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SECRETMEETING OF THE ANGLO-IRISH INTERGOVERNMENTAL CONFERENCEDUBLIN, 20 DECEMBER, 1995
REPORT ON PLENARY SESSIONItem 1: Political matters (restricted numbers)

There follows a note prepared by Mr Montgomery on this item.

The Tánaiste, welcoming the British delegation, suggested that it would be useful quickly to survey the meetings which the two Governments had recently had with the parties.

The Secretary of State noted that after meeting the SDLP later that day, the British Government would have met all of the main parties.

The Secretary of State said that his first meeting was with Robert McCartney. McCartney had argued "rationally" for an elected Assembly with administrative functions. He was agnostic on the merits of the twin-track, and did not expect to see the IRA hand over arms: to do so would be an admission of the illegitimacy of their campaign, and an implicit acknowledgement of UK sovereignty.

The British Government had had two friendly and constructive meetings with the Alliance Party. Alliance were advocating a Constitutional Convention elected by STV on a constituency basis (they opposed a list system on the grounds that it would play into Paisley's hands). The Convention would be obliged to address North/South and East/West matters. It would sit for 12-18 months. A 70% majority would be required to adopt a report.

The Secretary of State agreed with Alliance's view that David Trimble's ideas were still evolving.

Turning to the DUP, he commented that Paisley had insisted that their meeting was not within the twin-track process. The DUP were hoping to meet the Prime Minister in January to discuss further their Convention proposals. They had responded to the PM's written queries.

The DUP sought a 90-member Convention elected either by STV or the list system. It would be a Forum for debate and negotiation. The Secretary of State felt it significant both that the DUP was prepared to discuss all three strands in this context, and that it had been prepared to adapt its original ideas.

The Secretary of State said that the UUP also favoured an elected body, which could possibly develop into a vehicle for talks. Trimble did not expect the International Body to resolve the decommissioning issue. He supposed that it must be "galling" for the Tánaiste that Trimble would not as yet meet him, but it was worth "hanging in there." The indications were that he would be prepared to meet at a later stage. Trimble was watching his back, and was anxious to avoid any charge of being too forward. Michael Ancram would see the Unionists shortly to explore their ideas in greater depth.

Reminded by Michael Ancram, the Secretary of State recalled that he had the previous day met Sinn Féin. There had been a good deal of "parading", but he felt that there had been a little progress. Sinn Féin had promised a paper on the relevant issues. They wanted a one-day meeting of the two Governments and all the parties in early January: any parties reluctant to meet all others at such a meeting could have a separate meeting.

Noting that the British had not as yet met the loyalist parties or the Workers' Party, the Secretary of State said that what was happening was that pretty well everyone was talking in one guise or another. A year ago we would have been pleased to reach this state. We must "play by feel" in taking matters forward. It was in our joint interests for the two

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Governments to work together and to make common cause.

The Tánaiste began by saying that, as agreed in London on 8 December, we had followed up the letters of invitation with all parties.

He and the Minister for Justice had met the International Body, and had been struck by their authority and thoroughness.

He agreed that everyone was talking, and felt that the public were aware of this even if it were overshadowed by other events.

The Tánaiste said that he, the Minister for Social Welfare and the Minister for Justice had met Sinn Féin on Monday 18 December. Sinn Féin had taken a fairly negative position on the merits of the twin-track approach. They were, however, anxious to move into a multilateral format as quickly as possible.

The Tánaiste said that in response to the questions agreed at the previous week's Liaison Group, Sinn Féin had grudgingly accepted the three-stranded process, but would not contemplate Sir Ninian Stephen as chairman of Strand 2: they felt that all Strands should be chaired by the two Governments. On the issue of democratic ratification, they argued that the means of measuring agreement should form part of the negotiations. The Government side had urged that this question had to be settled in advance.

The Tánaiste added that Sinn Féin had been given a very strong message on the total unacceptability of killings and punishment beatings.

The Tánaiste, moving on to the Government's meeting with the SDLP, noted that the delegation had given a very co-ordinated presentation. They had expressed pleasure at the progress made in their talks with the UUP, and were hopeful that the agenda would broaden out beyond the economic. A further joint meeting with the Prime Minister was likely to be sought.

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The **Tánaiste** said that the SDLP wanted negotiations to be grounded on the Joint Declaration. They were broadly happy with the 1991/2 arrangements, and had no difficulties with a role for Sir Ninian Stephen.

The SDLP were strongly opposed to an elected body. They had a genuine fear that going to the electorate would "create the wrong chemistry." It was not that they appeared worried about their own prospects, but that they genuinely felt the communities would be polarised. The Government had sought to probe their views on variants, such as Mark Durkan's electoral indexation idea, but the SDLP had not wished to discuss these.

