



# An Chartlann Náisiúnta National Archives

**Reference Code:** 2021/108/23

**Creator(s):** Department of Justice

**Accession Conditions:** Open

**Copyright:** National Archives, Ireland. May only be reproduced with the written permission of the Director of the National Archives.

Confidential

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

2/30

Multi-Party Talks

10 February 1998

COPY TO  
MR O'DONNELL  
MR HICKEY  
MR BOUGHTON  
MR CALLAGHAN  
MS. LATTIN

1. In summary:

- During a two-hour Strand Two debate this morning on rights and safeguards, several delegations pressed for incorporation of the ECHR in Irish domestic law;
  - This debate also saw a continuation of yesterday's Sinn Féin/UUP exchanges on rights issues generally (with a degree of banter helping to lighten the mood);
  - This afternoon's meeting of the Liaison Sub-committee on confidence-building measures completed a debate on economic and social matters and turned briefly to the question of paramilitary activities.
2. The Government delegation today was led by the Minister of State.
3. This morning's Strand Two debate opened with statements from the two Governments. The British Government (Murphy) summarised yesterday's Strand One exchanges on the same subject. The Minister of State delivered the attached statement on behalf of our Government *attached*
4. In the subsequent debate, Alliance welcomed the British Government's decision to incorporate the ECHR. While acknowledging the difficulties posed for us in this respect, they hoped that the Irish Government would also take what they described as "this essential step". Other issues raised by Alliance included equality legislation in the Republic, the Irish language qualification for teachers and the possibility of a Human Rights Commission. The NIWC echoed Alliance's key points and also supported the Covenant idea mentioned by the Minister of State. The PUP pressed for incorporation of the ECHR, claiming that the failure to do so hitherto cast doubt on our commitment to human rights, but were cool on the Covenant idea.
5. Sinn Féin (McGuinness) made a more general presentation which emphasised the denial of human rights to Northern nationalists over many years and urged systematic protection of rights on an all-Ireland basis. Borrowing freely from the Framework Document in this respect, McGuinness backed the Covenant idea (as did the SDLP). He also sought incorporation of the ECHR by both Governments.
6. The UUP (Nesbitt) criticised the human rights provisions of the Framework Document. Complaining at its failure to refer to the Framework Convention for the

Protection of National Minorities, Nesbitt called on nationalists, and the two Governments, to recognise the value of the Convention's model for conflict resolution.

- 7. The debate became more heated following an intervention by Jeffrey Donaldson. Using the proxy-bomb death of Paddy Gillespie a decade ago as an illustration, Donaldson observed that the right to life had received scant attention from the IRA over the years. He also criticised our Government both on the ECHR issue and for our refusal to agree to an inquiry into the events of 1970.
- 8. Advising Donaldson to focus on the future rather than the past, Martin McGuinness regretted the UUP's continuing refusal to engage with Sinn Féin. Noting Nesbitt's "unique ability to drag us all away to the further reaches of Eastern Europe", he observed that the British Government did not seem to share the UUP's preoccupation with international law. He went on to assure Nesbitt that, if Unionists felt unwanted by the British Government, nationalist Ireland did want them - and as equals, not inferiors.
- 9. The debate was characterised by jocular remarks and some good-natured banter between delegations, including Sinn Féin and the UUP. The Minister of State intervened towards the end to respond to a number of the points made. She indicated that, while the rights guaranteed under our Constitution fully corresponded to (and in places exceeded) those available through the ECHR, officials were looking again at the complex legal and practical issues involved in possible incorporation of the latter. She also criticised the UUP for an excessively academic approach, urging Nesbitt to rely on the talks process rather than on international legal instruments, and drew their attention to the approach to self-determination endorsed by the British Government in the Joint Declaration.
- 10. This afternoon's meeting of the Liaison Sub-committee on confidence-building measures resumed the discussion on economic and social development. The British Government had earlier circulated a short paper. The UUP (Nesbitt) questioned us on aspects of our paper on this subject, in particular our view of the SACHR report on fair employment, to which the Minister of State responded fully. Other delegations also contributed detailed views on fair employment and on the related issues of deprivation and disadvantage. The PUP circulated a paper under this item.
- 11. The final hour of this meeting was devoted to an initial round of statements on paramilitary activities, the next agenda item. The statement delivered by Secretary Gallagher on behalf of our Government is attached. Sinn Féin emphasised their opposition to all violence and their commitment to helping the families of the "disappeared". The PUP, who circulated a short paper, hoped that ritualistic condemnations could be avoided. The SDLP praised all those who had used constructive influence with either the Republican or Loyalist movements.

attached  
attached to  
daily report  
of 4. 2. 98

attached

attached +  
Respeaking note  
attached

- 12. This debate is to be continued at the Sub-committee's next meeting (25 February). At the outset of the meeting, Paul Murphy (deputising for the Secretary of State) had condemned last night's and today's killings in Belfast and had made clear that, if parties to the talks were found to have been associated with these, the implications would be seriously examined. His remarks were subsequently issued to the media.
- 13. The position in relation to written responses to the two Governments' Strand Two paper is that papers have now been received from the SDLP, Sinn Féin, Labour and the UUP. (The latter's was withdrawn last night but reappeared in a revised version this afternoon). Some of these papers have been circulated to all delegations while others have so far been confined to the Chairmen and the Governments.
- 14. Senator Mitchell consulted with the two Governments today on the issue of a cross-strand format. We supplied him with suggested terms for the presentation of this proposal to the parties, with whom he initiated a round of contacts in the matter this afternoon. The UUP did not, it seems, indicate particular opposition. The Senator made clear to those who had been pressing for an early meeting in this format (the SDLP and Sinn Féin) that he would not be available to chair it himself before the week beginning 2 March.
- 15. British officials met the UDP today at the latter's request. A meeting with Paul Murphy is also scheduled for Thursday. (A separate note follows).
- 16. Various papers tabled today are annexed. The two Governments are to consult at official level over the coming days on how best to assist Senator Mitchell in drawing together a synthesis of the Strand Two papers (which he would present at the outset of next week's Strand Two debate in Dublin).

*David Donoghue*

David Donoghue  
10 February 1998