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From: Ted Hallett
RID
7 April 1998

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cc as attached

PS/Secretary of State (B&L)

TALKS: TUESDAY 7 APRIL 1998 (AFTERNOON)

The afternoon's business consisted of a number of bilateral meetings. The Secretary of State met Mr Trimble, a PUP delegation to discuss prisoners, the Women's Coalition and the UDP. Mr Murphy met the SDLP. The afternoon concluded with a brief discussion with Senator Mitchell.

Mr Trimble

The Secretary of State met Mr Trimble at 14.00.

Mr Trimble made clear that he had fundamental difficulties with the draft text on Strand Two. He had to establish whether the Prime Minister and the Taoiseach were prepared to accept radical changes. If they were not, there was no prospect of agreement. He complained that the Irish were avoiding meeting him and that essential points he had put to the Prime Minister had not been taken into account in the paper. The proposed changes to the Irish Constitution were wholly inadequate. They neither removed the claim nor recognised the existence of Northern Ireland. He was convinced that the Irish had a more acceptable text which they were holding

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in reserve until the final stage of negotiations. The Strand Two text contained a lot of "garbage". The first step was to "tear up the three annexes".

PUP

The Secretary of State met a PUP delegation led by Mr Plum-Smith at 1505 to discuss prisoners. The PUP priority was to secure the quickest possible release of the largest number of prisoners. They wanted a uniform system applied to all prisoners, with no differentiation on the basis of court papers or the nature of the original offence. The Secretary of State outlined our ideas on remission tariffs, combined with a cut-off date for the release of all prisoners. She asked the PUP for a list of their prisoners, to enable officials to consider how the different schemes would affect them. It was necessary for her to have a further discussion with the Prime Minister before anything definite could be settled.

The PUP outlined an ambitious list of measures to facilitate the reintegration of prisoners into society. There should be no discrimination against released prisoners on the basis of their previous records. The Secretary of State undertook to consider what could be done.

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Northern Ireland Women's Coalition

The Secretary of State met the NIWC at 1550. The NIWC had a large number of detailed amendments to offer on policing, civil forum, victim support, prisoners, equality, a bill of rights and other matters. It was agreed that these should be given to officials for examination. A fundamental point for the NIWC was the retention of a civic forum in Strand One. The Secretary of State suggested that there was unlikely to be serious objection to this.

In a subsequent discussion officials took note of a NIWC proposal that all prisoners on ceasefire be released by June 2000, but observed that that would need the agreement of the two Governments and the other parties.

UDP

The Secretary of State met the UDP at 1635. On prisoners the UDP shared the PUP's concerns about differentiation and favoured an automatic scheme which yielded the greatest number of releases in the shortest possible time. The Secretary of State asked for a list of UDP prisoners, with sentences, in order to determine how various schemes would affect them.

On the draft Agreement, the UDP's principal concern was the establishment of implementing bodies in Strand Two in advance of the setting up of the Assembly. They contrasted the treatment of the functions of the British/Irish Council under Strand Three (a single

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paragraph on page 33) with the much more extensive treatment of the functions of the North/South Council in Strand Two. This would cause them serious presentational problems and they could not sell it to their constituents.

SDLP

Mr Murphy met the SDLP (Hume - who was disengaged - Mallon, Farren and Durkan) from 1430-1610. Most of the discussion was on Strand One, where the SDLP had continuing difficulties. They were happy with the rest of the document, particularly Strand Two (though Farren had earlier indicated that he could understand why the Unionists were unhappy).

Mallon made the point that changes to Strand Two should be brokered between the UUP and the Irish Government. The SDLP should not be expected to argue against their best interests to bring the UUP on board. They did not, however, seem perturbed at the thought of Annexes A and B being removed.

Particular points on Strand One were:

- the need for a greater role for the First and Second Secretary, to let them act as a collective, to have no portfolios and have firing powers etc [Comment: it will be interesting to see whether the UUP are willing to meet the SDLP on this if they can be confident that Sinn Fein will not fill the Second Secretary post];

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- safeguards remain difficult. The SDLP could accept the either/or formulation if the weighted majority also included significant support from both communities. We tried on the SDLP a simpler version involving a reduced sufficient consensus level of 33% or 40% instead to clarify the situation. They agreed to consider this;
- for the SDLP the duty of service is the Code of Practice. They are only interested in our Code of Conduct not our version of the Code of Practice. Material from our Code of Practice will be included in the Agreement itself as recognised by the latest draft;
- they remained unhappy that the committees had to agree departmental budgets and approve legislation. After discussion they saw the first as a serious obstacle, but believe they could live with the second;
- the UUP had been inconsistent in recent meetings and little progress had been made;
- they could be pushed to 18 x 6 STV. Some indicated they could live with the sort of proportional top-up we are suggesting, but Mallon and Hume were not willing to concede.