The **Tánaiste** advised the British side that he had replied to David Trimble's letter to him. He joked that he had tried to "hide my personality" in so doing. He had sought to address possible misunderstandings about the Government's role in Strand 1 discussions, and had drawn attention to the UUP's acceptance of the 1991/2 precedent. He had emphasised that there was now a real opportunity to be grasped, and that political leaders had a responsibility to do so.

In the **Tánaiste's** view, there was some hope of resumption of contact with Trimble. He urged the Secretary of State to use his influence in this regard.

The **Tánaiste** said that the Government hoped to meet the Workers' Party early in the New Year. He also said that a means should be found of acceding to a representations from Democratic Left in the North seeking a meeting passed on by his colleague, Minister De Rossa.

Looking ahead, the **Tánaiste** proposed that the Liaison Group be asked to meet shortly after Christmas. There was a tight timetable to be worked to. Serious questions would have to be addressed in mid-January: we had to be ready to respond.

On the question of an elected body, the **Tánaiste** said that Trimble's claim that elections were likely in the New Year had undoubtedly coloured the views of Sinn Féin and the SDLP. The Liaison Group should carry on with its work. We would, as promised, be preparing a paper

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outlining the challenges to be met in marrying an elected body with the three-stranded approach and other key principles. Technical issues also needed to be looked at.

The **Tánaiste** reiterated his view that while it was necessary to be open to the discussion of any idea, given the strong opposition of the nationalist parties Trimble had quite a job to do. He had to "sharpen up" his project - it was to be hoped he was doing so.

The **Minister for Justice** stressed the need for continuous activity after the Christmas break. It was important that the formats being used for meetings were widened, as with the Alliance. We should move beyond bilaterals - if we did not, the twin-track would lose its distinctiveness. This had to be done as soon as possible.

Minister Ancram said it was important the two Governments maintain their flexibility. We should help the parties into various new configurations: to force them to do so would possibly lead to a bad result. Sinn Féin wanted a multi-lateral meeting in the first week of January. If we went too fast, parties would stay out. It was significant that parties were now talking to the Governments and to each other.

Ancram remarked that in his view there needed to be some sort of co-ordinated way of transmitting information among the participants in the preparatory talks. He had suggested to Sinn Féin and Alliance that short agreed notes of meetings might be prepared. The **Tánaiste** agreed that this idea could perhaps be considered in the Liaison Group.

The **Tánaiste**, recalling that the SDLP and Sinn Féin wished to have further meetings soon, said that a plan of work should be sketched out as quickly as possible. He said it was also very important that the Government meet the UUP in some guise as quickly as possible.

Ancram mentioned his forthcoming meeting with them to look into their ideas in more detail. The **Minister for Justice** reiterated that all sides must guard against creating hooks they couldn't get off. In relation to Trimble's comments about the imminence of an Assembly, she urged that efforts be made to reach agreement on the public presentation of meetings in the preparatory talks.

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Sir David Fell commented that it was striking that the DUP's ideas on an elected body were more advanced than the UUP's. Indeed they hoped to publish a paper giving the gist of their ideas in the wake of the Prime Minister's questions on their proposals (the actual answers to which they would not be publishing). The Tánaiste concurred with Sir John Chilcot's view that Trimble's proposal had been "unrehearsed".

Item 2: Confidence issues

Note: **Item 2 (c): Prison Issues (including transfers)** was not dealt with in the Plenary session as the issues involved had already been covered in the Restricted Security Session.

(a) Response to cessations of violence.

The Tánaiste enquired as to what plans the British side might have in regard to the further scaling down of **RUC security installations**, referring to the goodwill which this would generate. Minister Wheeler responded that the Chief Constable was keeping matters under review, and that, in these matters, Ministers acted on his advice. Referring to the dismantlement of the Rosemount tower, he said that this had been part of an ongoing process of de-escalation measures, based on security need.

(b) Policing

Minister Wheeler, in a brief discussion on the **White Paper on Policing**, said that the Chief Constable will be responsible for the management of his resources. The White Paper was still being looked at and the important thing was to get it right. The likely thrust of the White Paper was that there would be a clear division between the operational role of the Chief Constable and the regulatory role of the Police Authority.

The Tánaiste indicated that the views we proposed to offer on the policing debate in the

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context of the White Paper would be provided to the British side in the following 24 hours.

(d) Review of Emergency Legislation

The **Tánaiste** asked if the independent reviewer of emergency legislation had yet been selected. The **Secretary of State** responded that he hoped that they had found someone, but he did not know if the person concerned had yet accepted the position.

The **Secretary of State** indicated that there was today (20 December) in Parliament the first reading of the successor to the present Emergency Provisions Act. Indicating that the British had to proceed on the basis of introducing a temporary Emergency Provisions Act limited to two years, he said that the new Act would not contain any major changes. He confidently anticipated that, if things went well, "certain things (in the new Act) will lapse". They were cutting the new Act down to two years in the expectation of being able to "drop some provisions". The **Tánaiste** welcomed this. The **Secretary of State** said that, ideally, it would have been better to await the outcome of the review of emergency legislation before proceeding with the new (temporary) Act.

