



# An Chartlann Náisiúnta National Archives

**Reference Code:** 2021/50/181

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**Meeting between the Tánaiste and Secretary of State**

**Dublin, 14 March 1996**

1. The meeting took place in Iveagh House and lasted for approximately two-and-three-quarter hours. The Tánaiste was accompanied by the Secretary, Fergus Finlay, David Cooney, Rory Montgomery and the undersigned. The Secretary of State was accompanied by Minister of State Ancram, Sir John Chilcot, Sir David Fell, Quentin Thomas, Ambassador Sutherland, Jonathan Stephens, David Hill and Martin Howard.
2. The Tánaiste began by offering his condolences to the Secretary of State following yesterday's massacre in Dunblane, mentioning that the Dáil had passed a motion of sympathy and had observed a minute's silence. The Secretary of State expressed his Government's deep appreciation for this.
3. The Tánaiste suggested that the meeting reflect on the intensive consultations of the past ten days, and in particular on the questions of the elective process, elected body, referendum, transition to negotiations and ground rules for negotiations. The Secretary of State noted that the ground rules paper was still outstanding, and expressed a strong desire to finalise the text at the meeting so that the consultations could be concluded.
4. The Tánaiste said that the intensive multilateral consultations of the last ten days had served a purpose in seeking to break down barriers, although it was a pity that Castle Buildings had not been used by all the parties. He then gave the British side an overview of the Government's bilateral meetings of the last few days. The meeting with the UUP on Monday had been difficult but useful. The Tánaiste mentioned in

passing that while it ended with the apparent understanding that further meetings would take place. Trimble's office had subsequently indicated that no such plans were in hand. (Minister Ancram later said that Trimble had given him the impression in a phone call that he was pausing to assess Monday's outcome, which appeared to be useful from the UUP perspective, and was in fact open to further meetings.) The DUP had unfortunately decided that the "town wasn't big enough" for the two unionist parties; however, it seemed likely that they would agree to a meeting in due course. The meeting with Robert McCartney had been pleasant and constructive, notwithstanding considerable differences.

5. The Secretary of State, noting that the British had met virtually all of the parties twice, and some three times, agreed that the consultations had been successful in their broad purpose and had fleshed out parties' ideas on the main issues. Some "truculent stipulations" had been dropped. Virtually everyone had talked with everyone else, and every party had demonstrated a willingness, in varying degrees, to participate in the all-party negotiations on 10 June.
  
6. The Tánaiste briefed the British side on the previous day's meeting with the SDLP. It had been a lengthy and very difficult meeting. The delegation, led by Seamus Mallon, had been severely critical of both Governments. The SDLP had in fact hardened their position considerably over the ten days. (They had, however, been far better prepared for the meeting than was often the case in the past.) The SDLP had grave misgivings about a scenario in which Sinn Fein would remain outside while the SDLP would take part in a process destined for an unfortunate end, thereby giving Sinn Fein an advantage in the next Westminster election. The SDLP viewed the prospect of any form of election with great reluctance, but they might accept a certain kind as a quid-pro-quo for the firm starting date for negotiations. They were also mindful that while Trimble had originally promoted an election as a means by which the UUP would talk to Sinn Fein, he had resiled from this now that an election was in prospect.

7. The Tánaiste reported the SDLP's total opposition to any form of elected body. He had spent considerable time with them on Option C, but without any success in moderating their view. They saw the body as a new precondition, and believed that the unionists would seek to use it as a representative forum for Northern Ireland and as a means of avoiding a serious engagement in the negotiations. The SDLP believed furthermore that Option C would be made even worse by amendments to the draft legislation in the House of Commons. Their participation or not in the election and/or an elected body was a matter for decision. The Tánaiste noted that the SDLP were not impressed by his argument that an SDLP boycott might allow the unionists to seize the high ground, and commented in that the delegation's general demeanour had been more negative than he had ever encountered it previously.
8. The Secretary of State recalled Seamus Mallon's periodic tendency to deep pessimism ("his black dog") during the 1991-92 talks. He said that in his last meeting with the SDLP (again led by Mallon) he had got the impression that their principal concern related to the issue of an elected body. They had not taken the opportunity to reassert their intention to boycott elections, although they had made clear that they would boycott a forum. The Tánaiste said that in his view, there was no prospect of the SDLP participating in an 18x5 PR-STV election.
9. The Secretary of State mentioned that the meeting of the NI Cabinet Committee had been postponed until Tuesday next to allow for a further meeting with the PM on Monday (he had had a brief meeting with Major before that morning's Cabinet meeting). He suggested that it was important to realise that the list system was not a single option; the SDLP were the only party who preferred a list election without named candidates, which the other pro-list parties favoured together with a forum. The Secretary of State noted that most smaller parties believed they would do better under a list system, although there was some controversy as to whether this was in fact the case. He also noted that the PR-STV system was at present supported by the

