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INFORMAL MINISTERIAL MEETING

London, 8 December 1995

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Introduction

1. The Tanaiste and the Minister for Justice had an informal meeting with the Secretary of the State for Northern Ireland and Michael Ancram at Old Admiralty Buildings in London on 8 December.
2. Officials in attendance on the Irish side were Secretary MacKernan, Secretary Dalton, Secretary O hUiginn, Ambassador Barrington, Fergus Finlay and the undersigned. The British officials present were Sir John Chilcot, Sir David Fell, Quentin Thomas, Peter Bell, Jonathan Stephens and David Brooker.
3. The meeting began with a twenty minute tete-a-tete between Ministers. The subsequent plenary discussion lasted for ninety minutes and was followed by lunch in the Savoy Hotel. The following is a report on the plenary exchanges, a summary of which has already been circulated.

Plenary exchanges

4. Welcoming the Tanaiste and his colleagues, the Secretary of State said he was glad that it had been possible to arrange this meeting at short notice. It provided an opportunity for informal stock-taking in relation to the prospects for the twin-track scheme and also for an assessment for the Clinton visit.
5. The Tanaiste agreed, underlining the need to consider the timetable and format for the political-track talks.

Clinton visit

6. The Secretary of State said that the President's visit had exceeded expectations on the British side. He had at times felt morose as the visit drew nearer, believing

that it might lead to even greater difficulties than already existed. In the event, however, it had succeeded in lifting people's eyes to the horizon "and away from the pebbles". The mass of Belfast people - even more than the Derry crowds - had roared their support for the President's broad message. The task for the two Governments, he suggested, would be to keep eyes fixed firmly on the horizon. He thought that this was possible. It was rare for ordinary people to be given an opportunity to show what they thought. The roar of approval, and the palpable atmosphere of relief and hopefulness, had been intensely heartening.

The reaching of agreement between the two Governments on the previous evening had, of course, been very helpful. The series of well-crafted, balanced and fair speeches delivered by the President had placed the onus on those who wished to retain arms for political purposes. He had given renewed impetus to what the two Governments had been endeavouring to do for the past year or so.

7. The Tánaiste agreed with this assessment. While the planning for the visit had been not without its difficult moments, he was extremely pleased with the way it had turned out. It had clearly demonstrated the President's remarkable political skills and had been an outstanding success in Dublin as much as in Northern Ireland. The President had delivered a very fair message to both communities in the North, as the Irish Government had at all times urged on him. He had reached out to both in a very even-handed way. The Tánaiste had joked subsequently to Ron Brown that, if the President had stayed longer in Ireland, there would have been no votes left for anyone else!

The President had put certain people under pressure. The two Governments had set out a programme in the Downing Street communique. They must now do all possible to deliver on this "with the wind behind our backs".

The Tánaiste thanked all those involved on either side in the organisation of the President's visit.

8. The Secretary of State warmly reciprocated these thanks. He mentioned that, when he had remarked to David Trimble at one point that the President had not put a foot wrong during his visit, Trimble had responded with the view that he had done so - by referring to John Major as the Prime Minister of "Great Britain". The Secretary of State had countered with a reference to Unionists' use of the term "British Government".

Position of the parties on the twin-track scheme

9. The Secretary of State commented that the SDLP/UUP meeting last Monday had been very welcome. The British side understood from Trimble that it had gone on

to political matters only towards the end (and not in detail).

10. O hUiginn, at the Tanaiste's invitation, said that, from the brief oral account we had received, there had been a very good atmosphere at the meeting. There had been discussion of a number of topics of specific Northern Ireland interest (the well-known grievances about British Government economic dispositions etc), on which a degree of common ground had been established. We also understood that the political discussion had been limited. Reg Empey had led on the UUP's Assembly proposal. The SDLP had found a slightly different focus in Empey's presentation from the line which Trimble had been taking. Hume had made his reservations on this subject clear. The two parties had agreed to continue their dialogue. The substance of the meeting, as we understood it, had been broadly reflected in the subsequent public presentation.
11. The Secretary of State said that Trimble and Taylor (with whom he had had contact since the meeting) had been expecting an "explosive" discussion of the Assembly proposal. Instead, they had found Hume's response on this point rather inert.

O hUiginn pointed out that the Taoiseach had been asking the Northern Ireland parties from the outset to give this idea a fair hearing. He had done a lot of work in this regard with Hume, who was distinctly unenthusiastic about the proposal.

Ancram noted that, on Question Time the previous evening (in which he had himself participated), Seamus Mallon had suggested that it might be possible to have elections but without electing people. He wondered if this might reflect the "indexation" proposal associated with Mark Durkan.

