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Ministerial Meeting at FCO, London
Wednesday, 6 November 1985

The meeting began about 3.35 pm and ended about 5.20 pm. Those present were Irish side: The Tanaiste, (Mr Spring), the Minister for Foreign Affairs, (Mr Barry), and Messrs Nally, Donlon, Lillis and Dorr; British side: The Foreign Secretary, (Sir Geoffrey Howe), the Northern Ireland Secretary, (Mr Tom King), Sir Robert Armstrong and Messrs Andrew, Goodall and Clark (Head of Republic of Ireland Department).

The following is not a verbatim note but a reconstruction in the form of direct speech from fairly detailed notes.

Howe Thank you very much for coming. I don't know who should speak first?

Tanaiste I think you should - we came at your invitation.

King There are various points. Certain points of some significance which came up in the official level discussions yesterday have to be thrashed out but I will leave that until later.

The first thing I want to put on record is that there are two things which make the Agreement worth while for us

(i) the clear possibility of reassuring the majority in Northern Ireland about status. You may have seen what I said yesterday. It was the message I have to keep pumping out - that there will be no sell out. That issue, for the reasons discussed (by officials on the previous evening?) still has difficulties for us. We have a Draft Communique saying what it means - yet the Agreement itself goes as far as you can go with your Constitution.

That means that that is not all I would like to see - it is less than was said in the Chequers Communique in November last year. I am being very frank. It is not a very big card to play with the unionists.

(ii) That being the case I am then thrown back on security for my selling point. What I want to put on record is that this is for me a very important area and I would hope for you as well. It is something the Agreement itself recognises. But for some reasons I do not understand there seems to be trouble about the Communique. (Note: This was a reference to King's wish conveyed through Andrews on 30 October to add something about improvement/enhancement to the Communique). Article 9(a) of the Agreement speaks of enhancement (of security co-operation). I am trying to understand some problems you have and I understand that you feel that there should not be any pointing the finger at you from the North.

I am saying this to you Peter (Barry) so that there will be no misunderstanding. That is something to which I attach a high priority. It does bring into play the question of increased exchange on intelligence and other ways in which we can get better co-operation - things like the Stephens/Ryan discussion on home-made explosives. We want to develop and widen these discussions.

The Agreement provides for other Ministers to be involved. This would be important. We will be looking also for a Chief Constable/Garda Commissioner meeting. I think it is only fair to spell this out for you.

I am advised that there is a sensitivity about saying you need to do more while we on our side are doing all we can. I do not put it in that way.

When I took over this job there was a lot of talk about these things. Then I saw the flavour of your paper which appeared to be more directed to temporary measures and measures against a possible Loyalist threat following the Agreement. It is also said that part of the increased resources needed will be met by overtime etc. (Note: This was a reference to the Irish "non-paper" headed "Note on increased activity of the Garda Siochana in border areas and in related activity elsewhere" which was passed over some weeks ago in the Armstrong/Nally framework as an indication of certain temporary measures which were proposed).

I just wanted to put this on record. A person in my position has to be concerned about these things.

Tanaiste There are two points which you put on record - the question of status and the question of security. Is there a direct link between the two?

King Let me be quite blunt. The question for me is how do I get understanding and support (for the Agreement) in Northern Ireland. The original concept was that the quid pro quo would be reassurance on status. That would be the balance against allowing the Republic a voice in Northern Ireland. But that is not now really going to be on. This gives added emphasis to the second point (ie security).

Minister for Foreign Affairs Look at Article 9(a) of the Agreement (which he quoted in part). That is very strong.

King As long as that is understood.

MFA Thanks for being frank. Our problem whenever you mention security is that it seems to be suggested that there is some kind of lack on the southern side. Sir John Hermon for example tends to do this. We spend an awful lot on security. We recently decided to spend four and a half million pounds extra between now and Christmas. This is very large in our terms.

I do not believe there is any lack on the ground - although I admit there have been personal difficulties between the Chief Constable and the Garda Commissioner. But it would be far better if there was not a political

tone to it whenever it is raised (ie any points to be made should be handled at the police level so that things would work better and not be made a matter for political finger pointing in public). We have more prisoners in our jails for crimes connected with (political offences) than you do in Northern Ireland and two thirds of them I think are from Northern Ireland. Our record is stronger than that of the police in Northern Ireland. McGlinchey was caught on our territory, so were those who kidnapped Tidey and so was Shannon.

