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MR. O'LEARY
MR. FLAHIVE
MR. CALLAGHAN
MR. O'HARA

Meeting between the Minister for Foreign Affairs Brian Cowen

and the Secretary of State, Peter Mandelson

London, 2 November 2000

The meeting took place at the NIO in Millbank. The Minister was accompanied by Ambassador Barrington, Daíthí O Ceallaigh, Declan Kelly and Ray Bassett. The officials with the Secretary of State were Bill Jeffrey, William Fittall, Tom Kelly, Paul Priestly and his new political advisor, Patrick Diamond.

The meeting opened with the **Secretary of State** welcoming the Minister to the NIO. He said that the two Governments needed to take stock after the UUC meeting last Saturday. He immediately enquired about the meeting taking place in Enniskillen on Friday and appeared unsure about its status. He also asked why Séamus Mallon was attending. He wondered what effect Mallon's presence would have on Unionists.

The Minister explained that cross-border cooperation in areas like health had been taking place for a considerable length of time. Mallon was attending the conference to show that normal cross-border activity was continuing. He felt that Unionists were reasonably relaxed and a local liberal Unionist, Bertie Kerr, would probably attend the launch of the Food Safety Body which also was taking place in Enniskillen.

Political Situation

The Minister explained that the UUP action was posing difficulties for us and had serious implications. The Government had adopted a measured response. He himself had avoided the media for 3 days. The Good Friday Agreement clearly pointed out the interlocking nature of the Institutional and Constitutional provisions. Many people in Ireland had voted for Constitutional change on the basis of the establishment of new North-South structures.

The Secretary of State said that David Trimble fully accepts that his actions are in contravention of both the spirit and letter of the Agreement. He had not

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spoken to Trimble since the UUC meeting because the UUP leader had taken off to Spain after the vote. In addition, Trimble was not at his best in the aftermath of such meetings. However, the question had to be asked - what sanction had Trimble to enforce decommissioning. He did what he had needed to do to get through the UUC meeting.

The Secretary of State added that he did not feel equipped to tell Trimble what to do in his party. Trimble was the best judge of this. It should be remembered that Trimble held onto the leadership by a knife edge. What he did on Saturday was "unpalatable" and he would not "endorse" it. However, Trimble had won by a mere 4% and that showed how close the contest was.

The Minister said he was glad that Trimble had been victorious but if the price was undermining the Agreement, then we have a problem. If Mallon had decided to mess things up in another area of the Agreement, then Trimble would react. Trimble was taking action in a way which was not covered in the Agreement. It would have implications for the operation of Strand One. Mark Durkan had already mentioned this. The sustainability of the Agreement needed the institutions working properly. The present position cannot be left in abeyance.

The Secretary of State said that it seemed like a very small issue was holding up everything. A telephone call to re-engage with de Chastelain would get the sanctions lifted.

The Minister pointed out that the UUC motion threatened the re-imposition of sanctions if the quality of the re-engagement did not meet one party's definition. It will be difficult to get re-engagement when the threat of re-imposition remains. Trimble action took no account of the request in the Hillsborough joint statement asking General de Chastelain to look at other schemes which might assist the General in carrying out his mandate. The Inspection and re-inspection of IRA arms dumps was a very significant development. Some people are seeking to adopt a minimalist interpretation of the inspections. From what we have heard, the inspectors were impressed by both the quality and quantity of the arms they inspected. The inspections should be built upon and see how it can be developed. It should be remembered that decommissioning was a voluntary exercise

The Secretary of State added that participation in the Executive was also a

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voluntary exercise. The May last solution was to move away from a high pressure, short-term decommissioning track to a long-term, low pressure track but unfortunately it gave away any leverage. The imperative was removed. To back this up there needed to be greater confidence that decommissioning would occur in the longer term. It was also topped up with the CBM. However, the second CBM was left too long and this caused it to be under valued. At every stage the Republicans did as little as possible, as late as possible. He agreed that the inspection route was probably the best way to progress decommissioning but there needed to be sincerity. Could the number of dumps inspected be increased. There is no belief in Unionism that de Chastelain would achieve decommissioning. It was increasingly been asked what was the point of the IICD. De Chastelain himself was increasingly doubtful of the value of what he was doing. Governments may have contributed to this situation by not "shouting" for action. This had had a destructive effect on the political process.

The Minister pointed to the need to set out the context whereby the IRA promised to put its arms beyond use in May. The Governments needed to look at what could be done to assist the process. It was necessary to confront any sense of hopelessness. We cannot move back into the old decommissioning - devolution argument. We could look at the OTR issue. While this was a difficult matter, it was important issue for Republicans. It might be possible to do something quickly on extradition orders. Some of the people involved were high profile and promised movement in this area helped bring about the 5 May joint statement.

The Secretary of State asking how "doing more for Republican terrorists" would help satisfy Unionist insecurities. What has to be appreciated is the depth of Unionist concern. The Republicans always appeared to have long shopping lists which was not balanced with concern for Unionist perspectives. We need to demonstrate to Unionists that we take decommissioning seriously.