12. The Tanaiste said that everybody was aware of the SDLP and Sinn Fein reservations about an elected body. It was legitimate, however, that others would wish to have it discussed. The Irish Government's position was predicated on the fact that the SDLP and Sinn Fein had strong reservations about it. Unionists realised that an Assembly in the sense of a return to the old Stormont was a non-starter. (The Secretary of State interrupted to reinforce this).

The line which the Irish Government were taking with the Unionists was to ask whether it would be possible to put forward something which could be more readily discussed with the nationalist parties. Many aspects of the UUP's proposal (e.g., how the body would be elected, for how long etc) were still unclear.

The Tanaiste noted in passing that Trimble had been willing to range across all three strands at their recent meeting in Belfast (despite the restrictive terms of the UUP leader's letter to him earlier in the week).

13. Ancram observed that Trimble had begun with a proposal which had Stormont connotations to it but, realising that he had little support for it, had changed it subsequently. He was developing his ideas as he went along and there could be

further movement still.

The Tanaiste warned that the basic three-stranded approach must not be lost sight of. He noted that there had been very little discussion of the form which an election campaign might take, particularly as there was no legislative basis for the kind of Assembly being proposed (as he had remarked to John Alderdice on Thursday). Alderdice had suggested to him that the parties might agree to have an election campaign without manifestos. Another difficulty was that an election campaign could break down on polarised lines (e.g. if the DUP were to decide on a negative campaign attacking the basic proposal being put forward).

14. The Minister for Justice underlined the importance of the two Governments' commitment in the communique to "intensive" preparatory talks. At the practical level, they would need a master-chart to move the process along (indicating who would meet whom on what dates etc). They would have to ensure that all potential "loops" were closed (if necessary by reaching certain parties through others).

The Secretary of State very much agreed with the emphasis on intensity. The British Government planned to offer the new Castle Building venue for the parties' own internal discussions and also for bilaterals. He would like to be able to indicate that, as in the 1991-92 talks, British Ministers would be available for talks during a given time-block each week (e.g. the first three days).

The Minister for Justice also emphasised that the parties should be encouraged to conduct bilaterals among themselves (with a view to ensuring that all the necessary links were made).

15. The Tanaiste warned against allowing any split to develop within the nationalist community. John Hume had done a lot to bring Gerry Adams with him. In addition to the major problems which nationalists had with proposals which smacked of an internal approach, there were inherent dangers in a premature election campaign for which they were not ready.

The Secretary of State agreed that there were a lot of "extremely nervous horses".

Ancram recalled that the idea of an election without manifestos had first been proposed by the DUP at a meeting with the British Government.

16. Ministers then discussed the positions taken by the individual parties on the twin-track scheme.
17. Ancram noted that the DUP had come out publicly against the scheme. Paisley wished to see it fail. Robinson would be happy if it failed but, if it were "up-and-running" at some stage, would favour the DUP becoming involved with it in some way.

As for the UUP, there were indications that they were feeling their way into the scheme. Having been more hostile to it a fortnight ago, Trimble had recognised on Thursday evening that the decommissioning body was now established and had implied that this was a good thing.

Alliance were prepared to talk to anybody at any time.

As for the SDLP, there had been no response yet from John Hume but this was not unusual. Seamus Mallon had indicated the previous night that he was keen to get procedural talks off the ground. The problem might be one of scheduling only.

As for Sinn Fein, the British Government had had no contact since Ancram's last talks with them.

18. The Tánaiste said that the Irish Government's meeting with Alliance on Thursday had been very positive: Though they were treating it as the last of the pre-twin-track meetings, Alliance had indicated their availability to meet the Government in any format. There could be a useful springboard here for a joint meeting.

As for the UUP, there had been no communication so far. Trimble had sent an offensive reply to the Tánaiste, who had tried to find a way of playing this down in public. Any influence which the British Government could bring to bear to secure a more forthcoming and responsible attitude on Trimble's part would be appreciated. The UUP leader must recognise that we all had a role to play. The offensive nature of his reply meant that nationalists would conclude that it was impossible to do business with these parties.

The Tánaiste would go back to Trimble and seek some way of meeting him (perhaps a repetition of the informal meeting which they had had recently in Belfast). It was essential, however, that Trimble should commit himself to the twin-track scheme in some way. If he did not, the two Governments would be in difficulties from the start.

19. The Secretary of State said Trimble had indicated to the British Government that he was very sensitive about any "jointery". Jointery was, of course, an important element of the scheme - "and a good thing too". With Paisley behind him, however, Trimble evidently wished to show his macho credentials.