Meeting with the Chairman

The Secretary of State and Mr Murphy met Senator Mitchell at 1740. Senator Mitchell said the key to the negotiations was the Strand Two text. This had been negotiated by the Prime Minister and the Taoiseach and

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only they could re-negotiate it with Trimble. If agreement could not be reached on this, the negotiations would not succeed. The Irish must find out what Trimble wanted and make a political judgement as to whether they could accept it. Everything else was subsidiary. Trimble had serious difficulties and could not accept Strand Two as it stood. Depending on the outcome of the discussions on Strand Two, the aim would be to have a revised text ready by tomorrow evening, taking account where possible, of amendments on points of detail submitted by the other parties.

(Signed)

TED HALLETT

cc PS/Mr Murphy (B&L)
PS/PUS (B&L)
PS/Mr Semple
Mr Thomas
Mr Jeffrey
Mr Bell
Mr McCusker
Mr Brooker
Mr Hill
Mr Maccabe
Mr Beeton
Mr Ferguson
Mr Howard
Mr Whysall
Mr May
Mr Johnston
Mr Fergusson, RID FCO
Mr Sanderson, Cab Office
HMA Dublin
Mr N Warner
Mr Holmes, No 10

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FROM: TED HALLETT
7 April 1998

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PS/Secretary of State (L&B)

TALKS: 7 APRIL (MORNING)

The morning's business consisted of a bilateral meeting between Mr Murphy and the Alliance Party and a meeting between the two Governments and the Independent Chairmen.

Alliance

Mr Murphy met the Alliance (Alderdice, Close, Neeson, McBride and Bell) from 11.15 to 12.00. The Alliance made clear their unhappiness with the paper, particularly the following points:

- serious discontent over Annexes A and B of the Strand Two paper (common policies and separate implementation). These had not been discussed and raised unionist anxieties unduly. Implementation bodies in themselves were acceptable, but there was a major presentational problem over how the list of functions would be used by the opponents of an agreement;
- on Strand Three the main problem was the apparent exclusion of the Northern Ireland Government from meetings of the Conference on Northern Ireland non-devolved matters;

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- the sections on policing, prisoner and decommissioning were "disastrous" and one-sided. They read the policing proposals as recommending an International Commission and they were unhappy that prisoners would be released without decommissioning. They also strongly disliked what they saw as an over-emphasis on the Irish language;
- they wanted the Irish to incorporate the ECHR;
- on Strand One, they had a serious of concerns but indicated that these were negotiable. They particularly disliked the civic forum (and its Strand Two counterpart), the idea of a top-up in the electoral system, the maximum of 10 Assembly Secretaries, the requirement for sufficient consensus, and what they saw as confusion over how the top two Assembly posts would be filled (by the d'Hondt rule or by a vote of the Assembly).

Meeting between the two Governments and the Independent Chairmen

The Secretary of State and Mr Murphy met the Independent Chairmen and an Irish delegation led by Mr Andrews and Ms O'Donnell at 12.00. Senator Mitchell reported that he had met Mr Trimble who had reacted extremely negatively to the paper. Trimble was particularly concerned with the Strand Two link between implementing bodies and the Assembly. He had also complained that the Irish had

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refused to meet him the previous day. The Irish rejected this accusation. They had been available throughout the day, but had received no request for a meeting with the UUP. Trimble may, however, have been seeking a meeting with the Taoiseach, who had been unavailable because of his mother's death.

Senator Mitchell's assessment was that the UUP would not accept the Strand Two text as it stood. The two Governments should therefore meet the UUP at an early stage to see whether their objections could be overcome. The Irish delegation were reluctant to contemplate amending the Strand Two text as it had been agreed by the Prime Minister and the Taoiseach. Any amendments could only be made at that level. Senator Mitchell argued that it was not unreasonable for the UUP to seek changes to a text agreed by the two Governments.

Mr Murphy reported the Alliance Party's concerns with the presentational aspects of the Strand Two annexes. (The Irish subsequently indicated, in a political discussion with only Ministers and the Chairmen present, that they might be able to look at this.)

Senator Mitchell indicated that he planned to spend the rest of the day in bilaterals with each of the parties.

(Signed)

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