Bill Jeffrey said that it wasn't just Unionists who had difficulties with Republican demands. The British Government made a significant move on the extradition issue and got no thanks from Republicans, only criticism that it did not go far enough.

The Minister said that Hillsborough worked because it broadened the agenda. The IRA had agreed on a context when they would put arms beyond use and we needed to revisit that context.

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The context for Hillsborough cannot be defined by one

Bill Jeffrey claimed that the British had tried seriously to de
issues mentioned at Hillsborough, including OTRs, Normalisa
Whatever they did the Sinn Fein always claimed that the British
of their obligations. They wonder what else is required.

The Minister said the two governments needed to sit down together a
engender confidence on both sides that the process is continuing. If we
get back to defining the context in which commitments were entered into
May then we might be able to initiate a process which would engender
confidence.

The Secretary of State claimed that the context kept changing. The Minister
replied that the two Governments had a clear view of what was agreed at
Hillsborough. We needed to take stock of a number of issues which were part
of the May arrangement to create a dialogue which would lead somewhere.

The Secretary of State said he was "up for that". He was a negotiator by
nature but he had a question to ask. If the British did "a lot" and Sinn Féin was
still not satisfied and didn't deliver "would it ever be enough for you", was
there even a possibility that the Irish Government would accept the outcome
regardless of Sinn Féin objections.

The Minister replied "yes" if we were satisfied ourselves. We should assess
progress since last May and try to create room for others and for leverage.

The Secretary of State said that in relation to the **OTRs** they had already gone
much further than British public opinion would want them to. They were
constrained from moving any further by a genuinely independent Attorney-
General and an independent DPP. Even the Prime Minister cannot tell them
what to do. On **Normalisation**, they had already done a great deal but it was
never enough. The security situation was difficult. He has to take cognisance
the threat. At the moment, a police officer was on the critical list in hospital

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and may lose his life. On the **Patten** proposals, the British Government had tried to satisfy nationalist demands. They had put down a series of amendments in the House of Lords to this effect. David Trimble had been informed and while he was unhappy in private, he did not create any waves. They (the British) have signed off and they had thought the SDLP supported them. The **Secretary of State** said he now had a report before him of a meeting between Alex Attwood and the Chief Constable where Attwood said that the SDLP would be putting down an emergency motion at its party conference to commit the party not to support the Bill or the Police Board. They would be strongly advising Nationalists against applying for independent membership of the Board. What was he to make of this?. He had believed that the Minister was already signed off on the Bill. Would he now get Irish Government support for it? When is enough enough "where does it leave me if I can't look to the Irish Government when I thought we had an agreement".

The Minister replied that recent discussions on Patten had been good and constructive. There were several different issues involved including the substantive matters, symbols and timing. Good progress had been made on the substantive matters where we **have** a large measure of agreement with the British but there remained ambiguity on the question of the name, the symbols and timing. These were huge issues for the Nationalist community and could, if they went wrong, set at nought all the good progress made on the substantive areas. The Donaldson motion, which contained references to preserving the symbols and emblems of the RUC, had sent danger signals to the Nationalist community. It was important to see the final package, not just on the Bill but also the Implementation Plan, before the full picture can be judged. When that full picture is there we are hopeful that we can achieve what we all want - young nationalists and young republicans walking into a police station to join up. Atwood's remarks failed to acknowledge the progress that had been made on resolving the outstanding issues and the Minister felt that the SDLP should not be taking such an absolutist position at this stage. He would speak to the SDLP on the matter.

The Secretary of State said that Attword was clearly spelling out that the SDLP would not support the police or the Bill. This will drive unionists wild.

The Secretary of State remarked that he was glad of the Minister's support and was very reassured. He asked if the two of them could speak together at the SDLP conference to persuade that party to support the Police Bill.

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The Minister replied that such a scenario would stretch credibility.

The Secretary of State went to say that the British did not know what to do about **OTRs.** Bill Jeffrey added that they were getting confusing signals from Sinn Féin. When asked to name the 6 most pressing extraditee cases, Gerry Kelly had replied that all the cases where equal while Gerry Adams did show some interest in prioritising the names. The DPP was looking at the outstanding cases and it may well be that after 20 years some of the witnesses had died or were uncontactable. The DPP had already decided not to prosecute in 3 non-extraditee cases and will have made an assessment of some extraditee case within the next three weeks.

The Secretary of State said that the overall solution would have to involve legislation and he would not like to be the Secretary of State to propose what was essentially an amnesty for republicans. The British people would ask whether it was justified. If the security situation was fine and there was a clear acceptance by all that violence was over then the Government might just be able to pull it off. But in the present atmosphere, where murders were being committed on the streets, including that of Joseph O'Connor by the Provisional IRA, it would be doubly difficult. There was another important issue. If an amnesty was to apply to one side, there was a case for giving it to members of the security forces who may be facing criminal charges over the Finucane killing or in Bloody Sunday. He asked what the Irish Government attitude was to extending any measures to include the security forces.

