

FROM: J DANIELL
SIL DIVISION
7 APRIL 1994

- cc PS/Secretary of State (L&B)
- PS/Michael Ancram (L&B)
- PS/Sir John Wheeler (L&B)
- PS/PUS (L&B)
- Mr Legge
- Mr Bell
- Mr Watkins
- Mr Williams
- Mr Wood
- Mr Brooker
- Mr Maccabe
- Mrs Brown
- Mr Kyle
- HMA Dublin
- Mr Archer, RID

MR THOMAS

Summary

1. A useful meeting. While the Irish had not prepared a paper for the meeting it was clear that they were under a remit to get on with it. There was even talk of drafting over Easter. The two sides comprised:-

Irish

- Mr O'hUiginn
- Mr O'Donovan
- Mr Donoghue
- Mr Finlay

UK

- Mr Thomas
- Mr Watkins
- HMA Dublin
- Mr Daniell

2. There was a detailed round-up of the current political scene. The Irish were particularly interested in our assessment of the UUP in the light of recent statements from them about the talks process and of the removal of members of the liberal wing from Party

offices. They were told that these was more than minor local difficulties and reflected real concerns within the Party. On the Joint Declaration, there was agreement on the importance of the two Governments keeping in step. Mr O'hUiginn made clear the Irish Government's position that they were looking for nothing less than a permanent cessation of violence - but did hint at the possibility of a pragmatic response being necessary, in the event of a lasting ceasefire.

3. The discussion of issues to be covered in the joint paper concentrated on the items highlighted in para 6 of the Report agreed at the previous IGC. Each side raised issues which would need to be covered, including minority rights in the North; entrenchment; the application of the concept of consent; default mechanisms; the need to avoid certain language that appeared in the "Emily O'Reilly" document; means of ensuring the effective working of North/South arrangements; and the Irish view of the status of Northern Ireland. The tone of the discussion was constructive throughout, with only a minor departure from the general mood of goodwill when the Irish raised concerns about briefing allegedly given to the press after the Heathrow attack.

Opening Remarks

4. Mr O'hUiginn opened the meeting by saying that the Irish side had hoped to be more advanced in the preparation of the paper, as mandated by the previous meeting of the IGC. The St Patrick's Day celebrations in the United States had delayed them. However, they would use the Easter break to make up for lost time and were pleased to have the opportunity for a general discussion on the issues to be covered - under the headings set out in paragraph 6 of the Report agreed at the Conference.

5. The meeting would also enable the Liaison Group to discuss future timetables and the use to be made of the Framework Paper. It would be difficult to launch a high profile initiative in the run up to European elections, but we needed to be in a position to "hit the

ground running" when the time was right. You said that you were encouraged by the approach being adopted by the Irish side.

News from the Road

6. You said that we appreciated the stance adopted by the Taoiseach in the US - the theme that the IRA's dispute was with the Irish people was a powerful note to strike.

7. DUP - you said that the meeting between Dr Paisley and the Prime Minister went much as reported. The Prime Minister was not going to submit himself to a lengthy diatribe, read by Dr Paisley from prepared notes. It was clear that no serious business could be expected of the DUP this side of the elections. Dr Paisley was confident of his electoral prospects and was already publicly interpreting the mandate that would be implied from his victory - ie rejection of the Joint Declaration.

8. UUP - you reported further signs of "wobbling" in the UUP, partly due to nervousness about the elections, but also because of grass roots pressure. The previous day, a meeting between them and Michael Ancram had been called off - instead we had received a letter from the UUP demanding reassurance before any further meetings could take place. They were particularly upset by statements from the Secretary of State to the effect that they had accepted that they were involved in 3 stranded talks and they objected to the "Notions" paper having been shown to the Irish. Our response would deal with their points, but at the same time make clear that HMG could only envisage an accommodation covering all key relationships.

