

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

RECORD OF A PRELIMINARY MEETING IN STRAND THREE FORMATION HELD AT THE QUEEN ELIZABETH CENTRE, LONDON, 30 JUNE 1992

UK Government

Secretary of State
Mr Hanley
Mr Chilcot
Mr Fell
Mr Blatherwick
Mr Thomas

Irish Government

Minister for
Foreign Affairs
Minister for
Justice
Mr Dorr
Mr Brosnan
Mr Small
Mr S O'hUiggin

Alliance Party

Mr Alderdice
Mr Morrow
Mr Close

SDLP

Mr Mallon
Mr McGrady
Mrs Rodgers

Also present

Mr Alston
Mr Bell
Mr Cooke
Mr Hill
Mr Maccabe
Mr Archer
Mr Fittall

Also present

Mr O'Donovan
Mr Dalton
Mr C O'hUiginn
Mr McCabe
Mr O'Riordan
Mr Waters

UDUP

Dr Paisley
Mr Robinson
Mr McClure

Note-taker

Mr Hallett

Note-taker

Mr Donoghue

UUP

Mr Empey
Mr Trimble
Mr Donaldson

The meeting began at 14.38 and concluded at 16.45.

2. The Secretary of State (Co-Chairman) welcomed the Minister for Foreign Affairs and the Minister for Justice to London, Mr Andrews in his capacity as co-chairman of Strand 3. The meeting was a stage in the process of the current talks which had been resumed on 29 April. The process was of great significance to both countries and of historic potentiality. He also welcomed the presence, as observers, of representatives of each of the Northern Ireland political parties engaged in the Talks process. Much had been achieved in the Talks thus far. The Prime Minister and the Taoiseach had stressed their support. The Talks were an historic opportunity, which all the participants had recognised.

3. The Minister for Foreign Affairs (Co-Chairman) thanked his co-chairman and echoed the welcome extended to the observers from the four Northern Ireland parties. The process of dialogue collectively engaged in was of great interest to all the peoples of these islands and of great potential importance for all their

futures. His presence here today, and that of the Minister for Justice, underlined the importance the Irish Government attached to the meeting. He hoped the discussions here, in the presence of the observers, would give a decisive impetus to the process of negotiation which all wished to see in place to deal with all the key relationships involved. On behalf of the Irish Government, he pledged, as the Taoiseach and other Government representatives had repeatedly made clear, that they would spare no effort to get the process fully underway and to help the Talks towards a satisfactory outcome.

4. The Secretary of State said that the present meeting offered an opportunity to take the discussions forward in accordance with the 12 June 1992 statement on the next steps in the process, which envisaged:

- a meeting convened by Sir Ninian Stephen (on 19 June) to discuss a possible agenda for Strand 2 of the Talks. This had gone well and agreed a possible agenda;
- further meetings of the Strand 1 sub-Committee, concentrating on the points listed in paragraph 8 of the sub-Committee's report of 10 June. These were held on 15 and 16 June and had agreed two papers dealing with finance and with human rights, a bill of rights and cultural expression and diversity.

5. The Secretary of State continued that the present meeting was rooted in the process in which we had been engaged for 18 months, on the basis of the 26 March 1991 statement. The purpose of the meeting was to give preliminary consideration to the issues likely to arise in Strand 3. The 26 March 1991 statement envisaged that the participants were setting out to achieve a new beginning for relationships between the peoples of these islands, as well as within Northern Ireland and within the island of Ireland. The statement clearly envisaged that this would involve looking at the relationship between the two Governments as well as at the other relevant relationships.

6. The 26 March statement also recognised the interlocking nature of the three strands. In particular, it recorded that all the parties had accepted that nothing would be finally agreed in any strand until everything was agreed in the Talks as a whole. In addition, the 14 May document on "Practical Issues Concerning Strands 2 and 3" envisaged that:

- 1 while Strand 3 discussions would take place between the two Governments, other participating parties remained free to discuss Strand 3 issues with the Governments;
- 2 other participating parties would be kept in touch with progress during Strand 3 by regular liaison;
- 3 the two Governments would meet other participating parties at their request for further discussion of Strand 3 issues while Strand 3 was taking place;
- 4 the outcome of Strand 3 would be considered by all the participants alongside the outcome of the other two strands and nothing would be finally agreed in any strand until everything was agreed in the Talks as a whole;
- 5 the Strand 1 formation or the Strand 2 formation, as appropriate, might consider issues further in the light of progress in Strand 3.

7. It was also worth recalling that the possible agenda for Strand 2 considered by the participants at the meeting on 19 June included "matters referred for consideration to Strand 3".