What turns them (ie the Gardai) off is after that what they see as a failure within Northern Ireland is turned publicly on to the South. The most effective security is where there is a genuine effort to catch those concerned without tying a political label in public to the thing (I am not sure that I caught the phrase here?).

King These are not alternatives! We would like to see both.

I do understand your sensitivities. But there are a number of terrorist offences that take advantage of the border and prepare themselves in various ways. For example, there are mortars which are zeroed in in the South and tested before they are brought across. We hear these things.

MFA (interrupting) Have you any information on that?

King This is the sort of thing on which we want to have increased information and co-operation on intelligence.

Having made that point there are things in Northern Ireland we need to talk about too. You can have a murder in London and afterwards the person involved can escape to Berkshire and if that is said it is not seen as an assault on the Thames Valley Police. The border raises problems which we understand. I am not trying to build problems (sic). You have met what I am saying very effectively by saying you stand by the force of paragraph 9(a) of the Agreement. The reason I wanted to raise it was that suggestions for changes in the Communique would lead me to wonder. (Note: The point seemed to be that the Irish reluctance at official level to include certain wording about "improvement/enhancement" in the Communique had made him wonder about our understanding of Article 9(a) of the Agreement). You have said it (ie that we do attach importance to Article 9(a) and I am more than happy to accept it.

MFA Our worry was that it seemed to imply some lack on our side.

King (rather facetiously) I may be telling you other shocking things (when the Agreement is signed)!

Tanaiste Let us be very clear - we will co-operate but we will not accept inferences that we are not doing enough. Look at the proportion of GNP which we spend on security. We could not accept any implication to the contrary. I want to reiterate what Peter (Barry) said about the effect of "top of the head" statements which are a complete "switch off" and try to politicise the issue. We want to be effective.

Howe (mollifying tone) One thing we want is better performance. Sitting here it looks odd that after an incident on either side of the border we have Embassies rushing in and so on. For this reason we want this exercise undertaken - not on the basis of arguments on percentages. (Here he distributed the following text as a proposal for inclusion in the Communique):

In its discussion of the enhancement of cross-border cooperation on security, the first meeting of the Intergovernmental Conference will give particular attention to the importance of continuing and enhanced cooperation, as envisaged in Article 9(a) of the Agreement, in the policing of border areas.

It encapsulates the discussion yesterday (between officials). It is designed to avoid any implication of criticism.

(The Irish Ministers studied the text which had been handed over).

Tanaiste I think it looks all right so long as there is no implication of criticism about what we had been doing.

Armstrong It is about co-operation.

Howe "Continuing and enhanced co-operation."

King Yet do not mind emphasis on increased co-operation? You would not wish however that aspersions should be cast on the performance of the Gardai within their own area of responsibility. But you would not take offence if I said that there is scope for increased co-operation between the two sides?

MFA There is always scope for improving co-operation.

King I have to talk to two different audiences.

MFA So do we.

Armstrong I think "continuing and enhanced" (co-operation) is exactly right.

King Because you drafted it!

Armstrong No, you did!

King I wanted that recorded because of the vibrations (?).

MFA Before you leave the question if you do have any information (as regards the mortars) please give it us. We do not want these activities in our jurisdiction.

/...

King Superintendents telephone now with bits of information. The question is how can we build that more effectively and get the Chief Constable and the Garda Commissioner to work it out. It is one of the challenges of our time.

Howe There is already an exchange of intelligence - we just want to do these things better.

King Can I go on to another point - the question of the first meeting and the location of that? We have understood that the Conference would normally meet in Belfast and be serviced by a Secretariat and that the Secretariat would need to be wherever the Conference operates. We are now coming to the conclusion that questions of where and when and what is the security situation at the time and what is the initial reaction to the signature of the Agreement raise security considerations. We are moving into uncharted territory. We know and have passed on to you advice in regard to certain people who have made trips to see how they might make mischief. There have been some blood curdling noises. Of course we know that some of those are intended to reach our ears and that it is done in some cases for effect rather than for reality. You know what I mean when I talk in code like this.

