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*The Nolan*

*Mr. Carleton*

*Dorr*

*has his briefing  
26/5/94*

cc PSI (27)  
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M. Mansergh  
Attorney  
T. Dalton  
Janet Sear  
Anns Linn West  
Councillors At

Informal meeting in Slieve Russell Hotel

23 May 1994

1. Following the opening of the Shannon-Erne Waterway yesterday, the Tanaiste had an informal meeting with the Secretary of State in the Slieve Russell Hotel. He was accompanied by the Minister for Justice. The officials present were N. Dorr, T. Dalton, S. O hUiginn, D. O' Donovan, C. O hUiginn, D. Cole and the undersigned.
2. The Secretary of State was accompanied by Michael Ancram, Sir J. Chilcot, D. Fell, Ambassador Blatherwick, Q. Thomas, M. Williams, J. Daniells and J. Stephens.

SUMMARY

3. - Both sides assessed briefly the position in relation to the Declaration in the wake of the British clarification document;
- The Secretary of State was very grateful for the strong public support lent by both the Taoiseach and the Tanaiste following last week's publication;
- Ministers also reviewed the work of the Liaison Group on a possible framework document. While noting that there were encouraging areas of agreement between the two Governments, the Tanaiste underlined the extent of the gap between both on constitutional issues, in the light of the British paper of 10 May;

- He highlighted the need for a balanced approach in this area. He also emphasized the enormous significance of any proposal to incorporate consent in the Constitution;
- He also underlined the need for any new agreement to commend itself to Northern nationalists as something new which was worth supporting and the importance of Northern nationalist support in the context of any referendum in the South;
- The Secretary of State indicated that the recent British paper was as far as the British Government were prepared to go;
- He underlined his view that substantive change to Articles 2 and 3 was necessary as part of a new agreement;
- He voiced scepticism about the prospects of officials taking matters further on key issues such as this without a "refreshing steer" from Ministers;
- It was agreed, however, that the Liaison Group would pursue its work in preparation for a detailed political discussion at the next Conference. It would aim to produce a paper which would "tidy up" the Group's recent discussions and isolate, by square brackets or otherwise, the most difficult issues which required political consideration.
- The Minister for Justice reported on the Garda investigation into last Saturday's bomb attack in Dublin, whose general security implications were also considered;

- The Secretary of State drew attention to the recent arrest and charging of "Johnny" Adair and to the improved success rate generally in relation to the pursuit of Loyalist paramilitary suspects.

DETAIL

4. Opening the hour-long meeting, the Tanaiste suggested discussion of (a) the bomb attack in Dublin last Saturday evening; (b) the situation as it now stood in relation to clarification of the Joint Declaration and the awaited response; and (c) the work of the Liaison Group.

He also referred to the shooting incidents which had taken place in Belfast in the past few hours, to which attention was likely to be paid in any subsequent media briefing.

5. On the clarification issue, the Tanaiste said that the Irish Government were very pleased with the efforts which the British Government had made (in the document published last week) to remove the log-jam and to lay this issue to rest. He and the Taoiseach had been very positive in their public responses and had expressed the hope that the clarification issue would now be taken off the agenda. They had taken every opportunity to say that the British response had been generous and had set out to address every question raised by Sinn Fein. The Republicans, he commented, had simply nowhere else to go.

As regards the work of the Liaison Group, he felt that this should continue. In a private conversation over lunch, he and the Secretary of State had recognized that there was work to be done in relation to the achievement of a "shared understanding" between both Governments. If there was to be an agreed framework document, it would

have to be a balanced one which both Governments could support and which would enable them to bring others on board.

The Irish Government wished to build on the Joint Declaration, which had attracted enormous support both domestically and internationally. We did not wish to minimise it or retreat from it in any way.

We saw encouraging areas of agreement in relation to the more technical aspects of the institutions which would be created by a new agreement. However, on the basis of the most recent British paper, there were serious differences between the two Governments in relation to the constitutional issues.

The Tanaiste suggested that the two sides should focus on areas where agreement seemed possible in the short term. About thirty paragraphs (of the recent British paper) seemed to be in this category. This would give us a plateau of agreement on which to build.