The UUP leader had made an issue of the fact that the two letters he had received had not been couched in identical terms. Ohlgin observed that the texts had been pretty much identical and Ancram agreed (the only difference was between "each" and "jointly").

The Secretary of State said that the British side had not taken up this point with Trimble as they did not wish to annoy him. The UUP leader, he continued, would have to be wooed into a broader forum. He had been careful, however, not to

isolate himself from the twin-track scheme (and had been more positive on Our Time).

20. Ancram said that the UDP and PUP would participate in the twin-track talks. Asked by O hUiginn if they would meet the Irish Government, he replied that he had not said that they would not.
21. Asked by the Secretary of State if Alderdice had given an indication of the form of the meetings which Alliance envisaged, the Tánaiste repeated that Alderdice was available in whatever the role the Governments wished. It would be important however, not to give Alliance a role disproportionate to its mandate. He noted John Hume's general scepticism about Alliance and its relevance. Alderdice would be contacting the Government over the next few days to arrange follow up contact.
22. As for Sinn Fein, the Tánaiste was quite pleased with the party's response (following a rather hesitant start). Adams had made clear on radio today that Sinn Fein were available and wished to participate in both tracks. The Government would be in contact with them over the next few days to arrange a meeting.
23. On the subject of joint meetings, the Secretary of State confirmed the British Government's availability for these. However, there was a potential downside. The Unionists saw risks in a pattern of joint meetings developing which would place them in what Trimble had described as the "penny farthing" role. He had told them that they could not prevent others being the "penny" just because the UUP wished to be the "farthing". They still took the view, however, that they would be participating at a different level. This point represented, therefore, potential "gears in the machinery". As he had said in the Commons on Thursday, it was important to make clear that the Governments were not committed to any particular format for dialogue.
24. The Minister for Justice commented that the two Governments would provide the engine for the process and would be driving it behind the scenes. They had given such a commitment at the press conference. If it was necessary for them to issue invitations to talks, this should be done.
25. The Tánaiste underlined the need to demonstrate to the public that the two Governments were setting about their business actively. He proposed that they make telephone contact with the parties over the weekend in order to set up meetings.
- He also said that it would be necessary to clarify what the Governments would say to the parties. Officials might be asked to work out the lines of an agreed joint approach.
26. The Secretary of State agreed with the suggestion. It would be necessary to

rehearse with the parties the purpose of the talks (as set out in the communique) to go through the elements of the remit with them and to get some discussion going about general principles. While it might be possible to proceed directly to questions relating to the structure and format of talks, he felt that a broader approach might be more productive to begin with. Agreement would also be needed about the sharing of information about meetings and how much could be communicated by the Governments across the spectrum. The parties would have to be encouraged to put things in writing.

27. Q hUiginn suggested that the mandate to officials might be to prepare a check-list of points (key questions for reply) which might be put to the parties.

The Secretary of State agreed with this approach. Chilcot commented that a check-list was probably about as much as one could do at the outset. However, officials would also need instructions on what the objectives were in relation to the format for talks.

28. Fell suggested that one way of encouraging the parties into the process would be for the two Governments to arrange a joint meeting with, say, Alliance at Castle Buildings on a given date and to invite the other parties to attend there on that day for either bilateral or wider meetings. Q hUiginn suggested that the SDLP might wish to be given precedence over Alliance for the joint meeting. Thomas felt that the Fell proposal might be a recipe for highlighting the absence of certain parties.

29. The Secretary of State confirmed that officials should work up Q hUiginn's idea of a check-list of matters and principles. A further task for officials would be to work on the elected body.

Thomas said that officials would need more clarity in this respect. There was a distinction between an elected body which would be an instrument of negotiation and elections which would identify people to take part in those negotiations but would not necessarily create a body (i.e., the "indexation" approach). Did Ministers wish officials to consider both options?

The Tánaiste said that an elected body was on the agenda for the preparatory talks, as the Irish Government had made clear to John Hume and others. His strong personal inclination, however, was to question the need for an elected body. The vast majority of the parties already had mandates. While he recognised that some people needed cover in order to enter the negotiation room, the idea of creating a body involving eighty or ninety people was daft. An enormous volume of work had already been done on the Northern Ireland problem (from the Anglo-Irish Agreement onwards). Officials might look at what form of body was feasible, though he noted once again the strong nationalist reservations. He did not know if it would be possible to produce proposals in this area which nationalists could support.

30. Ancram referred to the need to get the Loyalist parties into the process in some way. The Tanaiste agreed that their presence at all-party talks would be very valuable.

There was some discussion of these parties' very modest electoral base (one Counsellor). The Tanaiste wondered whether it was perhaps part of the UUP approach to prevent any widening of this base. Ancram noted, however, that, when Mallon had put it to Trimble the previous evening that he was bent on marginalising the Loyalists, the UUP leader had denied making any such suggestion.