But I have to say that there are real risks. There are nasty people involved. I find it impossible at the moment to give you an absolute view about what will be possible at the time; and for this reason we will have to keep closely in touch.

I know your concerns that the meeting should be in Northern Ireland. But I have to take total responsibility for your safety and that of your colleagues while you are there; and not to do it in such a way that it will raise hackles. There are a lot of symbols lying around in Northern Ireland.

These are the considerations we have (to take into account). I know your belief that if we do not start as we mean to go on then it gets more difficult. I know also your argument drawn from 1974 that what happens is not instant outrage but that time is needed to build up opposition. There are some signs that Unionists are looking for all kinds of constitutional means to challenge the Agreement - in Parliament, in the Courts, through mass resignations etc. That is (in part?) a genuine attempt by both unionist leaders to have other ways of fighting it and not leave the field to the paramilitaries.

I do not think that we can at the moment reach any agreement as to where it would meet or the location of the Secretariat. I am saying only that it would meet in Belfast as early as practicable and the Secretariat needs to be where the Conference is.

You must take a certain amount on trust. Security is the primary consideration. We must not abuse that (ie by using it as an excuse for delay) and you know we cannot ignore it.

MFA It is very important to the nationalists - they want to see a presence sympathetic to their viewpoint in Northern Ireland by way of the Irish Government presence. I would strongly advise (or I am strongly advised?) that it must be there from day one or may seem of no benefit to a large section of the community in Northern Ireland.

King Can I ask a question? Was the flavour at the start - the idea of an office in down town Belfast with a brass plate saying Irish Secretariat, open from 9 to 5 and so on? Now we have reached an understanding that it cannot become a Complaints Commission; we now have an understanding of the security problems; we now have some suggestions in regard to moving back within the security perimeter of Stormont.

That raises a question for me - what actually do you see the Secretariat doing? Who would it be in contact with? And how would it do business?

MFA The Secretariat is there to service the Conference, jointly chaired by the two Ministers. Its first job is to organise the first meeting including the agenda which should include the modalities (of the working of the Secretariat?). The Irish side of the Secretariat should certainly have access to Robert Andrew. I do not see them ringing the Housing Department, for example, but they would have to give effect to all that is in the Agreement.

King Suppose we want to bring in new fair employment legislation in Northern Ireland. I would probably put it on the agenda of the Conference. What are you then going to do? He (the Irish Head of Secretariat) notifies you in Dublin. How does he then respond? I suppose he says, for example, that you had earlier introduced some other legislation in the South. But how does he get a view of the minority viewpoint on the issue?

MFA As you know we see a lot of elected politicians in Northern Ireland not involved in violence. If the issue you mention came up I would say to you that our contacts tell us that your legislation does not work very well etc.

King I understand that. But how do you get that information - apart from what you know already as background - how do you get new information? I mean physically. Do you make a telephone call from, if I may say it, the "bunker" to John Hume, for example? I am seriously trying to understand this. Otherwise, I do not understand how you would try to deal with the Secretariat (?)

MFA For instance, at present we call in your Ambassador in Dublin on various occasions because of a complaint from the minority. That channel (through which such complaints are received?) is still there and we would feed it through to the Secretariat. Maybe your worry is that the Secretariat would be going out all over Northern Ireland picking up information?

King It has got to have some way to function. It is not going to be a Complaints Commission. But to have a good effect from our viewpoint it must genuinely reflect the views in the minority community. How are you going to plug physically to that if there is a real problem?

Donlon We have had in the Department of Foreign Affairs since 1968/69 a small group who monitor and assess developments in Northern Ireland. They are known to you. As in the case of most diplomatic missions they read all the published material, they have contacts and they check things out etc. Now the pattern is established among all walks of life in Northern Ireland - they know that they can communicate with the Irish Government in this way. Some of these people travel in Northern Ireland and some from Northern Ireland travel to Dublin.