UUP and Alliance.

10. The Secretary of State emphasised the importance of finalising the ground rules paper at the meeting so as to complete the consultations phase of the process. It would also be vital to clarify what kind of election and/or body parties would be prepared to participate in or boycott, as the case might be. In the context of the Communiqué requirement for broad acceptability, it would be useful to think in terms of the whole package, not just the system of election. There might be ways of "sugaring pills" to mitigate disappointment.
11. Minister Ancram raised two questions at this point. Firstly, if the SDLP boycotted a body, did we share the British assessment that the UUP would boycott negotiations? <sup>6</sup> The Tánaiste confirmed that we did. Secondly, if the SDLP did not take part in an election, did they still expect negotiations to start on 10 June? The Tánaiste replied that he believed they hadn't thought that through; it would obviously be a very serious situation. The SDLP had lectured him at length about their primary responsibility as politicians to avoid compromising their core support and being outflanked.
12. The Tánaiste argued strongly that the broad agreement on the system of election between the SDLP and DUP represented a chink of light, and that a proposal would have to be "in that ballpark" to have any prospect of success. If a decision were taken in favour of a system opposed by the full range of nationalist opinion, it would be disastrous. His best assessment was that the SDLP would not participate. In essence, the basic test of broad acceptability would not be met. Indeed, it would be a "double whammy", as the SDLP had been working on the assumption that since the principle of an election had gone against them, the system at least would be made acceptable.
13. The Secretary of State observed that the DUP had professed themselves reasonably happy with either system. The deadline was very tight and the legislation would have

to be processed with great speed. Cooney, enlarging on the Tánaiste's analysis, said that if the system of election and question of an elected body were decided against the SDLP, they would not tend to see much value in proceeding with the negotiations.

14. The Secretary of State argued that the SDLP would have a hard time explaining such a stance to the public. An elected body could replicate the useful function of the Dublin forum. He had explained to them in detail the specific provisions envisaged for the statute which would preclude any interference in or control of the negotiations by an elected body. This would be in addition to the provisions excluding any legislative, executive or administrative role. He believed himself that he had made some progress in assuaging the SDLP's fears; he admitted that Mallon was "very hard-headed", but thought that others in the party took a different view. He recounted how he challenged Mallon's invocation of the Stormont parallel and elicited laughter from Mallon. The Tánaiste observed that there had been no laughter at his meeting the previous day. The Secretary of State said that he recognised the Tánaiste's account of the SDLP's language and manner from his own meeting with them, but that he was not sure whether they would carry their declared intentions through.
15. The Secretary of State said that he was very grateful to the Tánaiste for making such an effort with the SDLP. He said that the SDLP should look at the wider picture: there were no preconditions and there was a fixed and early date for negotiations. This did not support Mallon's deeply pessimistic analysis. Reminded by Ancram, he noted that the DUP were not supporting the SDLP's list proposal and declared that further thought was obviously necessary. He added for the record that the UUP meeting on Monday had taken place in a surprisingly civil atmosphere. The Secretary of State said that the Government had a major problem with a number of backbenchers, noting the paradox that the backbenchers were favourably disposed to a party (the UUP) which had just tried to bring down the Government, while opposing the proposal of a party (the DUP) which had "stayed away" in their favour.