It would probably not be wise or opportune to try to get into the more detailed aspects of the discussion at this meeting. This work might be continued at official level. We needed to work on a "shared understanding" to take us to the point where we could bring the parties along with us as well. There were differences of view between both sides but he hoped that these could be overcome.

6. The Secretary of State thanked the Tanaiste for his very prompt and extremely positive response to the publication of the British Government's comments on questions which had been put to them as in need of clarification. This had been very helpful.



He agreed that these people had been isolated as never before. It had been right to deal with Sinn Fein's questions in series rather than generally. Moreover, the British response had to come quickly in order to prevent Gerry Adams making political capital out of the issue. The British comments had played well both across the board in Northern Ireland and around the world.

Furthermore, the Secretary of State had not closed the door on providing any further answers to any further questions. He noted in this respect that Martin McGuinness had indicated that Sinn Fein might have "one or two small questions" still to ask. The Tanaiste, however, had articulated very well the general case that there were no sensible arguments in favour of further clarification.

The Secretary of State commented on Sinn Fein's laconic approach in this area (their apparent readiness to keep people waiting for their response until after the EP elections were out of the way). He thought of them as living "in a rock pool"; the two Governments must now drain the water out from under them.

The information available to him suggested that the IRA would continue and would not give up. He hoped that this was wrong. He had made a working assumption for a long time that Gerry Adams wished to end the campaign. If that was so, some means would have to be found of making it more difficult for the IRA to continue their campaign.

7. The Secretary of State said he had expressed his horror at last Saturday's bomb attack in Dublin. This development had not been entirely unheralded: the Chief

Constable had been warning for some time past that Loyalist paramilitaries had a bomb-making capacity. It was clear, furthermore, that their violence was not purely reactive; under pressure of the uncertainty they felt, they were becoming increasingly proactive in this regard.

The Secretary of State knew that the Irish Government needed no reassurance about the British authorities' readiness to cooperate in any way possible to bring those responsible to justice. They would continue to convey immediately any intelligence they obtained. He noted that a considerable number of Loyalist paramilitaries had been arrested and charged last year.

Noting that the UVF had claimed responsibility for the Dublin attack, the Secretary of State mentioned that the RUC had recently arrested and charged "Johnny" Adair, the UVF's commanding officer. This had been the first charge brought under the new provisions which declared direction of the affairs of a proscribed organization to be an offence. The RUC had consulted the DPP throughout. As Adair had been charged with the advice of the Director, this suggested that he would not be at large for some considerable time to come.

8. As regards the framework document on which the Liaison Group were working, the Secretary of State endorsed the Tanaiste's earlier remarks. Both Governments were trying to put together a document which set out the parameters of the sort of package which had the best prospect of securing overall acceptance - and of solving the "conundrum" identified in the statement of 26 March 1991.

The exercise would not necessarily involve the two

Governments describing something as an agreed position; rather, it amounted to "a clarification of our own minds". Once a document was concluded, the Governments would need to consider how best to use it (whether e.g. to use it publicly or to show it privately to the party leaders).

There were three matters of cardinal importance:

- (i) constitutional issues
- (ii) North/South institutions
- (iii) the position or status of the IGC under any new agreement.

Officials had done sterling work in the Liaison Group. The Irish side's paper of 15 April had been very helpful. The British side had considered it very carefully and had put forward their own ideas on 10 May.

While he accepted that today's meeting could not get into detail, the Secretary of State felt nevertheless (and had perhaps for the first time a different impression than the Tanaiste in this respect) that the work in the Liaison Group could not continue without "a refreshing steer" from Ministers.

The constitutional issues were the most important. To be blunt, he saw no sufficient prospect of the UUP coming forward in support of cross-border structures (with possible executive functions, while deriving their authority of course from the respective legislatures) which would be sufficiently deep to attract nationalist support for internal structures unless they (the Unionists) could see substantive change taking place in relation to Articles 2 and 3. The approach would have to go far beyond that suggested in the Irish paper. He



would not be making sensible use of this meeting unless he put this forward in fairly strong terms.