Through this kind of study of printed material and personal contact there already exists a unit which has good deal of information on Northern Ireland. The Irish side of the Secretariat will refer back to the Department of Foreign Affairs and using these resources will respond and with the approval and support of the permanent Irish Ministerial representative will pass back views.

King I am not trying to trap you. But you said there, there is a great importance to the Secretariat and there is a network. Some State Department people went around recently (in Northern Ireland) and they saw everyone. They have told Nick Scott that the one real thing which was getting the unionists excited was the Secretariat. I am being very frank with you. The way to neuter the unionist community pressure (?) is to remove this thing. There are already plans for intensive picketing. It could be faced out but . . .

I am not arguing through this. I am genuinely interested in how it is going to work and what I need to provide for it to do its job.

A Secretariat (which was to be) boldly established as an act of faith (now) has to be in a bunker. That is to be compared with a Conference going forward and meeting regularly - not every day - but still properly serviced and informed. That has great advantages and it does not provide a focal point for opposition. That is why I am interested to see if there are other ways. It seems to me you will have to have access to people. The telephone is not enough?

MFA We already have that. What will happen is a nationalist view conveyed to us will be chewed over in Dublin and (fed into) the process in Northern Ireland.

Howe This is very important. When we last met you said (here he was looking over the report of the previous Ministerial meeting of 7 October) that it would be serviced from Belfast; it would not be a Complaints Commission.

/...

If we had a comparable range of Anglo-French problems and judged that we needed a continuous consultation arrangement, we would not think twice about establishing an Anglo-French tourist office or operations or travel office. We could locate it in Dover or in Calais. One can see the need for some such thing here to process all the bunf - the dog licences etc. Information conveyed would go through that.

All practical considerations point towards and favour having such a place and thing, to which you also attach importance. Our problem is that in Northern Ireland it is more likely than elsewhere to attract security problems.

I have tried to tease out the issue. What do you think?

MFA The analogy is not really correct. If 40% of the French population were completely dis-satisfied with the Government under which they are living (it would be more correct).

Howe I am totally accepting that and not hesitating about (the principle of?) the Secretariat. It is the threat and the terrorism . . .

MFA But you too are under threat when you are there? I do not see the difference.

Tanaiste For example, in Dublin we provide a great deal of security for your Ambassador. We take very seriously our obligations in this matter. You have to face up to it - there are going to be problems.

King The distinction is that the British Ambassador in Dublin is welcomed by the overwhelming majority of the population though he is under threat from a lunatic fringe.

Tanaiste You mean the lunatic fringe is bigger in Northern Ireland!

King He can go about his business - that is the difference. (In the case of the Secretariat) there could be mass attempts to prevent it doing any business at all. We have got to get over the first "shock/horror", "slippery slope" stage; and we will obviously be able to keep it under review. There may then (ie after a time?) be a view forming among the unionists that they do not like it but (they can tolerate it). We want to move to a situation where it can operate reasonably and people - I do not mean the general public - can come and go. We want to move to that as soon as possible.

In addition we do not want it, for reasons connected with the possible loss of economic confidence, to be seen as a situation where there are shouting crowds on TV (ie this would frighten off foreign business). Therefore we are keen not to give an opportunity for symbols against which to demonstrate. Even if they (ie the unionists) do not demonstrate they could give it a thoroughly bad start in which the Secretary of State would be at a disadvantage(?).

/...

You talk about impressing the minority community. But if your chaps are beleaguered and they have to be protected heavily by the RUC and helicoptered in and out - then it will not be quite the new voice of the minority that you hope for.

Howe (demurring somewhat) That is making assumptions in regard to the scale of protest. I am in no position to dismiss these assumptions but it may not be so bad. I am trying to visualise the first meeting . . .

King I want to be clear that I have reserved my position on the first meeting and I will want to weigh up the position (in the light of developments immediately after signature?). I want to make it clear however that I think it ought to be in Belfast; and it ought to be serviced by a Secretariat which would be where the Conference operates.

Andrew The Secretariat has to be with the Conference in Belfast. It is just a matter of timing.

MFA We believe there will be a great deal of goodwill here, in Ireland, and in the world generally. We should take advantage of that to be up and moving from day one. Whenever we start there will be problems. We should grit our teeth. The unionists, because of what they are saying, cannot not do it.

