and animosities;
- c. Enhancement of practical North/South co-operation in areas to be transferred the interests of both parts of Ireland, including consultation on policy on EC matters as appropriate;

Maintenance of the broad principles of the Anglo-Irish Agreement in respect of non-transferred matters, but with the concurrence of the Unionists.

4. Before we get far into discussion of these issues with the Irish, either in Strands II/III or separately, there are a number of specific point identified in the papers on which further work needs to be done and a Ministerially endorsed position established. We ought to determine now how this work is to be carried forward. The issues include:

- a. Should we be seeking to devise overarching or tripartite institutions addressing matters across two or more strands.
- b. Are there self-standing improvements which either or both Government should seek from any new arrangement for handling relations between them.
- c. Linked to this, what is to be our own interpretation of what we mean by a "new and more broadly based agreement". Is it to be largely a restatement of the existing agreement, minus the provisions governing transferred matters, or are there significant additions or subtractions we should be seeking. Which of the elements in para 25 of the Negotiating Paper, if any, do we actively wish to pursue.
- d. What are the possible institutional implications in North/South and East/West terms of the EC requirements defined in the existing negotiating paper coupled with the potential expansion of areas for joint action within the EC on matters affecting both parts of Ireland.

Preparing the Ground

5. It remains premature to seek to put any kind of a blueprint to the Irish. Nonetheless there are strong arguments for at least seeking to influence the parameters of their thinking. Mr Reynolds has probably yet to define his own objectives (It is unclear how

much Irish sympathy there is for John Hume's idea). Through his relationship with the Prime Minister, we may have an opportunity to influence them. If Strand II is to succeed it is important that the way the Irish handle the constitutional issue, as well as institutional proposals which they may put on the table, should be sensitive and realistic. (This need was flagged in paragraph 6 of the Negotiating Paper.) We shall seek to influence them at the tactical level through the liaison machinery. Once our own objectives are more clearly defined, there is also a strong case for seeking to define with them the terrain on which subsequent discussion will take place.

6. We have several mechanisms through which this might be done. The ground rules of Strand I do not preclude the Secretary of State from meeting Mr Andrews, though any such meeting is inevitably fairly high profile and may arouse some suspicion amongst the parties. It is probably not realistic to think of the Prime Minister meeting the Taoiseach face to face until at least the opening of Strand II, but this need not preclude his setting out some ideas in writing. Finally, the Diner is precisely the kind of sensitive mechanism, directly responsible to the two heads of Government, in which this kind of preliminary is most appropriate. There is a strong case for working towards a meeting of the Diner before Strand II opens.

7. The groundwork to be done to be done with the Parties will largely take the form of discussion in Strand I. Beyond this there will be a need to touch with the Parties on certain Strand II issues on a preliminary basis before the transition is made, notably arrangements for Sir Ninian Stephen's initial visit and for the release to him of Strand I documentation. There may also be a case for seeking to condition Unionist leaders to the Irish Government's own need to explore proposals which might lead towards unity, and to avoid very early commitments on Articles 2 and 3.

The Conduct of Strand II

8. If the Secretary of State feels able to propose that the transition be made within the target period, the early stages of Strand II will nonetheless remain very high risk territory, though less if genuine progress has been made in Strand I. The fact that the Secretary of State will not be in the chair makes a major difference in our ability to call the shots. Not only do we need a clear picture of the issues and pitfalls, but we shall have to work that much harder as one, though maybe the first among equals, amongst the Parties who will all have their own ideas as to how these strands should develop. The fact that the decisions will be Sir Ninian's, puts a premium not only on effective briefing but on building towards an understanding on his part as close as possible to our own. His own preliminary visit will be an extremely important building block, but it will also be important to begin to build understanding within his team in the course of Mr Thompson's earlier visit. It will thus be desirable to have a preliminary line to take by the end of next week. Possible elements already identifiable include:

- a. The need to prevent the Irish and the Unionists (particularly the DUP) striking positions at the outset which are so mutually irreconcilable as to produce an early breakdown or walk out.
- b. The idea of a step by step work plan seems to be serving us fairly well in Strand I. A possible sequence for Strand II might be; opening a general debate; definition of common interests and areas of co-operation; the European Community; institutions; and the constitutional context. (The timing of the last is the most sensitive point.)
- c. The use both of the business committee to vet papers before they come to plenary and the end of sub-committees to look into detailed areas seem to be useful, though there is a real question as to who, if anyone, will be in a position to produce the kind of pump priming papers being produced by the Government

team, given that this capability is specifically denied to Sir Ninian under last year's arrangements.

