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(25)

Meeting between The Taoiseach and David Trimble, Leader of the Ulster Unionist Party

Date: 20 November 1997

Venue: Sheraton Hotel, Belgravia, London

Present: Irish side: Taoiseach; Minister for Foreign Affairs; Paddy Teahon, Secretary-General, Taoiseach's Department; Dermot Gallagher, Second Secretary, Department of Foreign Affairs; Ted Barrington, Ambassador, London; Martin Mansergh, Adviser to the Taoiseach.

UUP side: David Trimble; John Taylor; Ken Maginnis; Jeffrey Donaldson; Reg Empey; Patrick Campbell.

Summary

The meeting took place in a friendly and open atmosphere. Trimble was focussed and in control of his team throughout and did most of the talking for the UUP. Apart from some remarks by Ken Maginnis on security there was little attempt at argumentative point scoring from the Unionist side. The bulk of the discussion was about the constitutional question and North-South cooperation where the two sides set out their respective positions. Both agreed that progress needs to be made on these matters if there is to be an overall settlement and that agreement between the Government and the UUP is essential. There was some discussion of security matters arising out of reports of disaffection within the Republican movement, but no consideration was given to decommissioning and the Unionist side did not raise it. On a proposal from the Taoiseach, the two sides agreed

- to establish a working party of two or three people from both sides to look at constitutional issues and North-South cooperation (which for the Unionist side also embraces East-West cooperation) in the coming weeks and over the Christmas period

that the Taoiseach and David Trimble would be in contact again about the details of the working party.

to keep the fact of the establishment of the working party confidential between the two sides, but to inform the Tony Blair and John Hume in general terms of the agreement reached.

Discussion

The Taoiseach welcomed David Trimble and the other members of the UUP delegation and said that he hoped that it would be the first of a number of such meetings. He had noted Trimble's question as to whether the Irish Government was interested in "stability or conquest" and he wanted to assure the Unionist side that his interest was in a stable settlement. The Government appreciated the UUP's decision to participate in the talks, notwithstanding their reservations about Sinn Fein, which we understood. Both he and Trimble were the leaders of the two largest political parties on the island of Ireland. If they could reach some kind of understanding then we had an important basis for progress. The Taoiseach noted that important talks had already taken place between the UUP leader and Minister Andrews.

There were a few preliminary points he wanted to emphasise.

The *first* was that from his own experience as a negotiator he believed that real negotiating progress could not be achieved in large groups with huge delegations on all sides. It was not possible to negotiate or conclude agreements in such an atmosphere. Smaller groups were needed.

The *second* was that he understood that the constitutional issue was fundamental for the UUP. He had heard and read what they had said on the matter and he knew their objections to Articles 2 and 3 of the Irish Constitution. This was also an essential question for nationalists, many of whom saw the constitutional provisions as an umbilical cord. In the light of these considerations he had limited his public comments on the issue and had tried to be careful in what he said. Paragraph 21 of the Framework Document represented the Government's current position; it was where we had moved to. But he wanted Trimble to know that the Government began some months ago to look further at the issues involved and in particular to examine the matters raised by the UUP.

The *third* point the Taoiseach wanted to emphasise was that North-South cooperation was vital from our point of view, if there is to be agreement. There had to be a visible structure, a North-South Body, whatever it was called. A Body that could coordinate and take decisions and joint initiatives. We were not talking about whole areas of Government but simply of tackling together

areas where our interests coincided. If the two Governments wanted, they could have jointly delegated bodies under their public supervision. He was not talking about an embryonic all-Ireland Government; he did not envisage that; but an effective mechanism whereby the two Governments could work together. He thought that there was room for dialogue on this; we should consider how a Body would operate, how it would work.

The *fourth* point was that we were aiming at a new Agreement. He knew that Unionists did not like the Anglo-Irish Agreement. North-South arrangements could replace the Anglo-Irish Agreement for many purposes. There were some areas of responsibility, for example security, which were for the British and Irish Governments. But we were prepared to consider a new Agreement which would supersede the Anglo-Irish Agreement, with appropriate back up arrangements. On East-West arrangements we were open minded, we did not have huge hang ups on that issue. He was interested in the UUP's ideas and interested in exploring them with the UUP.

