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RECEIVED 15 DEC 1997
NC/28/12

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Date: 9 December, 1997

IMMEDIATE

NOTE FOR THE RECORD

Mr. Barton
1. Mr. Carson
2. Mr. Brown

TALKS, 8 DECEMBER

Summary

- 1. The day of the Taoiseach's visit to Castle Buildings, which passed off well, fences apparently mended between the Irish and the UUP. Increasing hesitations developed on all sides about seeking to proceed with any outline agreement before the Christmas break; and the Irish expressed concern about our taking forward our heads of agreement paper, about which Mr Trimble had talked to them. In the formal session, the UUP and SDLP jointly tabled a summary of 'issues to be resolved', provoking Sinn Féin concern that they were being left out.

Business Committee

- 2. Mr Hill has circulated a full note. The Business Committee agreed further meetings of the subgroup on Tuesday, Wednesday and next Monday, the review plenary taking place on Monday or Tuesday depending on timing of the second reading of the Police Bill. It confirmed that the next meeting of the sub-committee on decommissioning should be on 14 January (UUP grumbling about 'disgraceful' lack of progress); the meetings in London on 26-28 January (though the UUP were unenthusiastic and complained about cost); and those in Dublin on 16-18 February. Mr Maginnis' concerns about parties 'representatives' and 'supporters' swapping paces were advanced moderately by Mr Empey, and dealt with similarly calmly by Mr McGuinness, resulting in an understanding that flexibility should be retained, but that parties should not abuse it.

The Irish

- 3. At Mr Murphy's brief meeting with the Taoiseach, the Irish reverted to their doubts about putting heads of agreement on the table before Christmas: they would much prefer to take matters forward so that agreement could be reached immediately talks resumed (they were clearly reflecting in this SDLP and Sinn Féin views; perhaps also their appreciation of the UUP position). They were also adamant that the two Governments should go for an agreed draft.
- 4. The Taoiseach was accompanied by Ms O'Donnell, Mr Teahon, Mr Mansergh and Mr Gallagher. The Taoiseach took no very strong positions on issues himself, though some around him did.

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5. Mr Murphy commended the Irish draft Heads of Agreement, passed to us on Friday, and suggested there was advantage in showing it to the UUP. The party were uncertain where the Irish Government stood. Mr Ahern spoke of clearing lines with the SDLP, in advance of giving the paper to the UUP. Mr Gallagher said they were taking soundings with the SDLP. He did not think there would be agreement on such a document by the time the Talks broke for Christmas.
6. Mr Murphy said that he hoped that a draft could nevertheless be made public in advance of that. Mr Teahon came in: he thought that there was a problem with a draft being "out there": he cited pressure on the UUP from the DUP and UKUP. We might aim to develop a sense that we would get agreement on the day the Talks returned - and, said Mr Gallagher, on formats. Sinn Féin, added Mr Gallagher, would not agree before Christmas to something mentioning an Assembly. Ms O'Donnell seemed to argue rather the opposite point of view, and Mr Ahern speculated rather vaguely about enhancing the content of any document agreed before Christmas: he said he was aware that the Prime Minister was anxious to see some development before Christmas.
7. Mr Murphy reiterated that there would be a greater sense of movement if draft Heads were in circulation. We had little time after Christmas if we were to meet the May deadline. We understood that the UUP saw advantage in having something tabled before Christmas.
8. Mr Murphy suggested there might be a case of putting in separate draft Heads of Agreement from the two Governments, giving greater room for manoeuvre. Mr Teahon and Mr Gallagher both responded strongly that the two Governments must stand together. Mr Teahon added, presumably as an argument for publishing no draft head before Christmas, that while privately we all knew the broad lines of a likely agreement, they were not generally understood in the Unionist community, and would be a shock. The UUP had to condition their constituency.
9. The Taoiseach expressed concern more forcefully about the inadvisability of early movement by the Government on heads of agreement when he saw the Secretary of State at the end of his visit: Mr Lindsay's note of today records the meeting in full. There has since been contact between Teahon and No 10 (Mr Holmes' letter of today).
10. The Taoiseach and Mr Trimble both said publicly after their meeting that the disagreements of last week were behind them, and spoke of resuming dialogue.

Sinn Féin

11. Sinn Féin made clear to Mr Murphy they wanted agreement on key issues and formats by Christmas, which to them was necessary 'good news': they did not see any possible of outline agreement by then, however, and clearly had serious reservations about any attempt to move towards it. January was when serious negotiation would take place. They urged us to discount rumours of an impending end to the ceasefire; though quickly moved off the subject. They continued to complain about lack of UUP engagement with them; there might be some hope of improvement in recent statements of Mr Trimble, but they still doubted he was serious about the process.

