



# An Chartlann Náisiúnta National Archives

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## OVERVIEW

### Objective of Conference

1. The primary purpose of the Conference is to agree on the timing and terms of reference of the Review process. A possible draft for the communique (which incorporates the terms of reference) is included in the brief.
2. We would in addition wish that the communique would include a reference to the administration of justice and confidence issues, in order to emphasise the very great importance we attach to these questions, and in particular to the need for urgent action on the harassment problem. This might best be done by signalling that the next meeting of the Conference will be largely devoted to these issues.
3. We would also like to use the Conference:
  - (a) to convey our strong concern about the lack of consultation on recent initiatives by the British (most notably on changes to the right of silence);
  - (b) to make clear that we expect to see the draft legislation on fair employment (currently being prepared by the parliamentary draftsmen) as soon as possible, and in good time to allow adequate consultation before the text is tabled at Westminster; and
  - (c) to try and secure the agreement of the Secretary of State that the next group of "extradition" cases should be pursued under the Criminal Law Jurisdiction Act. (There is in fact a meeting of Working Group 2, which is concerned with this issue, on Friday).

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Our position on the Review

4. We attach very considerable importance to the Review being a maximalist exercise. It is only in this way - i.e. if the Review is believed to have substantial implications for the governing of Northern Ireland for a number of years ahead - that the process will have the potential to tempt (or frighten) the Unionists in from the political cold. The conclusion of the Review period should also enable us to give an effective public reassurance to the Nationalist community that the Conference has the capacity to deliver on the reforms which they continue to seek over the period ahead.
5. Ideally, the Unionist response would be in one of two ways. Either (a) they might convey views directly to the Government(s) about the Review (which seems unlikely), or (b) they might agree to a parallel dialogue while the Review is taking place.
6. The door should be kept open to the possibility, however remote, of the Unionists responding positively to an invitation from both Governments to convey their views on the Review. It would be important in this regard that the communique should state that the Review is being conducted "by the two Governments" (the actual language used in Article 11 of the Agreement) - and not by the Conference. Secondly, there should be maximum flexibility on the method for outside bodies to convey views - i.e. publicly or privately, directly or indirectly to either Government.
7. There is also something to be said for leaving open the possibility that the Anglo-Irish Intergovernmental Council might turn out to be the framework ultimately decided on by the two Governments to consider the draft conclusions and recommendations emerging from the Review process.

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The British Position

8. The Secretary of State would share our view that the Unionists should be helped to come in from the political cold. In a speech in Belfast on the 11th October, he said that "in order to help us with our work on the Review, the Government wants to be able to take into account the full spectrum of views which are held in the Province. Those who have complained about a lack of consultation in the past [clearly he had the Unionists in mind] now have an opportunity to contribute to the process of the review".
9. However, this is probably as far as the consensus between us goes at this stage. The British priority seems to be to push the parties in the North into devolution; the importance of movement in any other area therefore, such as strengthening the Conference and Secretariat or Unionist dialogue with Dublin, will very probably be judged in the light of its likely impact on their efforts to achieve devolution.
10. Our position on devolution is that the conditions to give effect to it do not exist at present. The SDLP view is that devolution will have no stability unless the Unionists work out their relationship with Dublin in advance.

Suggested Approach

11. We should firstly take the approach (as suggested in para 6) that the Review should be conducted "by the two Governments". Secondly, we should suggest that both sides should appeal to all interested bodies to convey their views on the review process to the Governments; it should be emphasised that this can be done in almost any way wished by the parties.

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12. Thirdly, we should propose to the British that every relevant Article (i. e. Article 2-10) of the Agreement should be reviewed thoroughly, with an objective balance-sheet of progress or the lack of it being drawn up.
13. Fourthly, and very importantly, we should insist that the Review would set out objectives and programmes of work in each area for the period ahead. This would clearly require to be done in a structural manner. One approach might be through the establishment of joint working groups (for the duration of the Review) for each of the main policy areas. We might envisage, for example, working groups being established under the following headings:
  - (a) Structures and Procedural issues;
  - (b) Economic, Social and Cultural Issues (including 1992);
  - (c) Human Rights and Discrimination issues, including a Bill of Rights for Northern Ireland;
  - (d) Role and Composition of Public Bodies;
  - (e) Administration of Justice and Confidence issues; and
  - (f) Security Cooperation.
14. It would be desirable to be able to announce publicly the establishment of these joint working groups.
15. While the Secretary of State may have doubts about some of the above, he will find it difficult to justify opposing our approach. In his recent letter to Northern Ireland parties on the Review (text in brief), for example, he stated that the Review "will cover the whole working of the Intergovernmental Conference and its associated Secretariat to see whether any changes in the scope and nature of its activities are desirable in the light of our experience since it was set up". At a later stage in the same letter, he made the point that the "Review of the working of the Conference and the Secretariat is no narrow exercise".