9. Mr O'hUiginn expressed concern about the ousting of Chris McGimpsey and Hazel Bradford from UUP party offices - and about the increasingly defensive posture being adopted by Ken Maginnis. Was this an attack on liberalism within the UUP or a personality issue? Perhaps McGimpsey was in reality a fringe player who had received a temporary boost because of the case which he brought in the Irish

Comments about the incompatibility between the AI Agreement and Articles 2 and 3. Mr Watkins agreed that McGimpsey's intellectual approach was not always appreciated by the UUP mainstream; but counselled against assuming that this was primarily a personality issue. The progressive wing of the party was under attack, with John Taylor's maverick opportunism playing a key role. In summing up you assessed that the UUP were just in play.

10. Alliance - you noted that John Alderdice had been seen recently - his theme was that the two Governments should take the initiative in "sorting things out". He was seeking bilateral meetings with the other parties and was having some success with the UUP; there had been no response from the SDLP. While a helpful initiative, it was unlikely to lead to much.

11. SDLP - Mr O'hUiginn said that John Hume's visit to the United States had been an overwhelming success; he had received effusive welcomes everywhere he went. But he now needed to get back in touch with his party. The attack on Councillor Fee had created indignation within the party and John Hume had squarely placed the blame on the IRA. The attack might have been provoked in part because the Provisionals were nervous that support for the Joint Declaration was growing in South Armagh. Mr Blatherwick pointed to the contrast between Hume's attacks on the IRA and his repeated assertions that HMG should be prepared to talk to Sinn Fein in advance of a cessation of violence. Mr O'hUiginn agreed and stressed that Mr Hume differed from the Irish government on that point. He had adopted a "heroic but high risk" strategy in his approach to the peace process.

Joint Declaration, Temporary Ceasefires etc

12. You opened this part of the discussion by welcoming the way in which the two Governments were speaking the same language on temporary ceasefires. Mr O'hUiginn, echoing the Taoiseach's message, said that the theme of "consent" running through the Joint Declaration was not negotiable. Anyone who disagreed with that

Oppressed the Irish people. He said that speculation over temporary ceasefires, reportedly emanating from the Irish, had been the result of mis-interpretation of carefully prepared texts. Remarks by the Tanaiste about any act of violence being "one too many", together with separate briefing on the conditions for Sinn Fein participating in talks, had somehow been telescoped by the media into an erroneous assessment of Irish attitudes towards a temporary ceasefire.

13. You opined that a temporary ceasefire was an obvious gambit for the Provisionals - time-limited, or perhaps without a definite date for its end. This could be a tactical ploy to put the blame on HMG for being unimaginative and in an attempt to drive a wedge between the two Governments; or it could be a genuine attempt to find a way into a permanent cessation of violence. HMG was clear that there would only be dialogue with Sinn Fein if there was an established and permanent end to violence. But there would be tactical choices in the PR response to a temporary ceasefire - over the tone which we adopted. Either way we would want to avoid appearing to be inflexible.

14. Mr O'hUiginn said that the Irish had not given much thought to the question. Therefore anything he said would be "off the top of his head". The issue of bringing Sinn Fein into political dialogue would be more immediate for the Irish, given that they envisaged convening the Forum as soon as it was clear that violence had come to a permanent end - no question of waiting for up to 3 months.

15. Mr O'hUiginn speculated on what might be the motivation behind a temporary ceasefire - a genuine desire for peace; to buy time; to drive a wedge between the two Governments - or perhaps a mixture of all three. A lengthy ceasefire would be an enormous step for the Provisionals and they would be cautious; they would take account of the enormous effort that would be required to reactivate the PIRA machine after, say, 3 months. If they did embark on such an exercise, he doubted that there would be a clean break with violence; there could be splits and trouble on the streets.

Certainly we could not expect the Provisionals to "come in through the front door with an unqualified acceptance of the Joint Declaration".

16. Mr O'hUiginn said that it was difficult to speculate in advance on how the Governments might respond to a cessation of violence without knowing the terms. At the outset, he was adamant that the Irish Government were looking for nothing less than a permanent cessation of violence before there could be any question of talks with Sinn Fein. But as he continued to talk, he seemed to draw back slightly from this unqualified statement of principle, perhaps in the belief that a clear and unambiguous declaration of a permanent end to violence was too much to expect. He spoke along the following lines (not an exact quote, but close enough):-

There is a simple political test. Can the Government risk sitting down to talks with someone who could be involved in a Heathrow the following day? We would need reassurance to ensure that would not happen. Many scenarios would start with a period of probing on our part. There would have to be a pragmatic judgement on the balance - a balance between the risk of "contamination" and the risk of losing an opportunity for a genuine permanent cessation. We could only entertain talks if it was clear that things were OK. The criterion is - how close to a permanent cessation of violence? If it is close, we might go ahead.

