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Meeting between the Minister for Foreign Affairs and the NI Secretary of State

Place: Northern Ireland Office
Date: 28 July 2000
Time: 11:00am to 1:00pm
Present: Irish Side: Minister Cowen, Daithi O'Ceallaigh, Declan Kelly, Ted Barrington
British Side: SOS Mandelson, Bill Jeffrey, Nick Perry, Tom Kelly

Operation of Institutions

The meeting began with a review of the operation of the institutions. Minister Cowen said that in general he felt that they were working well. Although the Executive continued to face difficulties and contentious issues these had not prevented it from carrying out its work in a business-like way. In the North-South area there had been an intensive round of sectoral format meetings since the restoration of the Executive and although they had not attracted a great deal of media attention they had made good progress. There would be a Plenary Session of the North-South Council in September which would present an opportunity to highlight developments in this area. And a date, 30 October, had now been fixed for the next Plenary Session of the British-Irish Council. An issue of concern was the role of the DUP in the Executive. Their position there was causing read-across problems in the other institutions, particularly the NSMC where it had not been possible to take things forward in the area of transport. On Trimble's position he felt that the UUP leader was stronger than he had been in March; he had taken his hardest hits and he now needed time to build up the UUP's political strength. The SDLP also needed time for this and in this connection the Minister referred to the fact that there were intimations of a possible postponement of local elections next year to give time for the pro-Agreement parties, in particular the UUP and the SDLP, to build up support for the Agreement.

Mandelson agreed with this assessment. On the DUP he said that the paradox was that Robinson and Dodds enjoyed being Ministers. Paisley's position that the DUP should take no part in the Executive had forced them to adopt the rotation formula. Nonetheless, in his view, Paisley had lost on the issue and the rotation was in reality a fig-leaf to cover this. The formula did however free Robinson and Dodds to attack the Executive and to claim credibility because of their inside knowledge of its operation. He shared the Minister's view on the transport question where there would be clear economic benefits to cooperation North and South. A focus on the economic disadvantages arising out of non-cooperation could help neutralise any political gains that the DUP might hope to get from their policy. On the Executive he said that it was operating better than the first time round. Relations between Trimble and Mallon could be more congenial but he expected that the Executive would endure. He was concerned about Trimble's position within the UUP if the 53% support that he secured in May was eroded. Even though Burnside was an unattractive character, and opposed to the Agreement, it was important to Trimble that the UUP candidate win the South Antrim by-election which he expected would be held in the third week in September. Factors that could weaken Trimble's position were: a setback on the Police Bill, the failure of the IRA to deliver a second CBM in September and no positive report from de Chastelain. A failure on any of these counts would erode the narrow 53% lead that Trimble secured in May and could lead to a move to topple him. The Minister replied that the October UUP

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Conference is not as significant for him as was the Council last March. Trimble has taken the worse of the flak for the moment and the best guarantee of sustaining his strength would be a second CBM going into the Conference achieved on a basis of a satisfactory resolution of the existing problems, including policing. Mandelson said that problems over the CBM or de Chastelain would bring us back to where we were in January/February. His priority was not to take risks in this area, and he hoped that the Irish Government would not either. It was important to keep the decommissioning ball in play.

Police Bill

Minister Cowen introduced this item by giving an overview of the significance of the issue for nationalists based on lengthy discussions with the SDLP and Sinn Fein. He said that it was crucially important to implement the Hillsborough deal. The CBM represented a huge step forward and was a major psychological breakthrough for the IRA. It was given on the basis of the understandings reached at Hillsborough. The problem was policing. If this were not handled properly there would be difficulties over a second CBM. Sinn Fein wanted to help Trimble into his Party Conference and beyond. But for this they needed to show that the Hillsborough deal was working in all its aspects, including policing and demilitarisation. He was convinced that the Sinn Fein leadership wanted police reform to work. It was in the long term interest of Sinn Fein to support policing. They wanted a normal police service that could deal with crime and vigilantism. A defeatist attitude in relation to Sinn Fein and to their support for the Bill and generally for an adequate police force would be a major miscalculation. He acknowledged that significant improvements had been made to the Bill in the Commons, but these were not sufficient. Both Governments still faced the question: how to get the ordinary nationalist person in Northern Ireland to see that there was a new beginning to policing, and how to get nationalists to participate in the new force. For this, progress needed to be made on issues that represented visible change - the name, the badge, emblems, flags, the full-time and part-time reserve, the Special Branch, holding centres. Patten was at the centre of this. The policing issue could not be resolved by taking a median view, trying to find a middle way, between Unionists and Nationalists. Over the years of the conflict the RUC was seen by nationalists as a partisan force whose purpose was not to implement the law but to uphold a State which was itself unacceptable and part of the conflict. As a result policing was a touchstone issue for nationalists in the same way as decommissioning was a touchstone issue for Unionists. Even the Patten proposals themselves were seen as inadequate by many nationalists. The process of the Bill to date had sapped confidence on the nationalist side; the text as it stood did not represent the new beginning that they needed. We should not underestimate Seamus Mallon's resolve on this. If Mallon concluded that the Bill was unsatisfactory no one, no Minister or Prime Minister, would convince him to support it and recommend it to nationalists. Mallon was not going to commit political suicide. The Minister understood the dilemma, but moves to meet nationalist concerns should not be perceived by Unionists as detrimental to their interests when presenting the intrinsic merit for such changes. It must not be a zero sum game. Everyone could win. The basis of a resolution, of a deal, on policing was there. He asked the Secretary of State to reflect on what he had said.

