

CONFIDENTIAL

FROM: MARTIN HOWARD
PS/SECRETARY OF STATE
19 JULY 1996

DESK IMMEDIATE

cc: PS/Secretary of State(L&B) -B
PS/Michael Ancram (L&B) -B
PS/Sir John Wheeler (L&B) -B
PS/PUS (L&B) -B
PS/Sir David Fell -B
Mr Thomas -B
Mr Legge -B
Mr Leach -B
Mr Watkins -B
Mr Ray -B
Mr Wood (L&B) -B
Mr Beeton -B
Mr Hill -B
Mr Stephens -B
Mr Maccabe -B
Mr Lindsay -B
Mr Fisher -B
Ms Harrison -B
Mr Whysall -B
Mr Campbell-Bannerman -B
Mr Lamont - RID -B
HMA Dublin -B
Mr Budd, Cabinet Office
Mr Holmes, No 10 Downing Street

Mr Bell -B

IGC: 18 JULY: POLITICAL DISCUSSIONS

There were two sessions of political talks between the Secretary of State and the Tanaiste as part of the IGC on 18 July.

2. The first occurred immediately after the arrival of the Irish delegation and before the restricted security session was convened. For this session, the Irish side comprised the Tanaiste, Mrs Owen, Mr O hUiginn and Mr Dalton. The British side comprised the Secretary of State, Michael Ancram, Sir John Wheeler, PUS, Sir David Fell, Mr Thomas and myself.

3. Michael Ancram opened the meeting by reporting on a conversation that lunchtime with George Mitchell who in turn had reported an obdurate position being taken by the SDLP on making progress on procedural rules and the agenda. Mitchell was very

CONFIDENTIAL

- 1 -

SOFS/31696

concerned about what would happen next week and wanted the two Governments to give him advice by 5pm that day on what should be said to the parties. We were therefore faced with a very difficult situation. It was possible that the Talks could collapse altogether or that we would be moving into the Summer break with progress in a very unsatisfactory state. We could try and persuade Mitchell to hold a plenary session on Tuesday, Wednesday or Thursday to attempt to resolve the procedural and agenda issues. We might also consider working into August. But the main problem was to try and avoid a situation where the SDLP were faced with decommissioning being the first item on the agenda when the Talks resumed. One possible solution was to try and establish a sub-committee during the plenary session to deal with the mechanics of decommissioning while progress was made on other issues. In this way we might be able to get to the position where the first item to be discussed when the Talks resumed in September would be the comprehensive agenda.

4. The Tanaiste said that he understood Mallon's position in the current situation and the SDLP requirement to tie things down. Michael Ancram said that we might need to persuade Mitchell to move to the use of sufficient consensus to make progress. He said that Trimble was showing signs of accepting both the agenda and the procedural rules that were agreed. The problem now was the SDLP.

5. O hUiginn said that none of this solved the problem. We would be faced with being hostage to the decommissioning situation in the Autumn. Recent events had led to a fundamental shift in nationalist opinion which had led them to conclude that Trimble was dictating how the Government conducted the Talks and that therefore the Talks were a waste of time. He thought that participants were finding their exit routes from the Talks. He said (and repeated many times after that) that the key was the relationship between the Government and the Ulster Unionists.

6. The Secretary of State repeated that the Ulster Unionists were showing signs of a positive attitude to the procedural rules and the agenda. We needed to reduce the risk of people walking away from the Talks which were the only show in town. The Tanaiste agreed but said that the Talks could only be kept together on the right basis. There had been a mindset change in the SDLP and if the Talks were now broken off at the wrong time it would be very bad for Northern Ireland. The Secretary of State said that the Prime Minister and he had given assurances to the SDLP that we would move into substantive negotiations very quickly. We were prepared to work through August if necessary. Nora Owen and Time Dalton opined to that the minimum that we should try to achieve should be to get through all of the plenary session before rising for the Summer. O hUigininn repeated his point about being hostage to decommissioning and said that he did not think that Mitchell would be prepared to give up his holiday.

7. The Tanaiste said that we were now talking about unlikely decommissioning in a very different environment. There had been no change in the Irish position but circumstances had to be taken into account. There was no point in trying to move into full plenary discussions without assurance that progress would be made. The Secretary of State said that the UUP had wanted to meet the SDLP but the latter were not prepared to do so. If the UUP and SDLP were to agree revised language on procedural rules and the agenda the Government would support it. He repeated that the UUP had engaged and we now needed the SDLP to do so as well. O hUigininn said that all the demons had been released and unless there was a dramatic change in pace and content of the Talks, they were finished.