The work on a framework document was, in his view, at a watershed. If progress could not be made in the constitutional area, the exercise would probably resolve itself into a minimalist paper (which would be disappointing in view of the expectations generated on both sides). Alternatively, the two Governments would say that they had been unable to reach agreement and would simply set out their respective positions.

The crucial character of the constitutional issue would have to be faced up to.

9. The Tanaiste responded that, just as Sir Patrick had indicated what he perceived to be necessary in terms of bringing the Unionists on board, so the two Governments had to be very careful to keep the nationalists on board as well. If the Northern nationalists were lost, we were all doomed to failure.

He suggested that there was room for reflection in the Liaison Group on that dimension and scope for further work there on the balance to be achieved.

He underlined the considerable significance from the perspective of the Irish Government of a proposal to incorporate the consent principle in the Constitution. The difficulties of making such a change should not be underestimated. The Irish Government had indicated its readiness to propose such a change in the context of a new overall agreement. But both sides would have to be satisfied simultaneously. A new settlement would have to be one which recognized the validity of the two traditions. While the Irish Government was ready to

incorporate the consent principle, it could not countenance the deletion of Articles 2 and 3 simpliciter - that was an infinitely more complex matter.

The Tanaiste reiterated that more work remained to be done in the Liaison Group and that perhaps one or two further meetings might be held, after which officials might revert to their respective Governments. From the Group's earlier discussions, it seemed that about thirty paragraphs might be close to agreement.

11. At the Tanaiste's invitation, the Minister for Justice then gave a detailed account of last Saturday's bomb attack in Dublin, as revealed by the Garda investigation to date, and of its implications.

She complimented the RUC on their arrest of Adair. She also suggested that talk of "tough security clamp-downs" etc in the wake of the Dublin attack would be unwise. There was an ongoing investigation into this matter and it would be a subject for discussion between the two Governments in due course, perhaps at a restricted security session.

12. The Secretary of State said he hoped that the Gardai would get a lead on who had perpetrated the attack. He was glad that some descriptions of those involved existed. No doubt they were by now back in Northern Ireland. Both Governments had to accept that Loyalist paramilitaries were now capable of things which their Republican counterparts had been doing for a long time. They should look together at whatever means might exist to bring all political violence to an end.

He thanked the Minister for Justice for her compliment to the RUC. Nobody knew exactly how the judiciary would

interpret the new offence but it seemed certain to take Adair off the streets for a long time.

He noted what the Minister had said about talk of "security clampdowns". It was important to maintain a steady approach, not least because to do otherwise would imply that certain things which might have been done had not been done.

13. Returning to the Liaison Group's work, the Secretary of State feared that the two Governments would be simply postponing the "crunch" point between them if they just tried to develop the thirty paragraphs referred to by the Tanaiste. The British had been as forward as they could possibly be in their latest draft. He did not know if they could hold to every aspect of their forward approach if agreement was not going to be achievable on constitutional matters and the IGC.

The two Governments would have to come to grips with these key issues. Furthermore, there was not much time left for this because, when the EP elections were over, everyone would be looking for progress in relation to political talks.

13. Ancram suggested that there might be practical difficulties with the Tanaiste's proposal to look at certain matters rather than others. Recalling that in his own contacts with the parties it had been difficult to look at one strand in isolation from others, he felt that it would not be viable to "ring-fence" certain areas in the Liaison Group. Everything would have to be on the table.
14. Turning to the future Conference, the Secretary of State said he was convinced that Unionists would regard the

Irish paper's proposed guarantor role for the IGC as joint authority by another name. That would not run (as the Tanaiste himself had effectively indicated after the last Conference meeting). He did not see the future Conference having such a role, though it would certainly have a "watching brief" aspect (which could be developed and elaborated). This IGC point, he believed, had to be viewed as starkly as the constitutional issue.

That said, the Secretary of State saw brighter hopes of the Unionists making the necessary moves and being sufficiently "deep" in their approach than had previously been the case. The UUP's visit to the U. S. had played a key role in this respect.