The **Tánaiste** enquired if something could be done in relation to the Diplock Courts and the Holding Centres. The **Secretary of State** responded that these were "obviously relevant to the whole issue".

(e) Identity issues - Irish Language Schools

The **Tánaiste** referred to the importance of making advances in regard to the question of the funding of Irish-language schools. Indicating that he had had a good meeting recently with those involved in Irish-language questions, he said that the issue of the (enrolment) criteria governing the funding of Irish-language schools should be looked at. Underlining the need for action in this area, he said that we (i.e. the Government) had been successful in rescuing the Irish language from the Provisional IRA (and that it was obviously important not to lose any

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ground in this regard). He indicated that he would like a detailed discussion on Irish-language schools at the next Conference and proposed that officials might arrange to have discussions on the matter in the interim. He would wish to see every encouragement and assistance provided in this area.

Minister Ancram responded that, as regards enrolment criteria, the British side continue to treat Irish-language schools on the same basis as integrated schools, adding that it was right that they be kept on a par. Since the last Conference, he had made provision for GCSE exams, as of next summer, to be taken through the medium of Irish, "if possible". He had to use the words "if possible" because they (i.e. the NI Department of Education) did have problems in finding qualified examiners. They were at present "trawling" for such examiners, who would (in order to ensure consistency) require the necessary proficiency to examine in both Irish and English. Teachers from Meanscoil Feirste itself could not, of course, be used for this purpose. The action being taken in this area was a good indication of the positive approach being followed on the British side in regard to building up Irish-medium education. In welcoming this, the Tánaiste said that any positive encouragement on the British side in this area would address an important source of political dissatisfaction.

Minister Ancram, in conclusion, mentioned lightly that he had received a delegation asking him to do the same for Ulster-Scots, but that so far he had resisted.

Item 4: Any Other Business

(i) Proposed Chicago Investment Conference

Referring to the proposed follow-up to the White House Conference on Trade and Investment (a further Conference has been tentatively scheduled for Chicago in late May/early June), the Tánaiste praised the positive role which US Secretary of Commerce Ron Brown has exercised in the promotion of greater US economic contact with Ireland - North and South. Indicating that it was important to show people the contribution which could be made to the

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peace process through an economic track, he proposed that the relevant officials might come together soon to undertake the necessary preparatory work in relation to the follow-up conference.

The Secretary of State indicated that the thinking on the British side was that it would be desirable to match the format of the Washington Conference. The focus should again be on Northern Ireland and the six border counties in the South, as opposed to following an all-island approach. The latter would be "less helpful" to Northern Ireland and the six border counties.

The Tánaiste responded that the feeling was that an all-island approach might be followed. When Secretary Brown had addressed members of the business community in the South (at a breakfast meeting) on the Saturday of the Clinton visit, the thinking on that occasion was that the follow-up Conference might be more focused in its activities and that its remit should be extended to all of the island. Asked by the Secretary of State if we were thinking on the basis of an all-island format, the Tánaiste affirmed that we were, adding that business people were now increasingly tending to think on an all-Ireland basis and that it would be helpful if the Conference reflected this. He suggested that it could well prove disadvantageous for the Chicago Conference to be limited to Northern Ireland and the border counties. The Secretary of State indicated that it would be important to maximise the benefits from the Conference and that we would have to see how this might be developed.

(ii) Springvale Project

The Tánaiste indicated that he would like to have an update on present thinking on the British side in regard to the proposed Springvale campus project. Minister Ancram responded that the outcome of the (PIEDA) investment appraisal was awaited but it was hoped that the matter would have been considered by end-January. He knew that there were "headlines" at present (i.e. highlighting the fact that no financial provision for the project had been included in the recently published expenditure plans for the NI Department of Education for 1996/7), but that nothing should be read into these, in either direction. It would be

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important to reach a balanced view in the matter when all the relevant information was available. The **Tánaiste** indicated his wish to have a further discussion on this issue in due course.

Item 3: Date of next Conference

The **Tánaiste** said it would be desirable to have a meeting in the first two weeks of January. The **Secretary of State** agreed, remarking that "that's the name of the game". The meeting could be in "whatever format" - at present the feeling seemed to be "swinging slightly" in favour of having an Adare-type meeting.

Conclusion

The **Tánaiste** extended a welcome to **Peter Bell**, the new Joint Secretary on the British side. He expressed thanks and good wishes to **Terry Smyth**, the Deputy Joint Secretary on the British side, who is departing and welcomed **John Fisher** as a new member of the British team.

Following finalisation of the Communique, the meeting concluded at 12.25 pm.