8. Michael Ancram said that Dr Paisley was still pressing for his "venting" round table session. Mitchell was still trying to find ways of doing it. The Tanaiste said that the only point of doing this was if we knew we were going somewhere after it. He did not see that it was feasible to go beyond the first 10 days of August.

9. O hUiginn said that the nationalist perception had to be recognised that the tribal supremacy of Unionists had been re-established. The events of the last few days had been a defining moment and if there were an election tomorrow Sinn Fein would trounce the SDLP. The Government had to show that it had some initiative independent of David Trimble. Decommissioning had poisoned the well from the very beginning and continued to do so. If the process could be moved to fast-forward we might be able to salvage it. Otherwise it would fail. Nora Owen said that the context was important. The impact of recent events on the SDLP would in turn impact on Sinn Fein and then the IRA. This might bring the loyalists to end their ceasefire.

10. The Secretary of State and Michael Ancram repeated, for the umpteenth time, that we were not trying to appease the Unionists who had shown signs of wanting to make constructive progress. The key was to keep the Talks going. Mr Thomas said that there were signs that the DUP were now engaging seriously, though it was unlikely that McCartney would do so. Michael Ancram said that he thought that the sufficient consensus approach would be alright for Mr Trimble and that this might avoid a collapse.

11. Discussion carried on in this vein for some time before it was concluded that George Mitchell should be advised not to call a plenary on Monday but to accept that the two Governments would come and see him that morning and that we would be pressing him for something, either from the Chairman or from the two Governments, to be presented to the parties setting out a way forward. We should also suggest to Mitchell that the parties should be in Castle Buildings on Monday for conferring if necessary.

Comment

12. This was a rather confused meeting which had to be arranged at very short notice and was marked by gloom on the Irish side, led, as ever, by Sean O hUiginn. It wasn't entirely unconstructive however

and it did prove possible to offer some guidance to George Mitchell for how things should work next week. It was also agreed that there would need to be consultations between the British and the UUP and between the Irish and the SDLP as a matter of some urgency. The atmosphere lightened slightly towards the end when a tape recorder in Sean O hUiginn's briefcase emitted a high-pitched bleep at which point Mr Thomas advised him that he needed to turn the tape over! I shall refrain from further comment other than to say that O hUiginn at least had the grace to look slightly (but only slightly) abashed.

Second Session

13. The second political session, still described as a restricted session despite being conducted in front of virtually the whole of both teams, was more of a set piece occasion. The Secretary of State opened by saying that there had been an ad hoc political meeting already but he wanted to say for the record that the British Government were wholly committed to a balanced political settlement and to the conduct of Talks to achieve that. We needed to escape from 37 days of nit-picking and make real progress. This was the only means by which we could advance from what was clearly a very difficult and dangerous situation. It would be important to send a public signal both in the communique and the press conferences that the two Governments were prepared to work together to make the necessary progress. Finally, he said he would be interested to hear the outcome of the Irish meeting with Sinn Fein.

14. The Tanaiste said that he was glad to be at the IGC under the aegis of the Anglo-Irish Agreement. The Irish Government had called for this in view of the situation in Northern Ireland over the last 7 or 8 days. They regarded it as a means of getting over current difficulties. He had accordingly been angered by what had appeared in the Daily Telegraph that day where Government sources had been quoted as saying that the IGC simply provided a "phony photocall" and "a crumb to throw to nationalists". These sort of reports were very unhelpful.

CONFIDENTIAL

15. Continuing, the Tanaiste said that we were in a very difficult situation. We needed to put the events of the past behind us and look at the future. Nevertheless it had to be understood that severe damage had been done. We had spent years building confidence in the nationalist community by trying to repudiate the idea of tribal domination and this was now undermined. He had never received so many phonecalls from both sides of the community and from all over the world who had protested about what had happened. The perception was that there had been a conflict between the Orange Order and the rule of law, and the Orange Order had prevailed. The losers had been the Garvaghy Road residents who had compromised last year and had had that approach abused this year. The after effects upon nationalists would be therefore a long time. They were still digesting the implications. Even moderate nationalists were questioning whether there could ever be peaceful change in Northern Ireland.