16. Cooney raised the rumours in several of that morning's British papers that the British were going to decide in favour of a PR-STV constituency election. The Secretary of State said that they had not yet decided what advice to offer the Prime Minister on the elections issue. He remarked that, according to Trimble, the entire press corps had been briefed to the effect that a list system would be adopted.
  
17. Reinforcing an earlier point by the Tánaiste, Cooney mentioned that the SDLP had requested him in informal contacts following the previous day's meeting to convey the message that they would not take part in a constituency-based election. In response to a query from Thomas, Cooney said that whatever about other variants, he believed that the SDLP were not bluffing regarding their response to a combination of a constituency election and a body. Thomas wondered whether the SDLP's opposition to that system might be due to its potential to threaten party headquarters' control. Chilcot surmised that Hume and Hendron's positions would be threatened under such a system. Cooney observed that the SDLP saw elections as feeding into all-party negotiations. They were opposed to a personality-based election, and believed that various fringe players such as Bernadette McAliskey would certainly be successful in a constituency vote. Their position reflected both party considerations and principle. Thomas suggested that it might well be impossible to exclude McAliskey (for example) under either option. Cooney observed that the SDLP would perhaps consider it could be done using the closed party-list envisaged by them. Chilcot wondered whether Sinn Fein would accept McAliskey as a candidate; this was agreed not to be a possibility.
  
18. Montgomery noted that in McCartney's paper just circulated on the system of election, he considered the list option to be best suited to requirements, and could accept either a closed or open list. He also reported that the SDLP had emphasised with particular clarity in informal contacts the importance they placed on the optics of the situation. If the principle of an election, the electoral system and an elected body were decided

in favour of unionist requirements. it would be seen as "yet another betrayal".

Thomas attempted to place significance on the fact that PR-STV was originally introduced to NI to satisfy nationalist opinion; this point was dismissed. Ancram argued that this analysis excluded from the balance the fact that all-party negotiations had been announced against unionists' general inclinations. Unionists would not take part in negotiations in isolation.

19. The Secretary of State asked whether the SDLP might accept the DUP variant of the list system. The Tánaiste replied that if all other factors were favourable, and if, for instance, Option C could be enacted without any add-ons, there might be a prospect of convincing them. Chilcot surmised that the question of a list of names would hardly be a wrecking point for the SDLP. It was essentially to do with the difficulty for them of exercising party leadership in that way. Thomas suggested that the same problem would arise under the SDLP's model when negotiators were to be selected. Chilcot demurred, contrasting the latter as an act of patronage with the former as an exposure to challenge.
20. The Tánaiste stressed the point that unless the proposals on elections crossed the divide, their chances of success would be almost nil. Secretary MacKernan argued that the single-constituency list system with named candidates (the Paisley proposal) seemed to offer the best prospect of success in those terms. The Tánaiste emphasised that he could offer no guarantees that such a package would be acceptable, particularly given Sinn Fein's current "implacable opposition".
21. The Tánaiste asked whether the British could offer additional assurances to the SDLP that Option C would not suffer any add-ons in its passage through Westminster. The Secretary of State replied that he had spent some time seeking to do exactly that, and that the SDLP appeared to be under a misunderstanding as to the nature of Option C as agreed between the Governments last Friday. It was clear that matters relating to



the negotiations could only be referred to the body at the instigation of the negotiators themselves. The Tánaiste observed that in essence, the SDLP do not trust the unionists to engage seriously in negotiations, and believe they will use any means presented to them to avoid such an engagement. He had put the agreement of last Friday to them as a reasonable compromise.

22. The Secretary of State conceded that the SDLP held their views on these issues with strong passion. Emphasising that the British had no settled opinion, he speculated on a possible package involving a DUP-style list system, a forum and, possibly, a referendum, and argued that it would be extremely difficult for the SDLP to explain to the public a refusal to engage in such a process. Ancram said that the British had emphasised that the forum would meet one day a week, when the negotiations were not in session, but he doubted whether the SDLP had taken anything they had said on board. The Tánaiste observed that they were applying themselves to the documentation much better than before. Cooney noted that if it was possible to identify a danger in the forum idea, the SDLP had done so - namely, that the unionists would use it as a bolthole from negotiations from which to lay down new preconditions. The British accepted this point.