King We shall have to look at the Conference(?).

MFA The profile is that people are going to work in a difficult location. We are not thinking that the Secretariat would march in with bands in front and behind. The Conference will be known and you will have demonstrations. It must be faced. As confidence in the Conference grows around the world there will be improved investment (?). All this will create confidence for outweighing the objections and more people will row in behind.

King I will have to reserve my position on the first meeting.

Tanaiste What are the mechanics in the post Agreement situation?

King The first thing to do in the first 48 to 72 hours is to take the temperature.

MFA What advantage will it all be - that it is too dangerous? (??)

King I have a grounded (guarded?) threat assessment. I have to take responsibility in the end just as you take responsibility for our Ambassador in Dublin.

MFA It might be better to say on the first day when the first meeting will take place otherwise opposition will mount.

King That raises a point in regard to anticipating the views of Parliament.

/...

Andrew There is also the important security point. If you announce the time and place you will guarantee a large demonstration.

Armstrong We have never announced Anglo-Irish meetings at any level.

MFA If there is a belief that the level of opposition will dictate the timing then the opposition will grow.

Howe We would not identify the location. Anyway, it would be subject to Parliament. We could say the parties intend . . .

Armstrong As soon as possible.

Andrew Yes, as soon as possible.

MFA I think we should commit ourselves. If there is any doubt that we can be pushed off course by the violent reaction then you will get it.

Howe You could say within a matter of x days or x weeks. But one could not publish a date.

MFA We should declare ourselves that come hell or high water we will go ahead.

King At no stage are my movements ever publicised in Northern Ireland.

MFA That is a basic security rule.

King There is another point that has been mentioned - the question of whether they should have diplomatic immunity (ie the Secretariat)?

Donlon That was discussed yesterday by officials. It does not seem likely. There would be practical, legal and constitutional aspects. It would probably need special legislation.

King So it could not be a question of detachment of officials from your Embassy (to form the Secretariat)? on a temporary basis? It is certainly one thing that would make life easier for me.

MFA How would that be?

King The unionists are on record on this. They have accepted it - they have made their own proposals about a Consulate General. This whole approach could blur the edges and fog the waters (favourably from his viewpoint). They could make a switch. You would then be removing the moment when the world is to be changed (ie blurring the issue of the Secretariat coming into being as such).

MFA (doubtfully) We would need to look at it.

Howe It is deserving of study - but we cannot look at everything this afternoon. The important thing is that (the Conference) should be in Belfast and it should be serviced by a Secretariat. The problem is how quickly it can be established. (We have) focussed on the first meeting. Officials have to be in continuing contact to decide it.

MFA That is a job for the Secretariat.

Howe But it is not in being?

King We are going to learn something on signature day.

Nally What we were thinking of is that as soon as the Agreement is signed the two Heads of Secretariat would be designated but not appointed and would be asked to go away and work things out.

Howe I do not think we can talk about it further at the moment.

MFA Except we would like the date to be decided and stuck to when it is signed.

King But would that be compatible (with the approach mentioned?).

Nally If you announced that there would be a meeting within two weeks after ratification - that puts a limit on it.

Dorr Perhaps you should announce that it would be held within two weeks and then hold it much more quickly?

King There is a weakness about a period of two weeks. I would rather have a longer time announced and actually hold it sooner. With a period of two weeks the logistics will drive you to the end of the period. This is a small point.

Howe We are moving into territory where we need to co-exist in good faith. It would be a good thing if we said say three weeks (publicly) and then held it within ten days.

Andrew Before leaving the issue of the Secretariat could I comment on what the Minister (for Foreign Affairs) said about the leader of the Secretariat on the Irish side having access to Robert Andrew. Certainly I would expect to see him from time to time but day to day contact would be between the Irish Head of Secretariat and the British Head of Secretariat.

MFA Yes, that would be very important for building confidence between them. We will be nominating someone of a very senior level who is very knowledgeable on the whole issue. For this reason it is equally important that it should be located in Belfast.

Howe I had the impression that both sides were looking at a physical building.

Armstrong Yes.

