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Multi-Party Talks

Daily Report - 9 February 1998

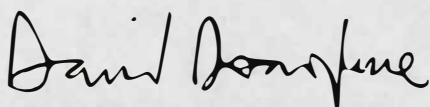
1. A British Government paper on rights and safeguards (attached as Annex 1) was the subject of a four-hour discussion in Strand One today.
2. According to accounts which we received from a number of delegations, the discussion went into considerable technical detail on this issue in the course of a lengthy debate. The British Government remarked privately that, compared with the equivalent sessions of the 1992 talks, the engagement with rights and safeguards was far more thorough on this occasion.
3. There was one polemical exchange between Sinn Féin and the UUP. Martin McGuinness profited from the presence of John Taylor to ascribe internment and other tribulations to representatives of old-style Unionism such as Taylor. McGuinness went on to suggest that Taylor had had a personal involvement in selecting individuals for internment, including himself. In what a British official described as "almost direct engagement" with Sinn Féin, Taylor replied by claiming that he had had no executive responsibility for internment under the old Stormont regime. The atmosphere lightened subsequently when McGuinness told the meeting (to reactions of amused incredulity and loud guffaws) that he had not wished to cause any trouble with his remarks.
4. Overall, the tone of the discussion was described as constructive and workmanlike and, according to the British Government, a surprising degree of consensus was achieved. There was general agreement that a "culture of rights" is needed, that this must be approached on a three-stranded basis and that safeguards will have to be built into the various new institutions. It was recognised that the specific rights to be covered, and the precise institutional mechanisms to enforce them, require further attention.
5. The SDLP emphasised the importance of community rights. They proposed an all-Ireland Bill of Rights (noting the Framework Document's useful suggestion of a Covenant) and an all-Ireland human rights court (an idea recalled by Sean Farren from the Sunningdale negotiations). They also argued that sensible conclusions on the human rights dimension of a settlement could only be reached in a cross-strand format.
6. Sinn Féin put forward similar thoughts and spoke to the attached paper which they had circulated earlier (Annex 2). They also spoke briefly this afternoon to a second paper (Annex 3) on Irish language rights.
7. The PUP (Ervine) underlined the importance of a very broadly-based human rights

culture which would address discrimination on racial, sexual and other grounds as well as political and religious prejudice. Emphasising the urgent need to create a pluralist society in NI, they sought to broaden human rights provisions beyond what they feared might be simply a "Paddy Bill of Rights".

8. The UUP (Empey) dwelled on the primacy of the right to life and also emphasised the importance of rights being accessible to all sections of society (with reference to the cost of protracted legal proceedings for ordinary citizens). Dermot Nesbitt asked, with characteristic persistence, why the two Governments had failed to refer in the Framework Document to the Framework Convention on the Protection of National Minorities (open for signature in 1994). He also requested circulation of the latter to delegations. The SDLP, in turn, suggested circulation of the Eide Report (from the Forum for Peace and Reconciliation).
9. Alliance focussed on a NI human rights court. The NIWC underlined the need for a rights-conscious judiciary. The UUP asked whether there are plans on the part of the Irish Government to incorporate the ECHR and enquired generally about human rights provisions in the South, actual or envisaged (a subject which is likely to receive particular attention in tomorrow's Strand Two discussion).
10. In this afternoon's session, various options for taking this discussion forward were considered (inconclusively). These included the creation of a sub-group, invitations to human rights experts to attend the talks and the organisation of a seminar involving NGOs.
11. The general view was that these are options for the medium term but that in the first instance the British Government should prepare a paper which would summarise the key concerns identified by delegations (both in this discussion and in the papers circulated earlier on this issue). Parties have also been asked to submit any further views in writing by next Monday. The British paper would inform a further rights and safeguards discussion in Strand One, to take place in two to three weeks' time from now (following debates on institutions, policing and justice). The British recognise privately that the paper to be prepared will need to be coordinated closely with whatever may be decided on foot of tomorrow's Strand Two discussion and with any cross-strand discussion of the rights and safeguards issue.
12. Finally, the Chairmen have now received written responses from a total of four parties to their request for comments on the two Governments' Strand Two paper. The UUP submitted last Friday a nine-page paper covering Strands One, Two and Three (attached as Annex 4) and the SDLP and Sinn Féin submitted papers this afternoon (Annexes 5 and 6 respectively) (Whether or not these papers will be circulated generally by the Chairmen remains to be clarified; as of now, only the two Governments have them). In addition, a UDP paper was circulated to delegations today (identical to an article by Gary McMichael in today's Irish Times - Annex 7).
13. It is intended that a document synthesising these papers - to be prepared by Senator

Mitchell, with discreet assistance from the two Governments - will form the basis for next week's Strand Two discussion in Dublin. A similar document will be prepared by the two Governments for the Strand Three liaison session in Dublin.

14. A meeting between the two Governments and the Chairmen to prepare tomorrow morning's Strand Two meeting is scheduled for 10 am. Senator Mitchell is planning to devote tomorrow afternoon to bilateral consultations with the parties on the question of a cross-strand format, leaving PM Holkeri in the chair for tomorrow's meeting of the Liaison Sub-Committee. He will propose that the cross-strand format meet in the week beginning 2 March.



David Donoghue
9 February 1998