8. The Secretary of State said that the British Government was a signatory to the Anglo-Irish Agreement of 1985. The Intergovernmental Conference established under the Agreement had provided a forum for exchanges between British and Irish Ministers and officials whose value he had already experienced at first hand. But it was common ground, recorded in the 26 March statement, that the two signatories of the Anglo-Irish Agreement had made clear that they "would be prepared to consider a new and more broadly based

agreement or structure if such an agreement could be arrived at through direct discussion and negotiation between all the parties concerned". Mr Noel Dorr, on behalf of the Irish Government, had helpfully confirmed this at the meeting on 19 June. The Secretary of State invited the Minister for Foreign Affairs to respond.

9. The Minister for Foreign Affairs said that the Irish Government believed that progress in relation to the problem of Northern Ireland could be found only through political dialogue which addressed the totality of relationships involved. The Irish Government therefore greatly welcomed the agreement, embracing the two Governments and the four political parties, which was set out in the statement of 26 March 1992. They believed that this agreement on the basis for political talks was a valuable achievement which must be maintained and built on. It was valuable, firstly, because any agreement on procedure in delicate negotiations involving very diverse parties was bound to prove difficult and elusive. It was fortunate, therefore, that this initial hurdle had already been overcome. Secondly, they believed the terms of the statement reflected a joint willingness to address the problem in all its depth and complexity in a full and open discussion. That would certainly be necessary if the Talks were to achieve the ambitious goal of a new and more broadly based agreement to give adequate expression to the totality of our relationships. The Minister for Foreign Affairs confirmed that the Irish Government, like the British Government, remained committed to the position "that they would be prepared to consider a new and more broadly based agreement or structure if such an agreement can be arrived at through direct discussion between all of the parties concerned".

10. The Minister for Foreign Affairs said that there was already in place a valuable consensus on the basis for the Talks. The situation had however advanced beyond that. The Irish Government was not party to discussions in Strand 1, but it seemed clear that very worthwhile and constructive dialogue had taken place. Secondly, work had been completed successfully on a possible agenda for Strand 2. The Irish Government hoped this could be approved by the participants and facilitate discussions in Strand 2, which the

Irish Government viewed as particularly important in determining the success or otherwise of the whole process. It was right here to recall the common agreement that all three sets of discussions would be underway within weeks of each other. It was the view of the Irish Government - and they believed they were not alone in the view - that the transition to Strand 2 of the process was now greatly overdue. It was their fervent hope that the transition could be made without further delay.

11. The Minister for Foreign Affairs turned to the present meeting which had its origins in the statement of 12 June. Its purpose, as the Irish Government saw it was to give preliminary consideration to the issues likely to be on the agenda in Strand 3, as had already been done in relation to Strand 2. Strand 3, as all were agreed, was to deal with the relationship between the two Governments. It was of course confined to the two Governments, although both had also agreed that:

- 1 other participating parties would be kept in touch with progress during Strand 3 by regular liaison;
- 2 the two Governments would meet other participating parties at their request for further discussion of Strand 3 issues whilst Strand 3 was taking place;
- 3 the outcome of Strand 3 would be considered by all the participants alongside the outcome of the other two strands and nothing would be finally agreed in any strand until everything was agreed in the Talks as a whole.

12. The Minister for Foreign Affairs said that the purpose of this meeting, like the corresponding preparation for Strand 2, was therefore essentially preparatory. Its purpose could not be to anticipate the substance of the discussions which would take place once Strand 3 proper was launched. Still less could it be to anticipate, even indirectly or obliquely, possible outcomes from what would undoubtedly be very arduous negotiations. But even in confining discussion to the procedural aspects of the agenda, there was a further difficulty: Strand 3 dealt with the relationship

between the two Governments, particularly as that relationship might be affected by the Talks process. However, the implications for the Governments of possible developments arising from the negotiations would become clear only as those negotiations progressed in the other two strands. Anything agreed by way of a joint agenda must therefore be tentative, and subject to review in the light of developments in the internal and the North/South negotiations.

13. The Irish Government considered that the value of the discussions, and the prospects of their success, would depend on the degree to which they embraced the real scope of the problem. The negotiations must be based on the conflicting aspirations and identities as each tradition itself perceived and defined them, not in the form the other tradition might find it convenient for them to be. It was necessary to make the solution fit the problem, not to seek to define the problem in terms of the solutions we were prepared to offer. The Irish Government's approach to the agenda would therefore be both flexible and comprehensive. It was in any case one of the agreed ground rules for the Talks that it would be open to each of the parties to raise any aspect of these relationships, including constitutional issues, or any other matter which it considered relevant. The agenda must therefore avoid all undue restriction. It must be an enabling framework for the fullest possible consideration of all the factors which affect the tragic and intractable problems the Talks participants had to grapple with.