Andrew Yes - there was no immediately obvious permanent building and if it is to be in Belfast then in the early stage it may have to be a temporary location.

MFA Is it essential that it be inside Stormont?

Andrew There are arguments both ways - on grounds of security and on grounds of symbolism.

King I am not keen at all (on having it inside Stormont). There is a very large perimeter. Stormont is actually a public park with public access. Within the security perimeter is Stormont House where Ministers live and Stormont Castle which is my base. It would be at the heart of Government. I would rather see it somewhere as part of a Government Department - just another public office.

Tanaiste Would it not be possible to have it in some house . . .

King We looked at Dundonald House - that is where Douglas Hurd was thinking it should be. But there are hundreds working there and because of their concern and because of access from public roads we do not think there would be sufficient security.

We looked at the possibility of a house further out to make it more secure. But we have now discovered that we do not own it ourselves - we are simply the lessors and the owner would not want his property used for this. We are looking hard at the issue but it is not easy.

We did suggest one temporary location. Robert (Andrew) and I do not agree on this. I do not want it to be inside the perimeter of Stormont.

Nally The trouble about a new building is that it attracts attention.

King Stormont Castle and Stormont House are out. It would be unthinkable to seem to have offered gratuitous offence to the unionists. These things do matter.

My position on the Secretariat has to be that this is an opportunity for the minority view to be expressed (ie this would be his public position). The thing we have to avoid is reverse discrimination. Unionists would say that there was a minority voice at the heart of Government while they are excluded.

Tanaiste But they are not excluded.

King But they are not there. I certainly would not want Ian Paisley next door to me!

MFA Where would the Conference meet?

King Stormont House.

MFA And where would the Secretariat be located?

King That is the problem. Robert (Andrew) has proposed temporary accommodation within the inner perimeter. This is the only really secure area - the rest is a public park.

MFA Remember this would be a joint Secretariat involving both of us. It is to allow us to make an input into the running of Northern Ireland. It is therefore reasonably appropriate that it should be at the heart of the Government in Northern Ireland.

King But it is not part of the Government.

Tanaiste To work it, it is going to have to be part of the Government.

King I would not enter it if I thought it was not going to have a benefit. But we need to keep our lines clear.

Tanaiste I think we started with the idea of a house somewhere and we drifted into the idea that it should be in Stormont for security reasons.

Armstrong agreed.

Andrew agreed.

King Yes, but it was your idea.

Tanaiste And now we are going to be turfed out?

King We have recognised the risks to security and we worry about how we might do it. One suggestion was the Stormont perimeter. Your advice was that you would not be happy with temporary buildings. I am not happy to. I believe the security argument but we have slightly divided views on it (ie Andrews and King?).

Howe It may be possible to find some other location (in Belfast?). Are there any municipal buildings and so on?

King We have looked.

Armstrong They are not sufficiently protected.

Howe When I was Chancellor there used to be some houses belonging to the Revenue in different places?

King (joking and imagining a headline) "They got their hands on the Revenue".

Andrew The only other possibility would be a military or a police establishment, but that would not be acceptable to you.

/...

Howe We cannot resolve it now (there are) people addressing it with goodwill.

Tanaiste The time is very short - it could become a major problem.

King It has been a major problem.

Nally To clarify - you envisage that (the Conference) would meet in Stormont House. But then the logistics of the Secretariat would be difficult if it were based elsewhere?

King (jokingly) The whole British system worked on that basis!

Andrew Clearly, it would be difficult if it were at a large distance. But it does not have to be in the same building.

Dorr The Secretary of State mentioned the objection from the symbolic viewpoint to using certain buildings in Stormont. But would this objection apply to Portcabins attached to those buildings or erected nearby?

King It would not be possible to do anything adjoining Stormont House or the Castle. My real worry is that if there is picketing then the whole of central Government would be sucked into the picketing too. It can be met - but it would not be particularly attractive, so it would be good to find a solution.

Would anyone like to make a financial contribution!

Tanaiste & MFA (together) Yes.

King And to security?

Donlon No. We would follow the normal international practice.

King No - I am not asking that (you should make a contribution to security).

