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POLITICAL AFFAIR
DIVISION

26 JUN 1996

FROM: PS/SECRETARY OF STATE
25 JUNE 1996

cc PS/Secretary of State (B&L) - B
PS/Sir John Wheeler (B, L&DFP) - B
PS/Michael Ancram (B, L&DENI) - B
PS/PUS (B&L) - B
PS/Sir David Fell - B
Mr Legge - B
Mr Thomas (B&L) - B
Mr Bell - B
Mr Leach (B&L) - B
Mr Steele - B
Mr Watkins - B
Mr Wood (B&L) - B
Mr Beeton - B
Mr Currie - B
Mr D Hill (B&L) - B
Mr Lavery - B
Mr Maccabe - B
Mr Perry - B
Mr Stephens - B
Ms Checksfield - B
Miss Harrison (B&L) - B
Ms Mapstone - B
Mr Whysall (B&L) - B
Ms Collins (Cab Off) (via IPL) - B
Mr Lamont, RID FCO - B
HMA Dublin - B
Mr Campbell-Bannerman - B
Mrs McNally (B&L) - B

J. McNEVILL

P. SMYTH

J. BLAKE

A. McNEVILL

NOTE FOR THE RECORD

TALKS: EVENING DISCUSSIONS WITH THE IRISH ON 24 JUNE: BRINKMANSHIP REVISITED

The Secretary of State, Michael Ancram and officials had two meetings with the Irish on the evening of 24 June in order to discuss possible amendments to the draft Rules of Procedure in the light of discussions with the Unionists last week and on that day. This followed a meeting of all negotiators chaired by Mr Holkeri in which he asked for amendments to be with him by 8.00pm that evening in preparation for circulation the following day.

2. The Secretary of State opened the first meeting by saying that the British Government had had detailed discussions with the UUP and had established that their concern was a perception that any item that was placed on the agenda (eg a united Ireland) would be the subject of negotiation and by implication the subject of some sort

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of compromise or deal. The UUP would find it difficult to defend themselves against accusations from the DUP and McCartney that they were acquiescing in selling out the Union. The Secretary of State said that the Government held to the formulation set out in paragraph 3 of the Ground Rules which allowed any participant to raise any matter of relevance, including constitutional issues. He said that, nevertheless, we had been trying to square this particular circle by looking at further amendments to the Rules of Procedure whilst sticking with the principles in Ground Rules. We had proposed some further changes to the text which we had agreed with the Irish that morning and shown to the Unionists. We did not know if they would be acceptable to the Unionists, but in our view they met their concerns. The Secretary of State said that we also recognised Irish concerns about further changes to text given the hard time they had been receiving from the SDLP.

3. Sean O hUiginn, who was clearly once more in a mood to bring the whole thing to a halt, said that if we had been working from a blank sheet of paper the sort of changes we were proposing would be fine. But every sentence and every paragraph had a history behind it and the SDLP were not going to go any further in terms of removing texts which they believed had become part of the acquis from 1991 and 1992. He thought the best way would be for the British Government to put forward their proposed amendments and the Irish Government to put forward their own. The Irish Government were not prepared to try and sell any further changes to the SDLP. If the British Government wanted to do it they should approach the SDLP direct. If the British Government were able to persuade the SDLP then the Irish Government would consider changes.

4. At this point, Irish Ministers (Messrs Taylor and Coveney) intervened to stress that a joint approach by the two Governments was crucial and should not be sacrificed. Discussion then revolved around the points that Sean O hUiginn had raised with Sean commenting, again entirely in accordance with his mood, that the Chairman needed a mechanism whereby he could say that negotiators were not negotiating in good faith and that the process should be brought to an end.

CONFIDENTIAL

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5. The log jam was broken by a deceptively simple but extremely helpful suggestion from Mr Coveney who said that by inserting the word "comprehensive" before the word "agreement" in paragraph 15A it would be possible to avoid any impression that the negotiators would need to reach agreement on individual propositions or items. The British side immediately seized upon this and said that in combination of the relatively minor amendment to paragraph 15 (by inserting "by agreement" after "adopted") the proposed change would obviate the need for the other amendments which we had proposed.

6. Irish Ministers showed considerable interest and asked for time to consider and suggested reconvening a little later. We were by this time some 30 minutes past the deadline.

7. After another 30 minutes, a message was received from the Irish that they were content with the changes but that they could not agree to their being tabled that night unless we were able to give a cast iron guarantee that the UUP would not seek to make any more ground. This was regarded by the Secretary of State and Michael Ancram as tactically extremely unwise and they immediately went down to beard Irish Ministers in their offices. Another rather difficult conversation then ensued, the basic thrust of which was that the Irish were concerned that Trimble would simply pocket these concessions (even though we made it plain that they were not concessions but clarifications) and seek more. They said again and again that if we could get an assurance from Trimble tonight that he would be content they would acquiesce in it going forward. We said again and again that Trimble had left for the night and would not therefore be contactable. We went round this buoy several more times, before Sean O hUiginn said that Irish Ministers would like another 10 or 15 minutes to consider the proposals.

8. About 15 minutes later Messrs Taylor and Coveney, unaccompanied by any Irish official, came back up and said that the Irish would agree to the amendments being put forward on the understanding that the British Government would stand firm from here on in. The Secretary of State resisted the temptation to respond to this

CONFIDENTIAL

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slightly gratuitous implied insult and accepted the Irish acquiescence gratefully. The proposed amendments were submitted to the Chairman at approximately 9.45pm.

(Signed)

MARTIN HOWARD

Mr Thomas
Mr Leach
Mr Watkins
Mr Burton
Mr Hill
Mr Marshall
Mr Stephens
Mr Harrison
HMA Dublin
Mr Lament RID, FCO

CONSTITUTIONAL ISSUES

1. Thank you for sending me your recent notes on constitutional issues, and in particular on the negotiating brief, of which I produced the draft. I wonder if the framework text they concern will in fact be the subject of much discussion in the talks. I would have thought participants would seek to focus on several constitutional texts, and in view of what Mr Burton has repeatedly said, it would be difficult for Irish to offer any such text embodying a territorial claim.
2. I was not around for the debate that led up to what became paragraph 21 of the Joint Frameworks text. I got the impression reading the papers that there was a feeling the Irish knew they would have to deal with Unionists over this and were keeping something in reserve for the negotiation. They were also, of course, very conscious of opinion in the South, Fianna Fail of harder nationalist opinion, and the current Government, of Fianna Fail, and, as HMA notes, of the possibility of a referendum where that party opposed the proposition. But I suppose there may be ground to hope that Southern public and political opinion might develop, to be more generous on the brink of a comprehensive settlement that hung on a conclusion greater than that in Frameworks. In any event the present Taoiseach has, starting with the Frameworks launch, again at the Dublin Forum, and since, spoken of "removing any jurisdictional or territorial claim of right over the territory of Northern Ireland."
3. I imagine unionists will focus on constitutional text, not Frameworks, because of their antipathy to the latter; and because they would want to see the colour of Irish money at an early stage (the more so because there are many lawyers around, and possible amendments were leaked in the Dublin media around the launch). It does seem to me that what the Taoiseach has said would be strictly in accord with maintaining an Article that opened "The national territory consists of the whole island of Ireland..." which, judging by papers of mid-1994, was the position the Frameworks intended to keep open.

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