17. You said that we were not yet close to such a point. Without a permanent cessation of violence, you could not see us discussing with Sinn Fein the matters which they claimed that they wanted clarified - though of course it was possible to make points through speeches. It was essential that the two Governments kept in close touch on these issues, especially if the Provisionals did make an announcement.

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Future Work of the Liaison Group

18. Mr O'hUiginn suggested that to assist the Irish Side in drafting the framework paper, it would be useful to have a general discussion on the topics to be covered:- the broad agenda enshrined in paragraph 6 of the Liaison Group Report agreed at the IGC. You said that the British side appreciated the urgency being shown by the Irish and that we looked forward to seeing the product within a few days.

19. Turning to the first tirect in the para 6 of the Report - definition of the objectives, commitments and understandings common to the two Governments, Mr O'hUiginn said that the Anglo-Irish Agreement and the Joint Declaration were the 'bedrocks' upon which this part of the paper would be based. There would be a need to develop further some ideas in relation to Northern Ireland, in particular on the rights of Northern nationalists (which some now felt were not sufficiently addressed in the Joint Declaration). The paper would make the point that divided allegiance could only be accommodated on a basis of mutual respect - consent was a critical concept in relation to any constitutional change; but it was a multi-dimensional concept and there should also be a reference to structures that could command the consent of all parts of the community.

20. You invited the Irish side, in drafting, to reconcile the multi-dimensional approach with the words of the Joint Declaration. Was there a contradiction between the notion that Unionist consent was required on the big constitutional question, but not in relation to smaller matters? Mr O'hUiginn said that if minority rights were to be protected, the fact of that protection should not have to be subject to the control of the majority. It was desirable to secure agreement but ultimately the protection of the minority had to be entrenched. There were issues where the rights of the minority would not be derived from the approval of the majority; some things needed to be beyond the reach of the majority.

Mr O'hUiginn, warming to the theme, went on to declare that no party could have a veto on political progress. The two governments had the mandate to agree between themselves on important issues relating to Northern Ireland - which was not to minimise the commonsense view that ideally all should be agreed. You said that the notion that some minority rights would have to be entrenched was common ground for both sides. But there was a difference of emphasis. We would want to stress that arrangements resulting in entrenchment should in themselves have secured consent all round; if we did not start with agreement, the arrangements would not have a good foundation. But this did not mean that in some scenarios we would not have to contemplate entrenchment without consent.

22. Mr O'Donovan agreed that the Joint Declaration was an important reference point. The constitutional guarantee was necessary in order to allay real fears on the 'Unionists' part - even though it was de facto the case that there could not be a united Ireland without the Unionists' consent. But, this should not mean that the Unionists could stay in their trenches and prevent any progress from being made. It had to be conveyed to them that a dynamic process was in play; they should not be allowed to believe that nothing could happen without them. Mr O'hUiginn rounded off this part of the discussion by saying that the arguments were complex and he did not disagree that ideally all parties should sign up to all aspects of any new political arrangements.

23. Tiret 2 concerned inter-governmental structures (including East/West) reflecting the totality of relationships. Mr O'hUiginn had no original thoughts on this. The Anglo-Irish Agreement and IGC would continue in some form; if there was a panel, or something similar, there could be arrangements for associating its members in some way with the work of the Conference. You agreed that representatives from north/south institutions and from devolved institutions in the North could have a role in relation to the Conference, but there also needed to be arrangement to enable representatives of the two Governments to meet alone. You warned the Irish off using language of the type to be found in paragraphs

and 29 of the document 'leaked' to Emily O'Reilly in November last year (IGC to guarantee and monitor local institutions in NI and north/south arrangements etc). There would have to be some form of default mechanisms, but perhaps it would be better to internalise them - for example make the functioning of strand 1 institutions dependent upon the successful operation of north/south arrangements. There needed to be a fall back, for example re-introduction of Direct Rule; but that was different from giving both Governments a joint role.