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16. In conclusion, it is vital, given the growing doubts North and South about the capacity of the Agreement to deliver on reform and political progress, that we take a particularly firm and robust approach to the conduct of the Review, and that we are seen to do so publicly.

*DAG*  
Dermot Gallagher,  
1 November, 1988.

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S E C R E T

Meeting between Northern Ireland Party Representatives  
in Germany

1. A number of representatives of political parties in Northern Ireland met at Duisburg near Dusseldorf in Germany on Friday evening, the 14th, and Saturday morning, the 15th of October, at the invitation of Eberard Speaker, a German national with, I understand, close links to the World Council of Churches. Eberard seems also to be friendly with Cardinal O Fiaich and the Rev. John Thompson, former Moderator of the Presbyterian Church.
2. The representation present were:
  - Jack Allen, Chairman of the OUP (who stood in, at the last moment, for the Rev. Martin Smyth);
  - Peter Robinson, Deputy Leader of the DUP;
  - Austin Currie of the SDLP; and
  - Gordon Mawhinney, Deputy Leader of the Alliance Party.
3. Fr. Alec Reid was also present in the capacity of someone who could convey the thinking of Sinn Féin. Speaker seemed to have initially envisaged Fr. Denis Faul for this role but, apparently on the advice of the Cardinal, decided to ask Fr. Reid instead.
4. The SDLP had vetoed any Workers Party representation at the meeting.
5. Austin Currie was telephoned about attendance at the meeting by the Cardinal, who had Speaker with him at the time. Currie, with Séan Farren, had attended a similar meeting in Germany with the SDLP about 18 months ago.

6. The meeting, according to Austin Currie, seems to have been rather a discursive one. However, the four party representatives did agree to submit the following proposal, designed to facilitate the opening of political dialogue, to their Party Leaders:

"The meetings of the Conference will not be held for a (specified) period to facilitate dialogue involving the major constitutional political parties in Northern Ireland".

7. It would be the intention of Speaker to approach Dublin and London on the above.
8. Currie made the point, in relation to the above, that there had been considerable agreement on the need to avoid the use of the term suspension if the proposal was to get anywhere and he felt, therefore, that there would be considerable flexibility on how it might be put into practice. One possibility, for instance, was that the two Governments, at the end of a Conference, could announce the next meeting for six weeks or so in advance. This would then enable Unionists to enter into talks during this specific period in the knowledge that they would not be interrupted by any meetings of the Conference.
9. In addition to the above, the Unionists had argued that the Joint Secretaries should be absent from Maryfield on the day that formal talks between the Secretary of State and the Northern Ireland parties took place.
10. Currie said that the phrase in the agreed recommendation, "involving the major political constitutional parties in Northern Ireland", had been deliberately drafted to allow for parallel talks between the Unionists and the Government here. In this regard, Robinson had said that he accepted



the idea of "parallel or twin-track - or whatever phrase you like to use - talks". He added that Paisley did not agree with him, as he continued to be firmly opposed to any talks with Dublin until a Northern Ireland Assembly had been put in place.

11. There was a general consensus at the meeting that, if progress were to be made, it had to be between now and the end of February. After February, parties would be involved in the run-up to the May Local Elections and, following that, the marching season and the European elections would preclude any effective political dialogue for quite some time ahead.
12. Currie believes that the stature of Robinson among Unionists, including the Official Unionists, is growing steadily. He has little doubt that Robinson sees himself as a future leader of a united unionist party. Interestingly, Robinson mentioned in private to Currie that his "greatest asset" at the moment is Paisley's age.
13. Overall, the meeting confirms the present very strong desire on the part of Unionists to become involved in the process of dialogue and to avoid (again) being excluded from the political stage in Northern Ireland for what might well turn out to be an indefinite period ahead. Apart from that, and based on Currie's assessment, I do not believe that too much significance should be attached to it. The agreed proposal (para. 6) amounts in effect to suspension, though one of the formulas considered for putting it into practice (para. 8) might have some merit.

Dermot Gallagher,  
27 October, 1988.

cc: PSM  
Mr. Nally  
PSS  
Ambassador London  
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Dr. Mansergh  
(3) Counsellors A-I