

CONFIDENTIAL

F12/DC

Drafting Committee

Third Meeting, 14 July 1995

Summary Note

1. The third meeting of the Drafting Committee was held in Dublin Castle on 14 July 1995. A list of the attendees is attached. As agreed at the previous meeting on 19 May, the Secretariat had circulated a revised draft (F6/DC Rev 1) of the Realities section of the proposed Realities/Principles document, based on the comments received from members at and since that previous meeting. The third meeting was primarily devoted to a discussion of the revised Secretariat draft. This note sets out in summarised form the main points of the discussion.

Summary Note of Second meeting of Committee of 19 May

2. This was agreed.

Discussion of Secretariat Revised Draft F6/DC Rev 1

3. The remainder of the meeting was devoted to this item. The Chairperson introduced the revised Secretariat draft and the accompanying Background Note (F9/DC) which had also been circulated to delegations during the week. In the time available she did not see that it would be feasible to get beyond the general reaction stage at this meeting, with perhaps more detailed commentary and discussion being left over until the Autumn. It would be particularly helpful to her and the Secretariat however to have from the members a general sense as to whether the draft as it stood was going broadly in the direction of convergence within the group. At the Chairperson's request, Tim O'Connor of the Secretariat summarised the main ways in which the revised draft differed from the original text, to take account of the comments of members. Notwithstanding the changes that had been made, it was likely that the revised draft would not meet fully every concern of every delegation; nonetheless, the Chairperson and Secretariat hoped that members would accept that it represented a reasonable basis from which to work towards a document to which all could sign up.
4. In the exchanges which followed, the overall sense was that the revised draft was moving in the right direction and, indeed by the meeting's end, that a considerable degree of consensus was forming around its broad outline. It was clear also that most delegations regarded paragraphs (l) and (m) as the two key sections. Most delegations had textual amendments which they wished considered, and initial notice was served on several of these at the meeting - it was agreed that delegations would also follow up in writing to the Secretariat afterwards. The following paragraphs set out the main points in this regard raised by delegations. The paragraph headings refer to the revised draft.
5. General
 - Deputy Noel Dempsey (Fianna Fail) said that the revised draft was moving broadly in the

- right direction. They had reservations about phraseology in a number of areas.
- Deputy Austin Currie (Fine Gael) said that the draft was a reasonable basis for moving forward. There were issues of language here and there, but he was satisfied with the draft's broad thrust.
 - Deputy Brian Fitzgerald (Labour) said that by and large they had no problems with the broad thrust of the draft. Paragraphs (l) and (m) were the critical sections.
 - Mr Pat Doherty (Sinn Fein) felt that in general terms the revised draft was an improvement and moving in the right direction. They had difficulties with a number of specific points.
 - Mr Eugene O'Shea (Green Party/Comhaontas Glas) commented that, judging by the reaction in the Committee, the revised draft was clearly moving in the direction of convergence. They had two substantive amendments to suggest and a number of drafting points.
 - Senator John Dardis (Progressive Democrats) said that the revised draft went a long way in the right direction. They had, however, a number of drafting concerns.

6. Preamble

- Deputy Dempsey believed that the Preamble could be tightened up further.
- Deputy Fitzgerald said that Labour were very pleased that a Preamble had been added. It included elements which they believed were very necessary.
- Senator Dardis queried the notion in the Preamble that there had been no direct input by unionists. Several influential groups within the unionists tradition - such as the Churches - had been to the Forum and given their views. There was a need to convey this in the Preamble.
- Several delegations raised the use of the word "peace" in the Preamble. Mr Doherty preferred "the ceasefires". Dr Martin Mansergh (FF) suggested the phrase favoured by the former Taoiseach, Deputy Reynolds, ie "the beginnings of peace". Mr John Hume MP, MEP (SDLP), drawing on the IRA announcement of 31 August 1994, suggested "total cessation" (of violence). Mr Seamus Mallon MP (SDLP) argued that it was the things which preceded the ceasefires - for example, the development of a common approach by the two Governments - which made them possible. If what was being sought was a document whose validity would endure, it should not be based on a decision made by others (which could be reversed). Dr John Alderdice (Alliance) said that what existed was a "cessation of violence". Senator Dardis also expressed concern about the use of the word "peace".