14. The Secretary of State said that it might now be convenient to consider a possible agenda for Strand 3. Looking forward to the substantive exchanges in Strand 3, it would clearly be necessary to keep in mind the inter-relationship between Strand 3 and other parts of the Talks process, to meet the points he had rehearsed in relation to the position of the other parties participating in the Talks, to keep in mind the overall objectives for Strand 3, and to work through a number of substantive issues. The meeting might now compare notes on the main issues, or headings, for a possible draft agenda. A possible agenda for Strand 2 already existed and it might be sensible to follow the structure of that where appropriate.

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15. The Secretary of State suggested that the first three items might cover formal opening, approval of agenda, and opening presentation by the two Government.

16. After that, at suitable points in the agenda, the UK Government would like to cover expressly possible institutional arrangements; possible provisions of any new agreement or structure; and constitutional issues. But the Irish Government might have views on other items which should be covered first, including the implications for the two Governments of the nature of the problem, to which the Minister for Foreign Affairs had already alluded, and how Strand Three discussions should take account of the implications for the two Governments of the existence of the two major traditions in the island of Ireland.

17. As to possible provisions of any new agreement or structure, and possible institutional arrangements, the British Government envisaged that this would need to cover a good deal of ground. This might include machinery for the conduct of relations between the two Governments in respect of matters for which either Government had direct responsibility. It might also cover the relationships between those institutional arrangements and any institutional arrangements considered in the other strands of the Talks.

18. The British Government believed that there should be a place on the agenda in the Talks process for a discussion of constitutional issues. Those issues might have implications for relationships within the island of Ireland, and the possible agenda for Strand 2 provided a place for constitutional matters to be raised. The conclusion of the discussion of these issues might also have implications for any new and more broadly based agreement which might emerge from the Talks. The British Government would see no difficult in accepting that any such agreement should incorporate all three elements of Article 1 of the Anglo-Irish Agreement. Without anticipating substantive exchanges, the Secretary of State said that it was right to let the Irish Government know that the British Government would express the view that, in the interest of achieving the "new beginning for relationships" envisaged in the 26 March statement, and of ensuring that any new structures to

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emerge from the Talks process were acceptable, agreement on constitutional issues ought to be an aim in the Talks as a whole, bearing in mind the need to reconcile and to acknowledge the rights of the two major traditions that existed in Ireland. It would be a matter for each of the two Governments to consider what implications, if any, this might have. The British Government had noted that the Irish Government had confirmed that in the Talks as a whole delegations might raise aspects of the Irish Constitution in the context of the other issues to be considered; and the British Government for its part acknowledged that the Irish Government or, in the course of the process, any delegation, might wish to raise constitutional issues relating to Northern Ireland of particular concern to them.

19. As to the closing items on the agenda, these might include implementation, approval of conclusions and closing statements.

20. The Minister for Foreign Affairs said that this was broadly acceptable. As for the details of the agenda, he could agree that it was convenient and sensible to allow for a general opening presentation by each Government after the routine procedural aspects, such as the formal approval for the agenda, had been disposed of. He would envisage that this might involve a wide-ranging consideration of the causes of the conflict and its impact and implications for the two Governments. As all could readily acknowledge, the political economic, security and other implications of the problem for both Governments were serious and far reaching. The Irish Government felt that the discussion in Strand 3 might logically proceed from a general analysis of the problem to an assessment of the requirements to address it in a way that both the major traditions in Ireland could accept as equitable and as satisfactorily respecting their identities. On the basis of that discussion there could be a consideration of possible institutional arrangements, including the measures necessary to implement any changes which might be agreed. He emphasised that the Irish Government would not seek to exclude any matter from the agenda. That would be contrary to the agreed basis for the Talks, which envisaged a full and balanced discussion of both sides of each issue. However there would be matters which belonged predominantly

in one or other strand. The Irish Government noted, as the British Government had done, that there was provision for discussion of constitutional issues in the possible agenda for Strand 2. This was one of the many areas where discussions in other strands would have a direct bearing on the deliberations of the two Governments in Strand 3. It was an argument, as he had suggested earlier, for keeping the draft agenda open, flexible and comprehensive at this stage.