He mentioned that Molyneaux had been very anxious that the British Government should answer the Sinn Fein questions seriatim - as otherwise Unionists would suspect that this had been done privately anyway! The Secretary of State had told the UUP leader that he needed him to be immediately supportive of the document and this had happened. With positive support from the Irish Government, the UUP, SDLP and Alliance, there was now a "pincer" closing in on Sinn Fein.

Ancram noted that David Trimble had indicated that the UUP were ready to go back into talks as a result of last week's clarification exercise.

15. The Secretary of State summed up by saying that, in his view, the two Governments had a practical political deal within their grasp. Officials had performed "heroically" in the Liaison Group, but there was not much more that they could do on their own without further instructions.



16. The Tanaiste said he was glad that the UUP had benefited so much from their U.S. visit. He would like to see them becoming more forthright and saying that they wanted to work with the two Governments.

He again suggested that the Liaison Group might continue its work and revert back to the two Governments in due course. Responding to Ancram's point about the risks of a selective approach, he pointed out that a very wide gap existed between the two Governments in the constitutional area. Our approach would be based on what we judged to be acceptable to Northern nationalists.

He also attached importance to the guarantor role which we had proposed for the future Conference, pointing out that we hoped, of course, that it would never actually have to function in that manner.

He proposed one or two further meetings of the Liaison Group in order to isolate the main difficulties, with a view to a detailed discussion at a subsequent political meeting as to whether the gap between us could be bridged.

17. The Secretary of State did not dissent from this proposal. The Liaison Group might do a "tidying" exercise. The two Governments, however, would have to be engaged. And time was pressing, as matters would resume very sharply after 9 June. He commented that the way in which the two Governments had made common cause in this area so far had been hugely valuable and that it would be a pity if this were not to continue.
19. Thomas underlined the need for everything to be on the table and for nothing to be "ring-fenced". The Tanaiste suggested that the approach should be that "everything



times two would be on the table" and Thomas agreed.

The Tanaiste noted that there were risks for both sides and that each had a responsibility to its electorate to measure these risks. Ultimately, both would have to take risks. What was essential was that the right balance be maintained.

The Secretary of State accepted that what the Governments came up with must win widespread acceptance.

20. Q hUiginn endorsed the Tanaiste's analysis. The Liaison Group could carry out a "tidying" exercise. There were indeed areas where we were in agreement. There were others where we had technical difficulties but where these were not politically contentious. There was then a series of kernel areas which were absolutely crucial.

The essential criterion for us was what Northern nationalists could live with, as this would feed into any referendum in our jurisdiction. If a referendum proposal appeared to amount to the abandonment of Northern nationalists, the Irish Government would be facing an enormous uphill struggle.

We therefore needed a package which would enable us to persuade Northern nationalists that something new was on offer. That would mean change - and perhaps change away from what Unionists would ideally want to see. People would treat this, furthermore, as a definitive process (i. e., not merely as an intermediate stage).

He suggested that the Liaison Group could resume its work and try to bring into sharper focus the deeper things which could only be resolved at political level.

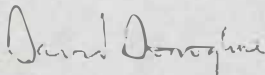
21. Chilcot wondered whether there was any alternative to the "bipolar" approach. He suggested that the Liaison Group might seek to describe a spectrum of possibilities for Ministers, without commitment on either side.

O hUiginn pointed out that there would inevitably be a temptation to go for the minimal option within the spectrum. A minimalist package, however, would not work. Major political decisions had to be taken at the heart of this exercise.

He suggested that the Liaison Group might go into more detail in comparing drafts in preparation for the next Conference discussion. This might be done either by bracketing sections or by stating alternatives (including, as Chilcot had suggested, a possible series of alternatives).

22. The Tanaiste regarded this as the wisest approach. The Liaison Group's work would be referred back to the political level prior to the next Conference in order to see whether a basis for agreement could be found.

In conclusion, the Tanaiste recorded his thanks to all involved in the organization of the opening of the Shannon-Erne Waterway, which he described as exceptional. He thanked the Anglo-Irish Section of his Department and the Northern officials involved. The Secretary of State endorsed these remarks.



David Donoghue

24 May 1994