24. Mr Watkins warned against giving nationalists the incentive to render north/south arrangements unworkable on the basis that they would collapse into some form of joint authority. You mentioned the need for internal incentives to make the arrangements work. Mr O'hUiginn was not wholly convinced that this would be sufficient to reassure nationalists.

25. On tirect 3 - mandate, scope and administrative and executive roles of new north/south structures - Mr O'hUiginn spoke of the need to trawl the possible functions to be covered. Mr O'Donovan said that the imbalance of power between the Government and Dail in the South, and any new institutions the North, would cause complications. Discussion of those issues might therefore impinge on East/West arrangements and involve an element of "tri-partitism".

25. Under tirect 5 - a balanced accommodation of the two main traditions on constitutional issues - you and Mr Donoghue revisited the reference in paragraph 17 of "Emily O'Reilly" to a British acknowledgement of the "full legitimacy and value of the goal of Irish unity by agreement...." He attempted to argue that "value" was a neutral expression - in which case, you argued, why include it? It was clear that, despite a later exchange over lunch, Mr Donoghue had no support from his colleagues on this and that the Irish side accept that we cannot live with such a formulation. You advised that in this area the safe way forward was to stick to the language of the Joint Declaration.

You said it was crucial that the Taoiseach acknowledged the de facto existence of Northern Ireland under this heading, Mr O'hUiginn saw no problem in that; it was drafting something which went beyond the de facto position that was more difficult.

Over lunch.....

27. You distinguished between drafting a description of a shared understanding of the possible outcome of the talks process and consideration of the tactical use to be made of such a paper. The objective would be to maximise the chances of securing the consent of others to positions acceptable to the two Governments - which might mean not advertising the extent to which we had reached firm agreement. It would not necessarily be helpful to appear prescriptive. Mr O'hUiginn doubted the value of deploying any paper before the European elections and referred to the complex clearance problems within the Irish government machine, associated with producing a paper of this sort. But we could be assured that the Tanaiste was "determined to get on with it".

28. You agreed that the British side would produce an annotated agenda of the tactical options for deploying an agreed framework paper. There was then a brief interlude in the substantive discussion while we addressed Mr O'Donovan's concern that his minute steak was too minute (he was given a second steak through which he struggled manfully).

29. There ensued a discussion on the merits, or otherwise, of an early Heads of Government meeting. The Irish side were concerned about the danger that announcing such a meeting would arouse unrealistic expectations of the outcome - especially as there was little prospect of making significant progress with the parties before the European elections. You pointed out that such meetings were now almost routine and could be presented as low key occasions. Mr Blatherwick said that the Prime Minister and the Taoiseach had agreed to keep in close touch and that meetings between them did not need to be regarded on dramatic events.

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O'hUiginn felt that from a presentational angle it was feasible to have a low key meeting only if there was a natural context within which it could take place; eg a sporting occasion or a European summit.

30. We then got onto what may have been the real reason behind the Irish unease about an early Heads of Government meeting. In a tone of mild hurt, rather than anger, Mr O'hUiginn raised the question of what had appeared to be press briefing from the British side after the Heathrow attack - this had resulted in reports of dissatisfaction about the Irish approach to items on the security co-operation agenda and in reports that the Prime Minister would seek an early meeting with the Taoiseach on the subject. This had caused the Irish concern, especially when taken alongside the letter from the Prime Minister to the Taoiseach - which spoke of a meeting after Easter and the need for "brain-storming" on security issues (in contrast with the language used in relation to political development:- "..... take stock of the broad political situation"). You said that the NIO had not been behind any such briefing and that No.10 had made it clear that they were not responsible. Mr O'hUiginn suggested that June might be the best time for the next summit.

31. Winding up, the Group reverted to the question of the 'Framework Paper'. Mr O'hUiginn reiterated the Irish side's determination to get on with it, but referred to complex clearance procedures. It was agreed that he and you would make contact, probably on 11 April with a view to determining the date of the next meeting (? 13 April).

SIGNED:

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DU/TYP/3733