

THE TALKS PROCESS

Objective

1. The objective is to secure re-dedication to the Talks process, and that this should be given practical expression. The best form this could take would be the provision of the promised Irish draft Joint Framework Document. Failing that, commitment to serious work in the Liaison Group on the British text would be sufficient.
2. It seems likely that the Irish side will now find difficulty in producing a draft Joint Framework Document. This is because they have already unintentionally published, but disowned, the draft in the Irish Press on 19 November. The Liaison Group could make progress by discussing the British draft of 24 September, with both sides also using (but, if necessary, only tacitly acknowledging) the leaked Irish paper.
3. If the Irish side show convincing commitment to the Talks process, it need not be discussed further in any detail.

Background

4. Both Governments have settled on the position that the Talks and the peace process are complementary, though in practice that peace is more urgent. This reflects the Irish Government/Hume idea that there is a window of opportunity before the Provisionals may abandon their alleged pursuit of peace.
5. At the IGC on 10 September both sides commissioned officials, through the Liaison Group, to prepare a paper for consideration at the next IGC (which was held after a postponement because of the Shankill bomb, on 3 November). The paper - a Joint Framework Document - was to identify aspects of a possible outcome from the Talks process likely to prove acceptable to all the participants.

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The British draft (which has not yet leaked) was tabled on 24 September. It has been discussed at several subsequent meetings of the Liaison Group. Although the Irish side has made a number of comments and criticisms they lacked Ministerial authority to make detailed and specific counter-proposals.

6. The paper leaked in the Irish Press on 19 November was clearly the response as prepared in the DFA. The Taoiseach has said he had not seen it, though it seems likely that Mr Spring at least would have done. (It incorporates a version of his six principles as amended in the light of the initial reaction to the fourth principle. In its original form this appeared to concede a right to unionists, even if a minority, to withhold consent to a united Ireland.)

7. Paragraph 12 of that leaked paper included this statement:

"As an integral part of a democratic approach to peace, the Irish Government is prepared at the right time and in the right circumstances to seek to have the principle of consent, as defined in the Anglo-Irish Agreement, expressed in Irish fundamental law."

It should be noted that this would not be a large concession. The Irish Supreme Court has already found that the Anglo-Irish Agreement is compatible with the Irish Constitution. Article 1 of the Agreement includes an affirmation by the two Governments that any change in the status of Northern Ireland would only come about with the consent of a majority of the people of Northern Ireland. The problem with it is that the status of Northern Ireland is carefully undefined. (The preamble to the Agreement has a helpful implication. It contrasts the two traditions in terms which imply that the present status of Northern Ireland is different from being part of a united Ireland.)

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8. The absence of an Irish paper is now holding up progress in the Talks. The bilateral discussions with the parties which Michael Ancram has been holding are useful. They are now somewhat stalled, without a clear understanding of the Irish position.

9. If the two Governments could reach an understanding (not an agreement) on the parameters of a convergent outcome from the Talks it would be possible to carry things forward; to provide the reassurance the parties need that an agreed outcome is possible; and form the basis for constructing a formula to reconvene, at the right moment and in the right circumstances, multilateral talks, not necessarily in the same format as before.

10. Accordingly the Irish side need to be pressed to produce the promised paper and/or to re-engage in the discussions with the British side. They have persistently said in public that it is for the two Governments to provide a framework, but in private they have failed to deliver the goods. The reaction from the Unionists, and the Alliance Party, to their leaked proposals should persuade them that they failed the test of acceptability to all the participants, which the British proposals were designed to meet.

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