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See paras 4-12 *Copy* (27)
Davis
This report is of considerable interest and gives a valuable insight into current British thinking. *John 28/11/94*
Meeting with Mr. Quentin Thomas.
London, 25th November, 1994
Mr Hoyle
Mr Corbett
ms

1. I had an informal meeting and lunch with Mr. Quentin Thomas of the NIO in London on the 25th November. While we had a useful discussion on a number of outstanding points in the Joint Framework Document, I had the impression that the mood on the British side is likely to be one of "wait and see" on the crucial issues, until a new Government is in place.

Joint Framework Document

2. We reviewed the main points of difficulty outstanding in the Joint Framework Document.
3. On the Constitutional issues, Thomas confirmed that they were considering our suggestion for a meeting of the Constitutional Group next Thursday. His view was that this issue had probably been taken as far as it could be by officials, and that it would require a meeting at senior political level to decide between the different options. (This may also have been intended as code for a certain reluctance on their part to engage further on this issue before the political situation becomes clear on our side).
4. I went over the now familiar ground of the extent to which the Irish Government had moved on this issue, and the dangers that, if we miscalculated, there could be serious damage to the trust of Northern nationalists and to the peace process generally. Thomas accepted that the reactions of Northern nationalists, in particular the SDLP leadership, would be crucial, but repeated his suggestion for a reformulation of Article 2 so as to avoid the connotation of the nation-state.

5. On the European issue, Thomas suggested informally an alternative text from the one tabled already (attached). I said that although the new text sounded superficially more forthcoming, when analysed, it still represented a very low level of commitment to the European dimension. While the Taoiseach appreciated fully the constraints on the Prime Minister in respect of the EU, we also had to take account of Hume's strong emphasis on the European dimension, as instanced in his most recent Party Conference speech, and indeed of nationalist opinion generally on this issue. In deference to British sensitivities we were now looking at the minimum that would be viable in this respect. Executive management of the Community initiatives were a key consideration, since if a purportedly serious North-South body was not given management of the application of EU initiatives aimed at the very same North-South cooperation, it would be very hard to persuade people that the new body was serious. Thomas warned of the danger that if the body was over-ambitious, the unionists could be lost from the beginning.

6. We agreed the Secretariat should continue work on the practical competences of the body. Thomas accepted that the cultural dimension of the North-South body might be somewhat more forthcoming.

7. On the question of default/intergovernmental guarantee, I said the weakness in the text they had put forward was that it suggested "determined efforts to overcome any difference", but that the phrase had already become somewhat devalued by its less than impressive application in the case of the Anglo-Irish Conference. We both accepted that, in the real world, if the new arrangements broke down, the two Governments would have to act to set matters right. It was important however to show there would not be simply a stand-off if the Governments reached differing assessments of

whether or not a breakdown had occurred. I said we would work on fresh language on this issue, making clear that we would be prepared to accept the language from the Anglo-Irish Agreement on "no derogation from sovereignty", to head off the possible accusation of that kind from the unionists.

8. We discussed also the question of a bill or covenant of rights. Thomas said they would have difficulties with the idea of a human rights instrument which would do for the island as a whole what e.g. the European Convention on Human Rights did for Europe. However he thought it would be possible to draw up a joint agreement on human rights which might be the "rhetorical expression" of common commitment. The actual implementation would be by separate legislation in both jurisdictions. I drew attention to the supreme authority of the Constitution for us. It did not preclude the approach he had mentioned, but it meant that the instrument in question would have to be very carefully drafted, since, in practice, it would become the constitutional expression of rights in our jurisdiction.

Dialogue with Sinn Fein

9. We had a long discussion on their proposed dialogue with Sinn Fein. According to Thomas, things are still fairly fluid on their side: there is no decision as yet on timing, beyond the general commitment to talk to both sets of paramilitaries before Christmas. This would be done at official level (in practice either Chilcot or, more likely, Thomas himself. Their security services will not be in the frame on this occasion.) Adams had written to the Prime Minister suggesting an agenda which covered the modalities of Sinn Fein's admission to comprehensive dialogue and the treatment of their representatives on the ground. It had not mentioned the arms issue, although there was some

residual acceptance that the British themselves might have matters to propose.

10. I argued for an early launch of the dialogue, and to avoid any sterile debates about when "the clock had started", I said it was also crucial to ensure that the arms issue did not cause everything to unravel. All were agreed that this issue had to be resolved. There might even be scope for the British Government in their contacts to develop a helpful common position with Sinn Fein on that overall objective. However it seemed fairly clear that the IRA arms would not be surrendered before the loyalists did so. It also seemed unlikely Sinn Fein could persuade the IRA leadership to do so before there was some sense that the political process was meaningful and likely to work. If the arms issue became singled out as a precondition to everything else, the effect would be to force Sinn Fein back into isolation, virtually ensuring the breakdown of the ceasefire, because of the ensuing frustration among their foot soldiers.

