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15-4-98

Meeting between Taoiseach and Prime Minister
Hillsborough, 8 April 1998

1. The Taoiseach met the Prime Minister for an hour-long working breakfast at Hillsborough Castle this morning.
2. The Taoiseach was accompanied by the Attorney General, Paddy Teahon, Dermot Gallagher, Joe Lennon and the undersigned. The Prime Minister was accompanied by John Holmes, Jonathan Powell, Alastair Campbell and Bill Jeffrey.
3. Following a brief tete-a-tete with the Taoiseach, the Prime Minister opened the meeting with the view that there was no prospect of the Unionists, Alliance or the Loyalists agreeing to the draft in its present form. What was maddening was that he did not think there was fundamental disagreement on substance. The two Governments must decide whether the situation was salvageable.

A possible linkage between prisoners and decommissioning could also present difficulties. His own feeling was that, although he knew it to be crucial in terms of keeping Sinn Féin on board, he should hold back action on prisoners for the time being. A situation in which the Unionists were not on side but an announcement had been made about prisoners being released in a year's time would be politically unsustainable. It would be better to park the prisoners issue for the moment and hope that Sinn Féin would not get into it too deeply.

Strand Two was crucial. It seemed that the publication of the annexed lists had taken the UUP over the brink. Trimble had set out a range of proposed changes (not necessarily his definitive list) at a two-hour meeting with the Prime Minister last night. He had been calm and matter-of-fact in his approach and the Prime Minister did not believe that he was bluffing. If the negotiations were to break on these issues, Trimble would not be blamed. Alderdice, for one, would say that the UUP leader was not being unreasonable.

It would be necessary to look at how the presentation in Strand Two could be altered without any fundamental change of substance.

First, Annexes A and B might be withdrawn and their substance presented in a different fashion. (He observed in this respect that the present lists were, in a sense, limiting; the Council should be able to adopt common actions etc. on anything they wanted). Trimble feared that Paisley would wave the annexes around, claiming that all of these things were now to be implemented on an all-Ireland basis.

Second, it would be desirable to bring out more clearly what was being said about implementation bodies in para 7.

There were a host of other problems but they were probably negotiable. Without movement on these two points, the Governments would probably have to begin to work out an exit strategy.

4. The Taoiseach acknowledged the intensive work being done to try to keep things together. A lot of problems had been signalled by the UUP, Alliance and others. If the two Governments were to take a look at these, it would be necessary to consider the problems in their totality and see whether solutions could be found which would attract Trimble's support without jeopardising the support of others. A balanced approach to all suggestions for amendments was essential.

A further draft from Senator Mitchell today, he continued, would be disastrous.

He recalled the history of Unionist efforts to thwart cross-border bodies over seventy-five years, beginning with the twenties (when nationalists had got simply a Boundary Commission and partition) and continuing through fifty years of Unionist domination to the failed Sunningdale Agreement of 1973. It seemed that Unionists were once again seeking to frustrate these bodies. He made clear that, if Trimble was only prepared to contemplate "chat-shows" in Strand Two, it would be best to organise an exit strategy at this stage.

5. The Prime Minister said he honestly believed that Trimble was prepared to agree to substantial North/South bodies. The Taoiseach replied that, if that was the case, the best approach would be to take all the proposed changes together and see whether we

could work out meaningful solutions. He warned, however, that this would not be easy. While we were prepared to have a look at presentational matters, we could not move on core substance.

The Prime Minister said that, while accepting substantial North/South bodies, Trimble was concerned about (a) appearing to circumvent the consent principle in relation to their establishment and (b) the political difficulties arising from detailed lists of bodies and areas being in circulation.

6. Reiterating his historical point, the Taoiseach explained that the reason we were insisting on a North/South Council with implementation bodies was that for seventy-five years Northern nationalists (who represented 40% of the population here) had had their rights systematically trampled on by Unionists - to the point where Westminster had had to take power back from them. What we wanted was a fair and balanced system.
7. Holmes mentioned that the Loyalists had made clear to the Prime Minister last night that they did not have a problem with North/South bodies. The Taoiseach remarked that in a couple of years' time, if this agreement went through, people would probably be asking what all the fuss had been about. He contrasted the relatively minor adjustments being proposed in Strand Two with the immense transfer of taxation powers by both Governments in the EU context.
8. The Taoiseach went on to reiterate that he could not agree to an approach which would involve a piecemeal approach to suggested amendments of the draft. Teahon emphasised the need to boil things down to a handful of key points covering nationalist as well as Unionist concerns. Trimble would also have to give a firm guarantee that he would support the agreement in exchange for any amendments made in his direction. Steps would also be needed on prisoners, the Irish language etc. to bring Sinn Féin on board.
9. The Prime Minister said he wanted to get Trimble back into a frame of mind in which he would negotiate seriously. He repeated that he saw the annexes and para 7 as critical in this respect. Trimble, whom he believed to be in favour of reaching a deal, was under pressure from Maginnis and Taylor, who were not. The worst outcome would be if the negotiations were to break at the present stage with people

like Alderdice claiming that the Governments had sought to push Trimble a step too far.