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12. Mr McGuinness, Mr Kelly and McAteer made up the delegation (Mr Adams was out with the Taoiseach). Mr Murphy was obliged to leave for part of the meeting: it continued with officials. The meeting was rather edgy, though not bad tempered.
13. Sinn Féin raised again, predictably, the UUP's failure to engage with them. There might be some signs of great flexibility in recent comments of Mr Trimble. But Sinn Féin made clear they had real doubts about the UUP's good faith. Mr McGuinness said that if he were a Unionist looking to destroy the Talks, he would behave just as Mr Trimble did. We raised unionist fears about the Republican Movement. Mr McGuinness said Sinn Féin did not let themselves be deterred by outside distractions:

14. The theme of Unionist non-engagement with them recurred throughout the meeting. We pointed out that the process itself was engaging with Sinn Féin, even if the UUP was not doing so directly. Mr McGuinness acknowledged that. Asked directly whether a meeting with the UUP was a pre-requisite for progress, Mr McGuinness said it was not. Mr McGuinness professed himself very concerned by the meetings held by Lord Cranborne, which he took to be aimed at the defeat of the Talks process. Our side said it was clear that Mr Trimble was not participating in any such campaign. He might be hard to read, but our impression was that, although still nervous, he was now engaging on the issues. He had had plenty of excuses to delay things if he had wished, in recent days: he had not done so.
15. In the context of the debate about Unionism, Mr Murphy introduced the question of the ceasefire. Mr Trimble believed that the ceasefire might not hold: and there had been rumours circulating in recent days about it coming to an end. Mr McGuinness said sharply that he would caution people against such a rumours. It was disastrous to take note of them. The 32 County Sovereignty Committee was not a threat to anyone. Mr McGuinness then moved quickly off the subject into a discussion of the need for leadership among Unionists, and the discussion (from which the Minister was then called away) did not revert to the topic.
16. Discussion on the agreement of Key Issues, and of Heads of Agreement, before Christmas was at first confused, because Sinn Féin had different views on what was meant by the two terms. It became clear, however, as the meeting progressed that Sinn Féin was very anxious to have some agreement on key issues for resolution: it was important that the public "see we have got our act together". According to Mr McAteer, "the greatest enemy is lack of progress".
17. But they did not see any prospect of any outline agreement before Christmas. It was in January and February that "people will be focused" if ever. Mr Kelly also spoke of the need for progress then: May was close, and marching started before the month of March. Mr McAteer, though agreeing on the need for progress then, sounded a note of caution about whether outline agreement would be the right way to proceed.
18. Mr Stephens pointed out that if we were moving towards an agreement, all parties would have to make moves (in Sinn Féin's case, for example, on an Assembly). What

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would be the right time for Sinn Fein? Mr McGuinness said it was not now: he reverted to the old Sinn Féin theme that for that to happen, it would be necessary for all participants to address the Sinn Fein analysis. They wished to talk to Mr Trimble about the Act of Union, the Government of Ireland Act 1920 and the Northern Ireland Constitution Act 1973; and to discuss the end of British rule, and the merits he should see in a united Ireland. They would want to talk about the fundamental change that all knew would be necessary to bring an end to our problems. They were prepared to discuss his analysis with him; but he was not prepared to discuss theirs with them.

UUP

19. Mr Trimble, meeting Mr Murphy tête-à-tête after the meeting of the sub-group, was in good spirits. He was equivocal about early publication of draft heads of agreement, however: he wanted to talk to colleagues. He favoured in principle the tabling of separate drafts by the two governments, in view of his experiences of 'jointery'; though a *single draft pre-negotiated with him and the SDLP* would be different. He persisted in believing that Sinn Féin would leave the talks around January.

The sub-group

20. The sub-group discussion is recorded in full in Mr Hill's note of today (not to all). After prolonged and progressively more substantive discussion of the Chairman's list of key issues, the UUP and SDLP (led by Mallon) jointly tabled the attached text for consideration.
21. This won fairly widespread support but triggered a long and passionate complaint from Martin McGuinness about the two large parties doing deals together on a basis which excluded Sinn Fein. He described it as an "injustice to Sinn Fein and those we represent" and warned, ominously, that if this was to be the pattern for the future, it would be a serious mistake. It was clear that part of his concern arose from the fact that the document refers to "an Assembly" in Northern Ireland (implying a continuation of partition) while being less specific about the nature of future North/South arrangements.
22. The participants decided to reflect on the draft overnight with a view to considering any suggested amendments at tomorrow's meeting (10.30 am) and going on to consider the formats within which the discussion of these issues should be taken forward in January. Mr Murphy, with an eye to all eventualities, again pressed the case for moving beyond the identification of key issues to a consideration of areas of substantive agreement.

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ISSUES FOR RESOLUTION

1. **Future arrangements for Northern Ireland:** nature and composition of any institutions, including an Assembly; powers, functions and responsibilities; relationships with other institutions.
2. **Future North-South arrangements:** nature and composition of any institutions; powers, functions and responsibilities; relationships with other institutions.
3. **Future East-West arrangements:** nature and composition of any institution(s); powers, functions and responsibilities; relationships with other institutions.
4. **Constitutional Issues:** Any amendments to the Irish Constitution and any amendments to British constitutional legislation.
5. **Rights and Safeguards:** protection of human, civil and cultural rights; constitutional and institutional safeguards for new agreed arrangements, including justice and policing.
6. **Validation of overall agreement.**

8th December 1997

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