Asked by Mandelson for specific proposals the Minister listed

- a change on the name showing that PSNI would be used for "all purposes"

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- certainty on the badge and flag
- time-tabling on phasing out the full-time reserve and expanding the part-time reserve
- time-frame for bringing the Special Branch and the CID under the control of one Assistant Chief Constable
- powers of enquiry of Board and Ombudsman and the role of the Oversight Commissioner.
- closure of all holding centres.

The Minister made clear that this list was not exhaustive but these were the main points.

Mandelson reacted negatively to these proposals. He pointed to the difficulties the Government would face on the Bill in the House of Lords. The problem was coming down the tracks at them like an express train. They had no majority in the Upper House and the debate on the Second Stage the previous day illustrated the problems they would encounter. They would be lucky to hold what they had in the Bill on matters like the 50/50 recruitment, let alone introduce new and relatively trivial proposals. The Government were dependant on alliances, on coalitions of interest which could vary depending on the issue. They could not call peers in and tell them what to do. Even some Labour peers were uncertain. And apart from Gerry Fitt there was no one to argue the nationalist side. In these circumstances it was imperative that the two Governments close ranks on the Bill and be seen to work together. The Bill stood a better chance if the two Governments presented a united front, rather than squabbling over relatively minor matters like holding centres and the powers of the Oversight Commissioner. The Minister had spoken about the political reality amongst nationalists. There was a political reality in Westminster also that he had to face. He was coming to the conclusion that he would get little help from the Irish Government. Our position changed from week to week, with new demands all the time. It was a bottomless pit. He might as well not have gone to Dublin in May. There was no recognition of the changes he had made.

On the name, Mandelson said that what we proposed would strip away the fig leaf that protected David Trimble. The definitional amendment (197) that he had originally intended to introduce in the Commons would have done the same which was why he did not proceed with it. He had been mistaken to suggest it, and criticised by the Prime Minister for doing so. The British view was clear: they did not want a dual name solution, and there was no second name. In reply to a question from the Minister, Mandelson said that the long form of the name - incorporating the RUC - would not be used. In general our proposals were "too much gold plate" "too much gilt". He had learned from his mistakes in the Commons and he would not repeat them in the Lords. He believed that the Bill as it now stood fulfilled his commitment to implement Patten. If nationalists failed to support it and to join the force once it was passed he would not be responsible.Responsibility would rest on the heads of those nationalist representatives who opposed it.

Minister Cowen refuted Mandelson's assertions about the Irish Government changing policy, breaking prior understandings or notions of positions held privately. He said that the

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Government's enunciation of its policy on this issue was consistent. He reiterated the simple fact that problems exist as things stand and they will have to be addressed if the matter is to be resolved successfully.

Later in the meeting the two sides discussed the idea of an official level meeting to consider the seven points listed by the Minister to determine which related to legislation, which to the implementation plan, and which might be covered in some other way eg, by Ministerial or Government statement. Mandelson was reluctant to accept the proposal repeating the line of argument outlined above.

Security Issues

Mandelson said that on the basis of the security advice he had to date he did not believe that the Real IRA presented a threat of the magnitude that the PIRA once did. But they were growing and not a million miles from the PIRA threat. As long as that security assessment continued he saw no reason why the Governments should be thrown off course by the dissidents. He was, however, somewhat concerned on two points. The first arose out of his telephone conversation last week with Minister O'Donoghue where his understanding was that contacts would be taken up quickly between the two sides at security and official levels. He had subsequently learned that the issues they discussed would be dealt with in a routine meeting sometime in October. The contacts should take place more quickly than that. The second point was that he hoped the Irish Government would support the British in the pressure they were putting on the Americans to act against funding for the Real IRA in the United States. The US authorities had refused a British request for action on this front and he was looking to us to support them. It was agreed that O'Ceallaigh and Jeffrey would take up these points.

Mandelson said that he was increasingly concerned at the actions of the LVF. If they moved over the line he would have no hesitation in specifying them. We should realise that if he were compelled to take this step it could have consequences for other paramilitaries, like the PIRA who continued to be involved in beatings, assaults and drug killings. He had no doubt the PIRA had killed McElroy

British Irish InterGovernmental Conference

Mandelson affected not to know about the BIIGC and confused it, deliberately it appeared to me, with the British-Irish Council. The Minister outlined the background to the Conference and proposed a meeting in September or October. The British side suggested that it might take place back to back with the BIC.

Edward Barrington
Ambassador
28 July 2000

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