10. On para 7, the Prime Minister suggested that the precise remit and constitution for the implementation bodies would be a matter for working out later on and would not be enshrined in legislation at this stage. Should not the Assembly have a role, along with the Council, in deciding these matters? He wondered about an approach to para 7 which would allow the remit and constitution of the bodies to be agreed by the Council and the "shadow Assembly".
11. The Taoiseach indicated that he could contemplate an approach of this kind, but only on the basis that it would not require an Assembly vote to trigger the establishment of the bodies. He recalled that the Framework Document made clear that initial functions for the Council were to be designated in advance. He emphasised again the scale of nationalist distrust of Unionists on this issue.
12. The Prime Minister suggested that the two Governments could agree that the bodies would be established, that they would come into existence without being subject to an Assembly veto but that their remit and constitution could be agreed in advance with the shadow Assembly.
13. On the prisoners issue, the Prime Minister indicated that he was open to doing something imaginative and that he would respond to the inevitable pressure from the British tabloids etc by highlighting the historic deal now being reached and the need for a special approach in this context. That would be his key selling-point. However, he needed to have Trimble on board. He would prefer, therefore, to hold back on this for the time being. The Taoiseach agreed with this, recognising that it would be tactically better not to put up the improved offer too soon.
14. As regards Strand One, the Prime Minister recognised that he would ultimately have to push Trimble into a deal. However, he could only do so by offering a change in Strand Two (more of presentation than substance). It would have been better, he commented, if Senator Mitchell had agreed to the request from himself and the Taoiseach last Friday for the draft to be circulated that evening minus the Strand Two section. The Taoiseach regretted that the Chairman had both opposed this and insisted on tabling the annexes.

15. The Taoiseach remarked on the trenchant opposition to the draft signalled by successive Unionist spokesmen yesterday. The Prime Minister commented that they seemed to be bereft of tactical, political or strategic instincts and unable to accentuate the positive (such as their achievement on consent). It was important to get them into a more positive frame of mind in public about the negotiations.
16. The Taoiseach noted that Paisley had seemed unusually well-briefed on the Senator's draft at his press conference on Monday and adverted to the ongoing problem of leaks to the DUP. The Prime Minister said that he would do his best to deal with this problem. British Tories, he noted, were now effectively backing Paisley rather than Trimble. Teahon mentioned links between the DUP and the LVF and Lennon referred to overt DUP support for the Billy Wright cause.
17. The Prime Minister mentioned Trimble's concerns in relation to Articles 2 and 3 and referred to a recent meeting between the UUP leader and Deputy Brian Lenihan. The Attorney General reported a sense from his own recent meeting with Austin Morgan and Peter King that, if the UUP were satisfied with other matters, the constitutional amendments would not be an obstacle to agreement. Gallagher noted that the UUP had not raised the issue at our meeting with them yesterday.
18. The Prime Minister asked whether a reference to Northern Ireland could be inserted in the proposed amendments. He asked whether we had a fundamental problem with a mention of Northern Ireland in our Constitution. The Taoiseach replied that Northern Ireland is not mentioned in our Constitution and we would indeed have a fundamental problem with such a proposal.
19. The Taoiseach highlighted the emotive appeal of Articles 2 and 3 and made clear that nationalists would not agree to amend them unless there was something substantial to compensate for their amendment.
20. On the Alliance Party, the Prime Minister observed that Alderdice played a role in Northern Ireland politics comparable to that of "where the Liberal Democrats used to be" in British politics, i.e., as an apparently reasonable and moderate voice between the two larger blocks. His support would be critical in taking on Paisley in the context of a referendum. As he was warning about DUP claims that Irish would be made compulsory in NI in the future, some qualification such as "where appropriate"

might need to be entered in the draft on the Irish language. Teahon suggested something on the lines of "where they so wish".

21. Gallagher again highlighted the importance of the prisoners issue. The Taoiseach recalled Trimble's acceptance at their London meeting last November that an agreement on prisoners would have to be part of a comprehensive settlement. Referring to potential problems with public opinion in Britain on this issue, the Prime Minister feared that efforts might be made to establish a linkage between movement on prisoners and decommissioning. Adams told him this week that "if that's there, I'm out". He hoped that some strengthening of the language on decommissioning could be devised in order to prevent Trimble getting into such a linkage.
22. The Taoiseach and Gallagher suggested that the files from 1962, when IRA prisoners were released following the conclusion of the 1956-62 campaign, might be instructive in terms of the public handling of this issue. The Prime Minister suggested that someone like Colin Parry, for whom he had a high regard, might also have a useful role to play in the public presentation.
23. The Taoiseach indicated that he did not see a need for a meeting between himself and Trimble at this stage. He presumed that the Prime Minister and John Holmes would be in touch with the latter during the day.

The Prime Minister repeated his hope that a proposal to remove Annexes A and B in their present form would impact favourably on Trimble. In exchange for this, he would want Trimble to be more positive in media interviews during the day and to recover some of the ground lost to Taylor and Maginnis yesterday. The Taoiseach hoped that Trimble would also move towards a Strand One deal in exchange. Teahon said that we must guard against nationalists concluding that the Orange card was being played again.

24. The Prime Minister recognised that the Taoiseach would need to be able to say to his constituency that implementation bodies would definitely be happening. The Taoiseach reiterated that a new draft from Senator Mitchell would be "madness".
25. In conclusion, it was agreed that the Taoiseach and the Prime Minister would be in contact later in the day and that officials on both sides would remain at Hillsborough

to work on possible Strand Two language.

David Donoghue.

David Donoghue

8 April 1998