11. Thomas emphasised the sensitivity of this issue for British Ministers, particularly in the wake of the Newry killing, and in respect of the current political climate at Westminster. I suggested that other points of interest to Sinn Fein would be respect for their mandate, i.e. for the British to be as flexible as possible in terms of local contacts. They should also seek to deal with Sinn Fein as plainly and straightforwardly as possible.

12. I asked Thomas whether the talks would be public or confidential. He supposed they would be confidential in the first instance and assumed that Sinn Fein, as a disciplined body, would respect that. He suggested if we got any feedback from the talks, they would be glad to have our advice on any particular point which occurred to us.

Handling of Framework Document

13. We discussed the handling of the Framework Document and the likely impact of its publication on both sides. I stressed the danger that, if the Joint Framework Document seemed very conspicuously short of what nationalists hoped for, and in particular if it lacked the enthusiastic endorsement of the SDLP, it might become the focus of any discontents in Sinn Fein and cause the dynamic of the ceasefire to go into reverse. Thomas acknowledged the danger. He felt it was likely to be criticised on both sides, for substantive and tactical reasons. He said, on balance, his own system was still fully committed to launching it as quickly as possible, and if it could be done, before Christmas.

Strand One Paper

14. I referred to the parallel paper on Strand One which Mr. Major had promised during his visit to Belfast. I repeated our worries about its likely contents, and that we might have to criticise openly certain aspects of their proposals, if we thought them ill-advised. I asked whether there would be soundings about that paper with the SDLP.
15. Thomas thought that the logic of their position would be that there would be no soundings or formal consultation with us, or with the SDLP. He said however that the contents of the paper would be perfectly familiar to anyone who had tracked the Strand One discussions in 1992 - i.e. Panel and Assembly.
16. I emphasised a number of criteria in that respect which they should keep in mind: the requirement of consensus should be to ratify proposals from the Assembly, not to overturn them. Otherwise the consensus requirement would be a reaffirmation of majority rule and not a qualification upon it.

17. I recalled also the importance which Hume had attached to the executive being appointed by the Panel. Hume was still thinking in terms of appointing people from outside the Assembly. I accepted Thomas' point that that would meet serious resistance from the Unionist and the Alliance Parties. I reminded him of a compromise suggestion, mooted at the time, that the Panel might appoint Heads of Executive from within the Assembly, according to certain ground rules.

Future work on the Joint Framework Document

18. In terms of future work on the Framework Document, the assumption on the British side seems to be that while certain technical discussions aimed at clearing the undergrowth can continue, the big decisions must await a new Irish Government. Thomas thought that once a new Government was appointed, there would be much merit in a "getting to know you"/review session with the British Prime Minister. If such a meeting cracked the outstanding political differences, it might be possible to have a formal Summit shortly thereafter, to launch the Framework Document.

Follow-up to the Peace Process

19. We also had a discussion on the follow-up to the peace process. I criticised very strongly the decision which had been taken on Méanscoil Feirste. An acknowledgement of cultural nationalism was one of the least problematic ways in which the British Government should show parity of esteem. This was a well-run and dedicated enterprise, the only one of its kind in Northern Ireland, so that there could be no question of precedence. I indicated that we would be taking the matter up in the next Anglo-Irish Conference. Thomas said the decision had been motivated by financial concerns - that the money directed to the

Méanscoil would be diverted from other deserving educational requirements.

20. I also reviewed with Thomas, a number of the more recent cases (e.g. the Hillock and the Wilkinson case), urging maximum sensitivity at the present time.

Policing

21. We had a brief discussion also on future policing. While accepting that the Chief Constable had in general been constructive and helpful on the peace process, I questioned the wisdom of his pointed attack on Mallon in his recent statement. Thomas thought that Hume was markedly flexible on the policing issue. I cautioned that in this respect Mallon might be closer to the sentiments of the strong nationalist areas in West Belfast and in Armagh and Tyrone.
22. We agreed to review the possibility of a full Liaison Group the week after next, in the light of developments.

SOH
Sean O Higin
28 November, 1994

me 1

cc PSS
Mr F Murray
Dr M Murray
Mr T. Dalton
Joint Sec
Amb Linton
Mr Donoghue

SOH

(22 November 1994)

JFD PARA 20: COMPROMISE TEXTEU matters

Any EU matter relevant to the competence of either administration could be raised for consideration in the North/South body. Across all designated matters, both Governments agree that the body will have an important role, with their support and cooperation and in consultation with them, to develop on a continuing basis an agreed approach for the whole island in respect of the challenges and opportunities of the European Union. For example, the body would seek to promote common approaches to submissions for Structural Funds. More specifically, in respect of matters designated at the executive level, the body itself would be responsible, so far as was consistent with the Treaty obligations of both Governments, for the implementation and management of EU policies and programmes on a joint basis. The two Governments expect both sides would normally agree that, in cooperation and consultation with them, the body would prepare submissions under EU programmes and initiatives specifically designed for implementation on a cross-border or island-wide basis, such as INTERREG. On the same basis the body would also, in conjunction as appropriate with the European Commission, monitor their implementation which in respect of individual projects might be undertaken either jointly or separately, North and South.

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