It (?) would be less attractive for you in the long term.

MFA I am quite happy to leave it to officials since I do not know the buildings involved.

But could I say Tom (King) - go back and read the Agreement. We do have a role - though we are not the Government. We intend to take it seriously.

King I know that.

MFA I do not want to give you the impression that we intend to twiddle our thumbs once the nationalists see us there (ie our presence will be an active one as the Agreement is implemented).

King Could I turn to the European Convention on the Suppression of Terrorism?

MFA We have had a paper from our Attorney General within the past 72 hours.

(Note: The point at issue here was whether, as the British had suggested, we could sign under Article 11 of the Convention before the necessary legislation was introduced or whether, as our legal opinion advised, it would be desirable to have the necessary legislation before signing).

Tanaiste If it were challenged in the Courts it could be seen as bad faith to have signed before the legislation was introduced. We could be very exposed. That is the Attorney Generals point.

MFA Signing is equivalent to saying that you do intend to do something. We could give you our Attorney Generals opinion.

Howe I think we understand the position? (But you did say at one stage you would sign?).

MFA Yes, I agree, but when the Taoiseach said that he understood there would be mixed courts.

Howe Yes, but the present reference to mixed courts causes problems. So if you could do something about saying you would sign the Convention that would be very helpful.

(Note: My notes on these exchanges on the Convention, while generally accurate, are not exact).

King Can I mention another point - point three in the unionists attitude? They say this is all in favour of the minority, the SDLP. But is there any question of devolution? Or at least a more co-operative response from the SDLP? What we would like to say is that the SDLP would come into the Assembly. The problem is that they stood on an abstentionist ticket. What do you think you could do to persuade them? I discussed it with John Hume. He is prepared to put proposals to the Unionists in due course (on devolution) but always on the basis of power-sharing. But what can be done to get the SDLP into the Assembly? Or at least to get them to stand the next time round.

MFA It is very difficult to do something on this point. The SDLP do not speak with one voice. Our concern is to keep them a unified party. We can do things afterwards but to ask them now would certainly have the effect of splitting the party.

Tanaiste That is well covered in Article 4(b) of the Agreement (which refers to the support of the Irish Government for the declared policy of the British Government favouring devolution). The Irish Government support that policy.

Andrew It looks to us as if we are not going to get devolution for some time and the question is - if the Assembly remains with only a monitoring and debating role could the SDLP come into it?

MFA I would not rule out something in the future. But if we try now it would split the party.

King Could you seek to encourage them to do so when the dust has settled?

MFA I do not want to promise it definitely if I do not think I could deliver it in six months in changed circumstances. But if I think it would be possible to get something on a power-sharing basis which is why they stayed out in the first place . . . I could not guarantee that they would stand at the next election. Could the election be postponed?

Andrew No, I don't think they could. But the elections are not until next October - that allows the best part of a year.

King I think it would be very helpful if they could be seen as not just taking a trick with the signature of the Agreement.

MFA They will see the benefit themselves - financial among other things.

King Also from the viewpoint of professionalism in politics. Young Unionist politicians are getting practice in the Assembly and in its Committees and they are looking better as a result (than the SDLP who do not have the same opportunity for practice).

MFA A segment of the SDLP would like to but another segment would not. My concern now would be not to split them. I do not rule out encouraging them in six months time.

King OK.

King Could we talk about the "status" issue?

Tanaiste You said you appreciate our constitutional difficulties. The Chequers Communique was a document which did not have a particular legal status but this is going to be an international agreement. That would exacerbate our constitutional difficulties.

King Ha! Try saying that in the House of Commons!

Tanaiste A grey area is going to exist. We have got to minimise the difficulties on both sides. Even though we had gone for the idea of a paragraph in the Joint Communique it may be better to have separate statements.

The point is that the Communique is going to be interpreted along with the Agreement by our Courts if there is a constitutional challenge. We are adding to the ammunition available for such a challenge in looking for a solution in this way (ie by adding a new paragraph to the Communique on the issue).

It may be better on this point if we have separate statements.

Howe Yesterday's discussion by officials on this was of course ad referendum. We have had no opportunity to discuss it with the Prime Minister. There is obviously unease on both sides. Our side fears that there is a modification of the Chequers Communique and the United Kingdom position and your side sees constitutional problems.