23. Ancram laid stress on the potential of the process to create a dynamic and engage the parties step by step. He noted that over the course of the ten days, the DUP and UUP had ended up submitting written responses to papers clearly emanating from a process in which they had declared they would not take part. As parties engaged in the process, fears turned out to be without foundation. The Secretary of State added that the SDLP had relaxed their stipulation about venue. "Blood and thunder" positions taken by the leadership tended to be moderated under the influence of subordinates and public opinion.

24. The Tánaiste pointed out that Adams' article in that morning's Irish Times gave no

grounds for optimism; the SDLP would most likely be more wary today than yesterday. Fell observed that at the time, the Sinn Fein conference in Letterkenny had given rise to similar pessimism. The terms of the ILMCs, providing for governmental decision by default, had given the parties little incentive to moderate their positions, once it became clear that basic agreement was unattainable.

25. The Secretary of State said that the British were in the market for any hybrid proposal or variant which we might have to offer. Thomas raised the possibility of combining party-preference with a constituency linkage; Chilcot, however, while agreeing that the search for another variant was important, argued that a hybrid was not a real runner when one examined the roots of the parties' positions - they had more dividing them than in common. This point met with broad agreement. Finlay said that academic research which we had commissioned suggested that no hybrid would be able to provide for representation of minority parties. In this case, Paisley appeared to be leading down the middle ground. Thomas said that if this were the only problem with a hybrid, it should not be insurmountable, there being alternative means of ensuring loyalist representation at the negotiations.
26. Cooney emphasised that the SDLP did not see the open-list system as their preferred option, given their outright opposition to elections. They viewed the British paper on electoral models as presenting a menu of unionist options; either the UUP constituency-based preference or the DUP open-list option. Ancram said that the Paisley variant clearly had the broadest support. The Secretary of State suggested that Option C had just enough to offer both ways, and, as the Government's "best shot", might well have to be introduced despite strong opposition from a number of backbenchers. Ancram pointed out to general agreement that Option C would require both legislation and treatment in an eventual omnibus ground rules paper.
27. Chilcot noted that with Labour in all probability supporting the Government on the

elections bill, unionists and Tory rebels together would not have the numerical strength to pass amendments to it. It was more a problem of delaying the legislation than overturning it. The Secretary of State speculated that a maximum of perhaps 50 backbenchers might rebel, but hopefully no more than 30. The whips' advice would be against proceeding, from a party management perspective, but the Government would have to take the broader view. It would be particularly important not to give Adams any room for fresh complaint, given his skill at building up such difficulties; he was in a difficult position as it was. Confidence in the process had to be demonstrated.

28. The Secretary of State related that he had said to Seamus Mallon that it looked as if he would get his referendum. In response to British queries, the Tánaiste said that some legislation would probably be required to hold such a referendum in this jurisdiction. On the formulation of the second referendum question, Montgomery noted that since a firm date for negotiations had already been agreed, reference could perhaps be made to "serious" participation in talks or to a "sincere" wish to seek an agreed outcome. The questions should be simple and understandable. Chilcot observed to general agreement that the work remaining to be done on this was in the area of drafting rather than sense.
  
29. Turning to the ground rules paper, the Tánaiste said that the Irish side had prepared a fresh draft. The main question was when to issue the paper; he favoured its circulation following a decision on electoral matters (the Secretary of State confirmed that the decision would be taken by the end of next week, or the beginning of the following week at the very latest). The Tánaiste surmised that even the hardliners would want to consult with colleagues before rejecting the paper. The stakes were very high. The issue of how confidence-building at the start of negotiations was to be handled was crucial (the Secretary of State agreed).