Finally, the Taoiseach said that he approached political issues with an open mind. He was a democrat in the truest sense. He had not time for violence. He was a pragmatic politician and, on the question of Northern Ireland, he carried no baggage from the past. He led a pragmatic and confident country, a people who were not embittered and who wanted to see the leader of the UUP and the Taoiseach do business together.

David Trimble thanked the Taoiseach for the meeting. He was pleased that it was taking place. He agreed that it should not be a one off meeting but the first of a series. And it would be desirable to meet again soon, the time needed to reach agreement was limited. He also agreed with the Taoiseach's remarks about the dynamics of negotiations. They could not be conducted satisfactorily in a large room with huge numbers of people. Serious business could only be done in small groups, in bilaterals and similar small configurations.

On the substance of the issues he said that the detail of Strand I had been worked out in the 1992 talks and he thought that all the parties involved then were content with the principles. The present exercise was therefore mainly about Strands II and III. He understood that these were matters of considerable interest and concern to the SDLP and the Irish Government and he had therefore initiated the meeting. He had not changed his view about Sinn Fein strategy. His assessment was that at some stage they would resume the campaign of violence. Part of the reason for the present exercise was to

provide them with no excuse. Sinn Fein were not making a serious effort in the talks; they were more interested in restating their republican demands than in serious engagement. Sinn Fein's clear objective was to displace the SDLP and he was concerned for the latter's future.

Trimble said that his first concern in relation to any agreement was stability. He wanted a stable agreement, not one that was dynamic or subject to challenge. Stable relations could not be based on the premise of change. He needed to be sure about this matter which concerned substance not words. It was on this issue that the 1992 talks failed. On the question of North-South cooperation he said that they were part of a bigger set of relations. We needed a bigger umbrella. There were other directions for cooperation. In this connection he welcomed the Taoiseach's open mind on East-West matters.

The Taoiseach said that he had reviewed the security situation with the Army and the Gardai and their best assessment was that the cease-fire was stable and that Adams and McGuinness were genuinely trying to make things work. In reply to a question from Taylor he said that he felt that Louth was holding together, that Dublin was solid, as was Munster, and that Donegal was reasonably ok. Maginnis queried the assessment on Donegal.

John Taylor welcomed the tone of the Taoiseach's statement. It pointed to the way forward. It was particularly important for the two largest parties on the island to agree. The main obstacle to progress was, and always had been, Articles 2 and 3 of the Irish Constitution. As he saw it there were two ways forward on the issue. The first was to change the provisions of the Constitution to find a formula that was acceptable to Unionists. The second was to refer the matter to the International Court of Justice for a determination of the issue. Had the Irish Government thought about this second approach?

The Taoiseach said that he wanted to resolve the constitutional question. The issue had been considered and written about at length, but there was a need to have a real discussion of what was involved. All sides could continue with endless discussion and argument; but could we find a way, within or without the talks, to short circuit all that? Could we establish a small group with representatives from the two sides, from the UUP and the Irish Government, to address the real issues that needed to be resolved?

Reg Empey said that they understood the importance and sensitivity of the constitutional issue for us. Unionists had no desire to change the right of

nationalists to Irish citizenship. But he thought a solution could be found in differentiating between the Nation and the State.

The Taoiseach admitted that the issues involved were complex, but with a few good people from both sides, meeting in private, we could start to look at these complexities and save considerable time.

Empey stressed the need for confidentiality. One of the problems with the 1992 talks was that the IRA had been in receipt of the papers. This had a corrosive effect on trust.

Minister Andrews agreed on the need for confidentiality. Otherwise it was impossible to build trust and develop the frankness which would be essential to progress. The Irish side would have an equal interest with the Unionists in maintaining the confidentiality of the discussions. Articles 2 and 3 could present immense domestic problems if the Government were seen to be tinkering with them in isolation.

Trimble thought that the working group idea was fruitful. This was a technical area and would need time and careful thought. Any resolution had to be judge proof. The first thing that we would need to establish was: were we both aiming at the same objective? In his recent speech in Enfield he had referred to the Corfu test. This was absolutely crucial. A solution had to be such that the man in the street could see no territorial claim. He was not privy to what had been said between the British and Irish Governments in the run up to the Framework Document, and neither Mayhew nor Ancram had divulged the content of these discussions. But he believed that they had made a serious mistake and had said something that they believed to be wrong. (I believe that Trimble was referring to the provision in paragraph 20 of the Framework Document which envisages an amendment or replacement of the Government of Ireland Act.).