Maybe the two Prime Ministers will have to approach it by saying

"of course there are differences in our historic approach (and in our title deeds?). But what we have set out in the Agreement is a way forward on which we both agree. We shall certainly be asserting that Northern Ireland is part of the United Kingdom - that is where we started from. The Republic will be asserting their position"

without torturing us to find a common text.

Tanaiste & MFA together agreed.

Tanaiste There is no other way. We would otherwise cross paths at once. On that basis the Taoiseach was working on a rough draft of an opening statement which he might make.

MFA It is the type of line he is going to take. It is of course subject to change but I think you will find it helpful.

(At this point the Taoiseach's first draft of an opening statement at the Press Conference was passed over to the British side).

Howe (before looking at the document) It seems to be the kind of approach I was thinking of.

MFA Look at it as the Taoiseach's first draft.

(It was understood that the British side would look at the text on this basis).

King Before we finish could I raise one minor point. It is the question of postal charges between North and South which could be damaging to us. Your chaps apparently have been finding that more letters go from the UK to the Republic than are sent in the opposite direction and they are going to charge us three or four million pounds. Because of this our postal service is now going to treat you on the same basis as every other foreign country. So the result is that postage from Londonderry or Belfast to Dublin would cost a deal more. It is silly but it could be a niggling matter.

We cannot prevent our postal system, which is now independent - it is already decided. But to have it come out within a month of an Agreement that postal charges are to increase by 300% would certainly not be very helpful.

/...

Tanaiste Our Post Office is also now in the private sector. They went off and saw how to make money for themselves. But there was, I think, a Government decision?

King It could be a point of great irritation.

MFA I am afraid it is past the point of recall?

Clark Yes, it is already done. Our postal people intend to announce it in the New Year and it will begin in April or May.

Dorr There would also be something of a protest from the Irish community in Britain.

King We would like to prevent it happening but we cannot see how.

MFA Could I say a word about the UDR. There is still a problem. We had been spreading the word that there would be movement towards having them accompanied by the RUC. I know it would be gradual. But the word we are getting from the SDLP and the clergy in Northern Ireland is that it is simply not happening.

Andrew Yes, this was raised at our last Armstrong/Nally meeting. I said I had asked statistics. It should be happening and if it is not we must try to do something.

MFA There are two areas in particular - the centre of Belfast and Armagh. This is very important for us. From the nationalist viewpoint the most important visible sign is that something is being done in regard to the UDR and their harassment.

King You depend, to some extent, on anecdotes. But I see the point. We want to get the facts.

King (or Howe?) If the facts do not bear out the assertions we shall have to see what can be done.

Howe Is there anything else?

Armstrong So our understanding is that in regard to paragraph 4 (ie the status issue) we revert to the original Communique? This will mean re-numbering the paragraphs (since the new paragraph 4 would be dropped).

Apart from this the texts are OK as of this moment. Officials will be meeting again in Dublin on Tuesday next to tie up loose ends and consider the practical arrangements.

Donlon For the Summit or the Secretariat?

Howe The Secretariat.

King They will have to look at and see what they can come up with.

/...

MFA Sean (Donlon) is willing to go to Belfast on Saturday next.

Andrew I am afraid that would not work for me. As it happens I will be there but I have other things which I have to do.

MFA (speaking to Howe) The 19th of November could be a useful time to re-brief our colleagues?

Howe agreed.

King (speaking about the Parliamentary debate after the Agreement). We have to set up the Parliamentary debate very correctly in order to get the full authority of Parliament behind it. There must be no sense of being rushed. Normally two weekends would be allowed to elapse (between such an Agreement and the debate). In this case it is not quite two weekends in the sense that there will have to be a Parliamentary Statement by the Prime Minister and then a weekend after that.

King As to the Press - the fact that we are meeting is known. But it would help if we do not give too clear an indication of where we got to. We could say the discussions are continuing and there are difficult points still.

Tanaiste & MFA agreed.

Tanaiste This is true.

At this point the meeting ended. It was about 5.20 pm.