30. Ancram argued that this was a reason for early circulation. If the arrangements for the transition to negotiations were not seen as a totality, people's views would be more likely to harden. The document should be released to engage the parties. The Secretary of State noted that the decision on elections would have to be announced in a Commons statement, and questions would be asked on the issues covered in the paper. It would be better to have the material agreed in advance. Also, speedy issue of the paper would be a token of good faith in the face of SDLP suspicions about the level of British commitment to the negotiations. The Tánaiste observed that, in fairness, the SDLP's suspicions were directed at the unionists rather than the British government. The Secretary of State commented that if so, that was an advance. Stephens argued that it was in the SDLP's interest to have the unionists tested on the ground rules before decisions were taken on the rest of the process.
31. The Secretary of State suggested that the meeting examine the main point at issue in the paper, i.e. the method of handling the start of negotiations, as dealt with in paragraphs 9-13. It was vital that there be no blockages at the start of negotiations; and if blockages were to appear later on, a helpful dynamic would already have been established. He thought that the language proposed was sufficient to cover both nationalist and unionist sensitivities. The Tánaiste commented that the two sides were not very far apart, and suggested that officials might spend one session looking at the new Irish draft next week. The Secretary of State expressed a strong preference to look at the draft in the meeting. The Tánaiste agreed to the request, and the new Irish draft was handed over to the British at that point.
32. The balance of the meeting was mainly devoted to reaching agreement on the text of the ground rules paper (final text attached, as circulated to the parties on 15 March). The main points at issue were as follows:

Para 4: It was agreed to add a second sentence using language from para 39 of

the Joint Framework Document.

Paras 9-13: The British side were concerned that priority be clearly given at the start of negotiations to the confidence-building issues outlined in para 10. The Irish side sought to ensure that political issues would also be open for discussion at the start so as to prevent confidence-building issues being used as a roadblock. (It was agreed in the course of the discussion that endorsement of the Mitchell principles would be best expressed by the parties in the course of the opening statements referred to in para 9.)

Para 20: It was agreed to include a provision for contingent agreement in the negotiations solely on the basis of consensus. Ancram said that a number of parties had raised the question, and that it would be important to build up a bank of contingent points of agreement in case the talks unravelled. Chilcot argued that it would also be better from Sinn Fein's perspective, since it would provide a mechanism for other parties to make real concessions on political issues to match progress on the decommissioning front.

33. It was agreed not to include a specific reference in the paper to the question of the size of negotiating teams, and that the issue could be decided further on. The Irish reported the SDLP's preference for a system of banded levels of representation, in part to prevent fragmentation of the vote (a consequence, the SDLP had argued, of parties with 1% and 10% support being allowed negotiating teams of the same size). The British suggested that the concept of the three strands had been designed with the assumption of equal representation for the parties. The Irish side pointed out that in the absence of an elected body (the SDLP's preference), the size of negotiating teams would provide the only means of indexing levels of party support.

34. Ancram suggested that material on electoral matters could be added at a later stage to produce an omnibus paper. Finlay emphasised that the paper was a stand-alone exercise from our perspective. Chilcot accepted that the Irish were potentially exposed in issuing the paper, and suggested that the "consultation" rubric might be helpful. Cooney stressed that we did not envisage much leeway for amendment, and that we essentially saw the paper as prescriptive. The Secretary of State noted that the second sentence of the introduction to the paper set it in context. It was agreed that the question of whether and how the electoral material might be added to the paper was for future discussion.
35. It was arranged that the Irish side would hand over a clean text of the paper the following morning to facilitate its circulation to the parties before the weekend. Its status as an agreed consultation paper was confirmed. The Tánaiste noted that he would seek to clear the text with the Taoiseach in Washington before its circulation. It was agreed that the both sides would circulate the paper to all the parties with the exception of Sinn Fein, to whom we alone would pass it, and that the Irish side would prepare a draft Q & A based on discussion at the meeting which would seek to cover both unionist and nationalist sensitivities on the manner in which decommissioning would be addressed. The meeting concluded at that point.

ED

Eugene Downes  
Anglo-Irish Division

19 March 1995

cc. Secretary Ó hUiginn, Ambassadors London and Washington, Joint Secretary,  
Counsellors AI, Secretary Dalton, Mr Donlon, Mr Hare