Conclusion

9. If the above analysis is accepted the TSG is invited to:
 1. Note and confirm the situation on the issues listed in Annex A and the individual responsibilities for carrying them forward;
 2. commission work on a paper for Ministers setting out the principles of our approach which might be discussed in the Northern Ireland Committee and drawn on in exchanges with the Irish Government before Strand II begins;
 3. agree that the issues in paragraph 4 above need to be specifically addressed by Ministers and to commission this work;
 4. to consider advice for Ministers on Ministerial/diner level contacts with the Irish before Strand II;
 5. note possible need to broach with the Parties fairly soon the issues of Sir Ninian Stephen's preliminary visit and the release of Strand I documents to him;
 6. agree that Mr Thompson should be invited to make an initial visit in the week beginning 18 May;
 7. commission preparation of a note for Ministers on the handling of Strand II to serve as a basis for discussions with Mr Thompson and subsequently Sir Ninian Stephen.

D R A F T

ANNEX A

CHECKLIST OF ISSUES RELATING TO STRAND II AND IIIStrand II General

1. Venue for London meeting. A number of options under consideration. Report to be made to Ministers showing what venues are available when. (Action: Mr Dodds);
2. preparations at Parliament Buildings. Largely complete. Irish to send representatives to review their accommodation;
3. accommodation for Irish representatives. Submission to be made to Secretary of State on vacating of Stormont House by junior Ministers and senior officials to permit its use by Irish Ministers and officials. (Action: Mr Dodds). Work in hand to create additional accommodation at Maryfield;
4. financing. Irish have agreed orally to share Belfast costs and delegates costs for London and Dublin on an equal basis. Should this be recorded? Work at Maryfield to be defrayed through increase in rent. Consideration to be given to charges for use of Stormont House. (Action: Mr Dodds).

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

Issues relating to Sir Ninian Stephen and Mr Thompson

1. Timing of preliminary of visit by Mr Thompson.
Desirable in early part of week beginning 18 May. Further telegram of instruction needed to Canberra Missions by the end of this week. (Action: Mr Brooker);
2. Preliminary visit by Sir Ninian Stephen. Target latter part of week beginning 25 May, but will need to be agreed with Party leaders. To be broached with them the previous week. Advice required to Secretary of State. (Action: Mr Brooker)
3. Formal letter of reappointment. Advice required as to whether this is definitively needed. If so, to be concerted with the Irish. (Action: Mr Brooker)
4. Definition of interval required between announcement of the transition by the Secretary of State and the opening of Strand II (to permit Sir N Stephen to take over his role). Will influence timing of opening meeting. To be discussed with the Irish and then with Sir N Stephen. (Action: Mr Brooker for checklist for Liaison meeting.)
5. Supporting staff. Bid made to Establishments. Desirable for outcome to be known before Mr Thompson's visit.

- Accommodation. Sir N Stephen has agreed to find his own accommodation in London. The Irish will offer Dublin Castle. They have substantial difficulties over Hillsborough. Alternative Belfast accommodation to be identified. (Action: Mr Dodds)
7. Belfast security to be discussed with RUC. (Action: Mr Dodds)
London security to be discussed with Central Unit. (Action: PDT)
8. Travel arrangements. Requirement to be defined by Sir N Stephen's personal staff. Can we confirm London and Belfast Travel Sections will make bookings as necessary. (Action: ?PDT)
9. Costs. All independent Chairman's costs to be split equally, save accommodation/internal transport/personal security with respect to London and Dublin meetings. Correct?
10. Office accommodation. Parliament Buildings accommodation to be available once transition has been declared. Correct?
Accommodation to be provided at London meeting venue. (Action: Mr Dodds)
11. Documentation. Strand I documentation to be made available to Sir N Stephen at the time of his preliminary visit, with the agreement of the Parties, and regularly thereafter. Advice will be needed to Secretary of State in advance. (Action: Mr Brooker)

ther Strand II/Strand III issues

1. Nature of initial plenary. Irish have proposed formal opening with participation/presence of heads of Government. This will need to be cleared with political parties, and advice should be offered to Secretary of State next week. (Action: PDT)
2. Opening meeting. Protocol and stage management will be tricky. "No shaking hands" (Dr Paisley). How to reflect "Unionists as part of the UK team" in table layout. Advice needed. (Action: Mr Dodds) Nature and agenda of meeting. (Action: PDT to consider in context of "preparing the ground")
3. Dublin meeting. Irish have recalled last year's agreement that Dublin meeting should take place 'before the end of June'. Precise timetable to be avoided. Agenda and length of meeting. How to reconcile DUP wish lambast the Agreement with Irish determination that meeting should not focus on Strand III issues. Consider in context of "preparing the ground".
4. Strand II procedures. Covered in document of 4 June 1991. No evident gaps. Correct?
5. Relationship of Strand II to Strand III. Detail of Strand III can only sensibly be tackled once Strand II issues have been addressed. Some preliminary discussion between Governments may nonetheless be desirable, whether or not formally declared as Strand III, if procedural agreements made in 1991 permit. Consider in context of "preparing the ground".