Daithi O Ceallaigh said that there was a big differences between actions taken by terrorists and by agents of a democratic State. They could not be equated.

The Secretary of State answered by saying that there was zero chance of even persuading 5% of the British public of that view.

The Minister raised the issue of lateral entry by members of the Garda into the Police Service in the North. There were reports that a important amendment on this matter was being watered down. It would be helpful if the original wording of the amendment was maintained.

The Secretary of State replied that there had been some pressure on the issue in the House of Lords and questions had been asked on whether there needed to be legislation in the Republic to allow for lateral entry. **The Minister** replied

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that we would check on it.

The Minister asked if the closing date for applications for independent membership of the Police Board could be extended beyond the present deadline of 13 November until Christmas.

The Secretary of State that there was a possibility of extending the deadline by perhaps a week or 10 days. But if it was put back to Christmas, there was no possibility of the Police Board taking up office in April. The shadow period before April was important as it was the shadow Board which would have to make its recommendations on symbols. The Implementation Plan could only be published after the legislation had been enacted. **Priestly** estimated that the Plan would be published before Christmas.

The Secretary of State said that he wished to discuss two further matters namely decommissioning and the issue of designation of the Real IRA

Decommissioning

The Secretary of State said that he was absolutely opposed to deadlines but he had to ask what alternative there was for getting cooperation from paramilitaries.

The Minister said that the primary issue was how to get people back into the process. Regular reporting by de Chastelain could be a confidence building exercise in the right circumstances. Perhaps officials could get together to have a look at what de Chastelain could actually do. He added that the points made by the General in his note to the two Governments were well founded, particularly the need to maintain the independence of the Commission (SOSNI "I agree with that") and his point about not being dictated to by one party.

Bill Jeffrey said de Chastelain might welcome a regular reporting process with a view to publication.

The Minister replied that officials could look at it.

The Secretary of State said there was an urgent need to counter the perception that politicians were putting the brakes on de Chastelain, especially from the Irish side. There needed to be a change of mood and mode in order to stop the

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loss of credibility.

The Minister re-iterated that the primary objective was to get contacts re-established and to do so would mean returning to the context in which the May commitments were given.

The Secretary of State replied that he did not think this would work

The Minister added that it simply was not possible for David Trimble to set out the parameters for Sinn Féin involvement in the North-South Council on the basis of whether they are satisfied with IRA engagement with de Chastelain. It is only the two Governments who could change the present negative situation into a proper process. It was only the Governments who could chart a credible way forward.

Ambassador Barrington asked whether there was a British alternative.

The Secretary of State remarked that there had been such a loss of credibility on the Unionist side that they needed to be shored up. The Hillsborough declaration was a very imaginative scheme which had been fouled up by the Provos failing to make even a phone call to de Chastelain. He had discussed the situation with the Prime Minister who shared the view that they could not see the British doing anything on OTRs etc. without unequivocal commitments from Republicans that any process would lead to actual decommissioning in the end.

Designation

The Secretary of State said he placed great importance on this issue. He was under pressure in Parliament and from families of the Omagh victims to have the Real IRA designated as a Foreign Terrorist Organisation in the United States. He understood Republican arguments on the issue that a threat to any part of the Republican Movement was an attack on it all. He understood their argument but had no sympathy for it. Designation had real advantages, apart from the fund raising issue, in terms of sentencing for specified crimes etc. He had believed that the Garda Commissioner supported designation, and claimed that the Minister had agreed to it at their July meeting. He now found that the issue had been put back to the police services for advice.

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The Minister replied saying he had not agreed to designation in July but we had an open mind on the issue. The question was being examined by the police authorities and he understood that this had been agreed with Minister O'Donoghue two weeks previously. He said that the Irish side had no problem of principle, we simply wanted to be assured that the measure would do more good than harm. The Minister added that the designation issue was primarily one for the his colleague, the Minister for Justice, Equality and Law Reform.

The Secretary of State replied by claiming that the Irish Ambassador in Washington Seán Ó hUiginn, for whom he had the height of respect, was "passionately" opposed to designation. He again claimed that the Minister had agreed to seek designation at their meeting July. A brief consultation of the records of the meeting showed differing accounts. **The Minister** said that his recollection was that the matter had been referred to officials to look at it.

Conclusion

As the meeting drew to a close **the Secretary of State** said that both sides were in agreement on **the need for a stock** taking exercise. This **could be carried** forward by officials.

The Minister agreed and suggested that the Irish side include Gallagher, Dalton and O'Ceallaigh.

The Secretary of State felt it might be better to confine it to Jeffrey and O'Ceallaigh. **The Minister** said that there was division of responsibilities between Departments of our side. **The Secretary of State** then agreed to the wider format and **Jeffrey** remarked that Jonathan Powell would also be involved on the British side.

Ray Bassett .
Anglo-Irish Division
3 November 2000

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