7. Paragraph (d)

- There was a lengthy exchange on the issue of whether the reference in this paragraph to Sunningdale, the Anglo-Irish Agreement etc should be retained. The Green Party/Comhaontas Glas (Mr Eugene O'Shea and Mr Vincent McDowell) argued that they should be dropped on the basis that these initiatives had been violently opposed by unionists; their inclusion would merely serve to provide the latter with an "easy exit". Responding, Dr Alderdice said that while he understood well the wish not to offend the unionists, his fear was that the proposal of the Green Party would have the opposite effect

to what was intended. To gloss over issues that "everybody knows are there" could serve to make matters worse rather than better. It should not be assumed that by "setting things aside, you get the unionists on board". It was time for the unionists to start facing realities. Mr Mallon had difficulties also with the Greens' proposal. The unionist position was copper-fastened by Sunningdale, the Anglo-Irish Agreement, the Joint Declaration and the Framework Document. If they were removed from the document, what signal would that send to unionists? Moreover, the most fundamental political change which had taken place during the last 25 years was the decision of the two Governments to work together. It was essential that the document not move away from these fundamental realities. Mr Sean Donlon (FG) also argued for retention of the references. In particular, the reference to the Anglo-Irish Agreement should remain - and perhaps be given separate treatment, on the basis that it was a legally-binding international agreement. Sunningdale was of a somewhat different nature in that it was a communiqué rather than a formal agreement. The other three documents were all "living realities" which needed to be included. He had a number of drafting suggestions in this regard which he would pass to the Secretariat. Dr Mansergh added that these were not nationalist documents, they were international agreements. It might be possible to work on the wording in some way, but reference to them was necessary. Mr John Lowry (WP) said that if the Forum were going to produce a document, it should be "more than a document for getting people into dialogue". It should show "where we came from". The references in (d) therefore were essential as they stood. Responding Mr O'Shea agreed that these had been "significant moments". That was not denied. Their question was "why include things which give an easy exit?"

8. Paragraph (e)

- Mr Doherty said that SF would prefer to see the terms of this paragraph broadened from the parties in Northern Ireland to "all-inclusive talks", with a reference also to both Governments.

9. Paragraph (f)

- Mr Seamus Close (Alliance) felt that paragraph (f) as it stood did not fully reflect the sense of threat from the South felt by unionists. Agreeing, Dr Alderdice said that ordinary unionists strongly believed that they had no stable future. Mr Mallon wondered where this idea of a threat from the South came from. Living among unionists in Markethill, he never came across it. He accepted John Alderdice's point, however, about unionist uncertainty about the future "(which is a different issue)". Dr Alderdice said that the view of unionists was that "Albion is perfidious and republicans are devious"! He had received many phone calls reacting to his criticism of Ian Paisley's involvement in the recent Orange controversy in Portadown, in the course of several of which the argument was made to him that "dont you know all they (the nationalists) want is to drive us into the sea". It was depressing - and, he knew, wrong - but this was the reality.

10. Paragraph (g)

- Mr Doherty said that Sinn Fein were not sure that violence had impeded the search for agreement; for many people, certainly for Sinn Fein, it had under-scored and "driven" the need for agreement and for a new way forward. Mr John Lowry (WP), on the other hand, argued that it was vital that this reference be retained. He did not agree that violence had focused minds. Retention of the reference was even more essential in view of the fact that the revised version contained a shorter treatment of the violence issue.
- Mr Seamus Lynch (DL) believed that there should be a very clear statement in the document that the Forum was opposed to violence. He noted that paragraph (g) as it stood did not contain such a statement.

11. Paragraph (h)

- Deputy Dempsey said that Fianna Fail wished to have the definite article deleted in the phrase "the core issues". Moreover, to reflect the considerable liaison role played by the then Government in terms of groups and individuals within the republican and wider nationalist communities in the brokering of the ceasefires, a linking phrase such as "together with" was needed in that sentence also. Mr Doherty supported this amendment.
- Mr Lowry argued that paragraph (h) should include some reference to the people in Northern Ireland and elsewhere who over the years had worked for, and sought, peace - and not just confine its terms to those who had been involved in the brokering of the ceasefires.

12. Paragraph (k)

- Mr McDowell felt that this paragraph was somewhat misleading in that it implied full parity as between the positions of the two traditions. The Green Party would suggest instead an opening phrase such as "Notwithstanding the status quo, which effectively maintains the primacy of one tradition over the other,....". They would propose an additional phrase at the end of the sentence to convey the requirement of both Governments (particularly the British) remaining "neutral and objective". Dr Alderdice said that this proposal would certainly raise the ire of unionists.
- Mr Lynch noted that there were several references throughout this paragraph to the "two communities" - "are we going to drill into people that they are different"? He wondered about the wisdom of highlighting the two communities divide in this way. Deputy Dempsey argued that while there were two major traditions, this did not exclude others. The point in paragraph (k) was that both these traditions had the critical mass to prevent the imposition of a settlement to which they were opposed.