31. The Secretary of State listed among the elements to be put to the parties the two Governments' insistence of the three-stranded approach and the need for an open agenda in the twin-track talks (to facilitate agreement). He was anxious not to give any impression of a pre-planned position. It was important to make clear that the two Governments did not see the preparatory stage moving "seamlessly" on to substantive talks.

He also expressed general anxiety about fuelling suspicions on the part of the Unionists that the two Governments had "stitched up something together".

32. Chilcot suggested that officials might try to identify the parties' positions on the various options in relation to format, structure etc and see what might develop from that in the direction of convergence. The Secretary of State agreed, adding that the two Governments must root themselves patently in the communique.

In further discussion, it was agreed to produce a check-list immediately and to proceed at a later stage to the more complex exercise flagged by Chilcot.

33. The Secretary of State registered the "extreme unlikelihood" of an Assembly with executive powers being feasible. The Tanaiste agreed, observing that even the use of the word "Assembly" (with its Stormont connotations) would create difficulty for the Governments.

Ancram said that officials might also consider the effect of location on meetings (with meetings in a particular configuration being more acceptable in one location than in another).

34. The Tanaiste suggested that the two Governments phone the parties over the weekend and that they also try to coordinate their own diaries. Some movement would be needed before Christmas in form of a series of meetings to demonstrate that the process had been started (with more formal meetings to follow).

The Secretary of State agreed that it was necessary to take every opportunity to show that the Governments meant what they had said about "intensive" talks. They should also inform each other fully, using the established channels of

communication (the Liaison Group and the Anglo-Irish Secretariat) but also being available to meet at political level at short notice. He noted that the Tanaiste would be meeting Michael Ancram in Belfast next Wednesday (he himself unfortunately had a Cabinet meeting).

35. Dalton observed that the extent to which cooperation would be achieved in the arms track would be determined substantially by the intensity of the political-track discussions.

Chilcot agreed with this point. O hUiginn also agreed, warning that a perfunctory record in the political track would pose severe problems in terms of overcoming Sinn Fein reservations about cooperation with the arms track (one purpose of which, as far as they were concerned, was to remove preconditions attaching to their participation in talks).

36. The Secretary of State warned also of the dangers of papers being leaked (as in the 1992 talks).

37. It was agreed that the Governments would separately endeavour to make phone contact with all the parties. The Tanaiste would have an opportunity for contacts in Belfast on Wednesday. Thereafter, he would be at the European Council in Madrid but would be willing to clear diary space at the beginning of the following week. He reiterated that it would be useful to have some joint meetings before Christmas.

38. Thomas asked whether Sinn Fein wished to meet the British Government separately or jointly. The Tanaiste said that they had not addressed this point in their recent contacts with the Government. We would be proposing a meeting with them over the next few days to get them actively engaged. Chilcot said it was a legitimate assumption that Sinn Fein would speak to both Governments. O hUiginn said that we took this for granted but it had not yet been confirmed by Sinn Fein.

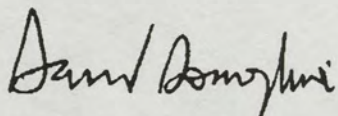
39. The Tanaiste said that, in contacting the parties, the Governments should ask them whether they would agree to bilateral or joint meetings and, if so, could these be arranged over the next ten days. He noted that the meeting arranged between the SDLP and the UUP for 20 December could itself be made part of the process. The Minister for Justice emphasised the need to encourage the parties into bilateral contacts with each other.

Prisoner issues

40. In conclusion, the Tanaiste said he understood that Patrick Kelly was to be transferred to Northern Ireland. The Secretary of State said that this would happen

as soon as Kelly could be received there (within "the next day or so"). The Tánaiste referred to worrying signals about Kelly's health. The Secretary of State said he had also heard that there had been a change for the worse. He went on to say that he did not think that Kelly had made a formal application for transfer under the Convention. The Minister for Justice said that she had received seven names whom the Home Secretary was considering allowing to come back; two of these were O'Brien and Kelly. The Tánaiste also mentioned worrying reports about O'Brien's psychological health as well as his general standing among Irish prisoners and asked the Secretary of State to keep an eye on his case. The Secretary of State undertook to do so.

41. The Tánaiste also asked whether there was any possibility of relaxing the closed visit regime in Belmarsh, where five prisoners had received no family visits for months. O hUiginn underlined the stand-off dimension there and the need to avert a possible crisis. The Secretary of State took note and undertook to report this matter to the Home Secretary.



David Donoghue
Joint Secretary

11 December 1995