So clarity of objectives was essential. What did the Irish Government mean when it sought balanced changes to the British Constitution? The principle of consent was enshrined in British Constitutional law, and was a fundamental part of the Northern Ireland constitution, in the Northern Ireland Constitution Act. Moreover, on the side of the Irish Government, he felt that the provisions of paragraph 21 of the Framework document were themselves incompatible. On the one hand the Government said that the changes in the Irish Constitution would be such as to reflect fully the principle of consent in Northern Ireland

and to remove the territorial claim; but the other half of that same sentence undertook to maintain the birthright of every man born in either jurisdiction to be part as of right of the Irish nation. He did not see how these two statements, in the same sentence, could be held to be compatible.

Maginnis said that he had been impressed at the pragmatic approach taken by the Irish side. If both sides could reach agreement on these issues then he thought that we could accommodate the SDLP with confidence.

Trimble, reverting to his earlier fears about the future of the SDLP, agreed, saying that they would have to be accommodated.

Patricia Campbell asked the Taoiseach how we could get it across to Sinn Fein that united Ireland was not feasible.

The Taoiseach distinguished between the long term and the medium term. Sinn Fein knew what was possible now and they would have to deal on that basis. We were working under the principle of consent.

Trimble asked about North-South and East-West cooperation.

The Taoiseach listed the main items in the negotiations as he saw them: (i) Some form of power sharing structure within Northern Ireland. This was essentially a matter for the parties in Strand East, not our business; (ii) North-South Structures; (iii) a continuing Inter-Governmental Conference; (iv) a British-Irish Council or Council of the islands to deal with the totality of relations; (v) agreement on how to address the equality, justice and rights agenda and (vi) balanced constitutional change. He suggested that if we agreed to establish a working group on constitutional issues it could also work on the North-South dimension. On this issue he stressed that a North-South Body would have to have meaningful executive powers.

Trimble said that if the North-South Body were to work we had to get down to looking at its functions. When we did that we would probably find that the scope of the problem and the issues involved were more limited than that implied in the more grandiloquent theoretical statements on the issue. He categorised the main issues to be resolved in the talks process as follows: (i) the administration of Northern Ireland. This would have to be organised on a proportional basis. All must be represented in jobs in an effective power sharing arrangement. And this would probably include Sinn Fein; (ii) rights

and equality issues. These needed sorting out, but in a way that focussed on the legal side and not bringing them into the political process; and (iii) the constitutional issue. We had to find a way to talk things through.

The Taoiseach said that if we tried to do all this within the Talks we would not make progress. Both sides should pick two or three people to examine the constitutional issue and the North-South question. They could work for a number of weeks including the three weeks of the Christmas period when things would otherwise be quiet. They should talk things through, not operate on paper. He was easy on the location - England, Scotland or Wales - it didn't matter. The participants would report back directly to him and to Trimble.

Trimble said that he was attracted to the idea. He would look at the nuts and bolts and come back. Clearly part of the discussion would be technical but they would also be highly political.

The Taoiseach said that for that reason the teams could not work in isolation, they would have to check back.

Jeffrey Donaldson asked if we had two working groups in mind.

The Taoiseach thought it would be better if the work were done together in a single group.

Empey asked who else besides the UUP and the Irish Government would know about the arrangement. Would we tell the British Government and the SDLP? Blair and Hume?

The Taoiseach said that the British Government would have to know.

Trimble said that he had given Blair more than half a promise to report back. He would want to be open with the Prime Minister.

The Taoiseach accepted this and undertook to inform the SDLP (John Hume) in general terms of what had been agreed. He would be in touch with Trimble on taking the idea forward.

Towards the end of the meeting there were some further exchanges on security matters led by Maginnis on the UUP side to which the Taoiseach replied that there had been no let up in the activities of the security forces in the Republic.

Both sides agreed a press line which emphasised the good atmosphere of the talks, that they had a detailed discussion of all the main issues, and that Trimble and the Taoiseach had agreed to keep in touch as part of the ongoing dialogue between the UUP and the Irish Government.

Ted Barrington
Ambassador
21 November 1997