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PSM: PSMS: PSSG.
Messrs. Murray, Teahon,
Mansergh & Dalton:
Ambassadors London &
Washington: Joint Secretary:
Counsellors .A-1

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To: HQ
For: Secretary Gallagher

From: Belfast
From: Joint Secretary

cc M... + 076-4 k
A65 W & L

by McLaughlin
passed on to the
Tadiseach

Subj: Timetable for completion of talks and referendums

1. Peter Bell reported to me this morning on the outcome of a strategy session which the Secretary of State had with her officials following the Sinn Féin meeting last Friday afternoon.
2. While NIO officials may be privately sceptical about the chances of achieving it, the Secretary of State is firmly wedded to Thursday 7 May as the date for the referendums North and South. Her concern (as she indicated to us last Friday) is that the referendums should be held at a point which would permit the Assembly elections to be completed in advance of the marching season. A referendum on the first Thursday in May would mean Assembly elections approximately five or six weeks later (c. 15-21 June). She is worried that either of the alternative scenarios - deferring the elections, or both referendum and elections, to the autumn - could cause an agreement to unravel because of the unpredictability of the marching season and the significant potential for violence this year.

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G. Mitchell
has set aside
10 days for
the final
review

3. This timetable would require a deal to be reached between the participants well in advance of Easter, ideally by the last week of March. This would suggest, Bell commented, a final understanding between the two Governments on the content of the deal by the week beginning 9 March. Bell wondered whether an accelerated schedule of this kind would pose technical problems on our side in terms of the organisation of a referendum.

4. I indicated to him my expectation that we would need a period of some five to six weeks from the point of agreement on a package to the holding of a referendum. In

other words, if we were to operate on the assumption of a 7 May referendum, we would need an agreement among all participants to be in place by early April. While underlining our readiness to work actively to that timetable, I expressed private doubts as to whether it would be achievable in practice.

5. David Cooney and I have since had a conversation with David Hill on the same subject. Hill began with a reiteration of the current British line (for which he claimed to have Downing Street's authority, as of last Friday), which is that the British Government do not favour the production of a joint draft of the final agreement. They fear that such an exercise could be counter-productive in terms of recruiting Unionist support for the document. They would prefer our Government to work on a draft which would accommodate both SDLP and Unionist concerns (given our ongoing dialogue with the UUP), to which the British Government would hope to sign up but which would be presented as an Irish Government proposal.
6. We emphasised to Hill (as I had earlier emphasised to Bell) that, while presentational aspects could be looked at later (e.g., tabling of a paper by the Chairmen would be one option), there could be no avoiding the basic onus on the two Governments to work up a joint understanding among themselves of what should be in the final agreement. This will necessarily involve a lot of detailed work at official and political level between the Governments over the next couple of weeks, with each Government endeavouring to bring its respective constituency with it as this exercise proceeds.
7. Hill did not dissent from this analysis but indicated that the British will be hoping to obscure as far as possible the joint parentage of whatever emerges (and may possibly press the Chairmen option). He suggested that, however it is arrived at, agreement between the Governments will have to be achieved within the next two weeks or so. Allowing time for consultation of the parties, and factoring in the general exodus to the US in the week beginning 16 March, he anticipated that the hard bargaining on a draft would have to take place in the week beginning 23 March - and probably in a "mountain retreat" location. The British are evidently hoping to present a period of concentrated negotiation at the end of March as "work in progress" and not necessarily carrying with it the implication of finality which attached to the Sunningdale negotiations.
8. // Their target would be to achieve general agreement by around 6 April, which should

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allow both Governments time to make the necessary arrangements (processing of legislation and referendum campaigns) for referendums on 7 May. We observed that the Easter recess could be a complication on our side under this timetable and that some form of accelerated procedure to pass our referendum Bill might have to be resorted to.

9. Hill said that all that is required on the British side to call a referendum is an Order in Council. They have in mind that the Assembly would be described in this Order in outline terms only. Details such as the Assembly's standing orders etc. would take some time to elaborate and would be the subject of legislation later this year. A new British/Irish Agreement could be signed following the reaching of overall agreement, and in advance of the referendum campaign, but could not be ratified by Parliament until later in the year. We underlined the political imperative of an overall agreed package being presented simultaneously by the two Governments as the basis for the referendum in both jurisdictions, even if formal ratification of the British/Irish Agreement does not come until a little later.
10. Hill mentioned that the British side will be taking informal soundings on the timetable for the talks at bilaterals which they have scheduled with a number of the parties for this afternoon. We replied that, while we had no difficulty with the British Government gathering views, formal consultation and agreement between the two Governments on this subject has yet to take place and no commitments of any kind should be entered into in advance of this. Hill gave us an undertaking in this respect.