13. Paragraphs (l) and (m)

- There was general agreement that these were the two most crucial paragraphs.
- Mr Doherty suggested that (l) (self-determination and consent) gave the impression that this was a report of the two Governments; the Forum should be producing a report that

reflected its own views. Responding, Mr Lowry agreed that the document should reflect the Forum's own view; however, in regard to consent he had yet not heard anybody in the Forum contradict the definition of consent as contained in the Joint Declaration and the Framework Document. The draft followed from the papers on the nature of the problem - in his view the contents of (l) faithfully reflected the views of the generality of parties as conveyed in those papers.

- Mr Lynch felt that there was a need to add a reference to the fact that the desire of a majority of the people of Ireland for a united Ireland was circumscribed by a requirement that this be achieved by peaceful means. He thought that some account should also be taken in the draft of the fact that there was a number of Roman Catholics in the North who, while not wishing to be seen as unionists, wanted to "be part of the UK".
- Dr Alderdice said that, while he did not have a "fundamental objection" to the terms of paragraph (m), he wondered what the phrase "reconcile as fully as possible" meant. He personally could not read it in any other way than that it meant joint authority. The unionists would compare the terms of (m) with the New Ireland Forum. The latter referred to political, administrative and symbolic rights. Paragraph (m) included as well economic, cultural, policing and the administration of justice rights. Their reaction would be "this is much worse"! Some thought needed to be given to this point.
- Senator Dardis felt that the phrase "at present" sent a "particular signal".

14. Paragraph (n)

- Mr Doherty said that Sin Fein would be seeking the addition of the phrase "and redress economic discrimination".

15. Paragraph (p)

- Deputy Dempsey suggested that the third sentence of this paragraph be amended as follows: "One consequence of this is a significant development in understanding among many towards Northern Ireland and a greater willingness to accept Northern unionists in terms of their own self-perception". This, he felt, brought out more clearly an important element of the nature of the change in Southern attitudes towards Northern unionists. Dr John Alderdice said that he found this - the notion of accepting unionists in terms of their own self-perception - "an easier concept to accept". There had been a development in people's attitudes in the South, but a lot of Northern unionists did not understand that there had been a change.

16. Paragraph (q)

- Senator Dardis said they had some reservations about this paragraph (Europe), which they would be passing to the Secretariat.

17. "Audience"

- Senator Joe Lee (Ind Senators) prompted an exchange on who the "audience" was for the document. Nominally it was the unionists parties, but if John Alderdice was correct in

what he had said about unionist fears about the South and about entering dialogue (paragraph 9 above), what was the point was in trying to produce any document? Mr Mallon said that the Forum was a very substantial body comprising 12 different parties/units. If it proved possible to get the 12 parties around the Forum table to sign up to the principles of non-violence and consent, that would be a very significant development. During further exchanges on the issue, it was pointed out that there had been substantial inputs at the Forum from Church leaders, farmers, businesspeople and community activists of a broadly unionist persuasion. It was agreed that the Secretariat would consider how an "outreach" to this broader group - and not just to the unionist parties - could be written into the preamble. Moreover, it was also recalled that during his presentation in March, Archbishop Eames had said that, despite the lack of movement at political leadership level, there was much soul-searching and new thinking taking place inside the unionist community and that time was needed for that process to take its full course. The view of the Committee was that a document from the Forum of the kind described by Mr Mallon above could dovetail well with the evolution in thinking taking place inside the broader unionist community and that these two elements taken together represented a useful overall context for the initiative.

18. Principles

Deputy Dempsey suggested that since the Committee was clearly close to broad agreement on the Realities section, the Secretariat might seek to bring forward the first draft of the Principles section in time for the next meeting. This was agreed. In regard to the consent principle, Mr Mallon wondered whether "something could be done" with the fact that subscribing to the principle of consent (as described in the Joint Declaration/Framework Document) did not imply consent to the current constitutional status of Northern Ireland.

Next Meeting

19. The Chairperson suggested that the next meeting be held on Friday 29 September. This was agreed. She also asked that in the interim delegations might let the Secretariat have in writing their comments on the revised draft (F6/DC Rev 1).

Forum Secretariat
20 July 1995

Drafting Committee Meeting, 14 July 1995

List of Attendees

Fianna Fail	Deputy Noel Dempsey Dr Martin Mansergh
SDLP	Mr John Hume MP MEP Mr Seamus Mallon MP
Fine Gael	Deputy Austin Currie Mr Sean Donlon
Labour	Deputy Brian Fitzgerald Mr Willie Scally
Sinn Fein	Mr Pat Doherty
Progressive Democrats	Senator John Dardis
Alliance	Dr John Alderdice Mr Seamus Close
Democratic Left	Mr Seamus Lynch Mr Paddy Gillen
Green Party/ Comhaontas Glas	Mr Vincent McDowell Mr Eugene O'Shea
Independent Senators	Senator Joe Lee
Workers Party	Mr John Lowry Mr Pat Quearney