21. The Secretary of State thanked the Minister for Foreign Affairs for his helpful remarks and noted the emphasis which he had placed on the principle that nothing was excluded from discussion. He suggested that there might subsequently be a tea break, during which officials could prepare a composite agenda, but first, if the Minister for Foreign Affairs agreed, the representatives of the parties might be invited to make their observations. He envisaged that no attempt should be made today to anticipate substantive discussions in either Strand 2 or Strand 3, but the two Governments would wish to note very carefully any points raised by the observers and, where appropriate, to take account of them in drawing up a possible draft agenda for Strand 3 of the Talks.

22. The Minister for Foreign Affairs said that that seemed very reasonable given that we were fortunate to have representatives of the parties present. Strand 3 was, as all were agreed, between the two Governments only. However, he agreed that it would be courteous to the observers and helpful to the process as a whole that they should be afforded an opportunity to lay their views before the Governments on this occasion. On behalf of the Irish Government, he was happy to join the Secretary of State in inviting observations from the other Talks participants attending the meeting.

23. Dr Alderdice, Mr Mallon, Dr Paisley and Mr Trimble, in turn, then made statements on behalf of their respective parties. The texts of these statements were subsequently circulated to the other delegations, and are attached to this record.

24. When these statements had been concluded, the meeting broke for a 20-minute tea break, during which a composite agenda was prepared by officials and circulated to delegations.

25. When the meeting resumed, the Secretary of State read out the draft agenda (text at Annex A) and said that it seemed to cover all the points which had been raised in the previous discussion. He invited the Minister for Foreign Affairs to comment.

26. The Minister for Foreign Affairs seconded the Secretary of State's remarks. The agenda as drafted took up in a general way all the points which had been raised. It would enable a full discussion of all the points which had been raised in the Talks process and provided a satisfactory basis for the Strand 3 discussions.

27. The Secretary of State said that since the Strand 3 discussions formally involved the two Governments, he could take it that the agenda was adopted, in the light of the Minister for Foreign Affairs' remarks. There remained the question of a press statement. A proposed text had been circulated which followed the terse pattern of previous statements in the Talks process. The Minister for Foreign Affairs agreed that this reflected their joint views. (Text at Annex B).

28. The Secretary of State, in conclusion, expressed his gratitude that the heat of the afternoon had not been increased by any ill temper during the meeting. The Talks so far had been conducted with great determination to find a way forward to a successful conclusion to the process. The process had great significance and potentiality. It was fortunate to have the party representatives present to contribute to the discussions. This was a significant help along the difficult road which all were determined to travel.

29. The Minister for Foreign Affairs paid tribute to the Secretary of State's efficient handling of the proceedings over the recent weeks. He thanked the observers and appreciated the exchange of papers, all of which would receive close attention from the Irish Government. He was glad to reciprocate by circulating a text of his own remarks. He thanked the officials for bringing the process

to the present stage in a good atmosphere. He look forward to the continuation of the process. The Minister for Foreign Affairs paid tribute to Mr Hanley for his valuable work during Strand 1.

30. The Secretary of State then drew the meeting to a close.

1. Formal opening.
2. Approval of agenda.
3. Opening presentations by the two Governments.
4. Examination of the course of the conflict in Northern Ireland, its impact, and the implications for the two Governments.
5. Recognition by both sides and recognition of the rights of the two major traditional communities in Ireland.
6. Possible institutional arrangements and possible implications of any new approach or structure.
7. Constitutional issues.
8. Administration.
9. Approval of conclusions.
10. Closing statements.

POSSIBLE DRAFT AGENDA FOR STRAND 3

1. Formal opening.
2. Approval of Agenda.
3. Opening presentations by the two Governments.
4. Examination of the causes of the conflict in Northern Ireland, its impact, and its implications for the two Governments.
5. Requirements to acknowledge and recognise the rights of the two major traditions that exist in Ireland.
6. Possible institutional arrangements and possible provisions of any new agreement or structure.
7. Constitutional issues.
8. Implementation.
9. Approval of conclusions.
10. Closing statements.

JOINT PRESS STATEMENT

A meeting was held today in London between the British and Irish Governments to give preliminary consideration to the issues likely to arise in Strand Three of the Political Talks when it is formally launched. The British Government was represented by Sir Patrick Mayhew MP, Secretary of State for Northern Ireland and Mr Jeremy Hanley MP, Parliamentary Under Secretary of State. The Irish Government was represented by Mr David Andrews TD, Minister for Foreign Affairs, and Mr Padraig Flynn TD, Minister for Justice.

Each of the Northern Ireland political parties participating in the current Political Talks process was represented at the afternoon session of the meeting by a team of observers. Each party was invited to make a statement setting out its views on the issues under consideration.

The two Governments reached agreement on a framework for substantive discussion in Strand Three of the Talks, including an agenda.

Issued by the British and Irish Governments on 30 June 1992.