16. The Secretary of State said that he held no brief for the Daily Telegraph which had consistently opposed the Government's approach to the peace process. What had been said bore no resemblance to his own views about the Anglo-Irish Agreement which he was entirely loyal to. He said that we would be able to hear more from the Chief Constable shortly about what had actually happened at Drumcree and elsewhere. He agreed with the Tanaiste about the damage that had been done. He had nevertheless regretted that the Taoiseach had placed the blame squarely on the British Government last week. He said that decisions had been taken operationally by the Chief Constable on both occasions.

17. Continuing, the Secretary of State agreed with the need to approach these matters urgently. The Talks process was the only way to do this. He also agreed that there was a hardening of attitudes in Northern Ireland. He had been dismayed at the behaviour of the Orange Order and had been concerned that there had been some paramilitary involvement on both sides.

18. The Tanaiste said that he understood that what had happened had been the result of operational decisions. But the Government was an organ of the state and he noted that the Secretary of State had the power to ban marches under the Public Order Order. The Irish had noted media briefing which indicated that the Government had not supported the Chief Constable in his decision on 6 July. There had been a failure at the operational level to anticipate the consequences.

19. The Secretary of State said that he was aware of the political implications. The key point about the legislation was the need to avoid public disorder. The Chief Constable had to balance the risk on both occasions and on 11 July faced the prospect of overwhelming forces. He believed that the Chief Constable had acted consistently in both cases. He could not duck the question that there had been the prospect of loss of life as tens of thousands of Orangemen converged on Drumcree. He said again that it would be possible to hear in more detail what the Chief Constable had to say a little later.

20. The Tanaiste said that he was looking forward to hearing from the Chief Constable but repeated that a large amount of damage had been done. It was difficult to get away from the perception that if the tables had been turned the RUC would not have been so anxious to confront Unionists. Mrs Owens said that the Taoiseach felt he had to express the fear and anger of the nationalist community. In these circumstances it was sometimes necessary to be seen publicly to be at odds with each other. The scenes on television had concentrated on Catholics being beaten up. We had to recognise that it had been a seismic shock and what the Taoiseach had done had been intended to keep the lid on nationalist reactions.

21. The Secretary of State said he understood the dismay and the anger. He said, however, that it was difficult to avoid the inference that what the Irish were saying was that the first decision had been wrong. Alternatively the inference had to be

drawn that the Irish would have preferred the RUC to have stood up to the Orange Order and face the prospect of significant loss of life. He mentioned the lack of action taken by the Gardai in 1972 when the British Embassy in Dublin had been burned to the ground and indirectly referred to the Irish Government's decision to postpone the Summit in September 1995 as the result of threats from Sinn Fein.

22. Sean O hUiginn asked why there had been no sharp intervention by the Government on the activities of the Orangemen and their supporters. The Secretary of State refuted the implication and said that he had criticised the Orangemen very severely on a number of occasions, including the Today Programme on 10 July.

23. The Taoiseach said that one of the problems had been the lack of partnership and consultation during that period. He said that Cardinal Daly claimed that negotiations had been going on at the time that the second decision was made. We should not underestimate the difficulty of re-establishing the primacy of politics. The Secretary of State agreed about the importance and the difficulty of re-establishing politics as the way forward. He acknowledged that this had been a very black period for Northern Ireland. The only winners had been the terrorists. Fortunately the loyalist ceasefire was holding and he hoped that would stick. He said there had been unprecedented attempts to mediate in Portadown. He was aware that the Chief Constable had certainly spoken to the Cardinal at least twice and Michael Ancram had also spoken to him. But on the morning of 11 July the Chief Constable had needed to make a decision and by that time it was clear that the Church Leaders had not even secured a meeting between the two sides.

24. The Secretary of State said that it had been useful to have this exchange of views and accepted that deep damage had been done. In the meantime, however, he would be interested to hear an account of the Irish Government's meeting with Sinn Fein.

25. Sean O hUiginn said that 90% of the meeting had concentrated on the aftermath of the Garvaghy Road. There had been claims about the disproportionate response of the RUC to nationalists compared with their approach to the Orange Order. A ceasefire was now more difficult to deliver than before and marches which had previously been uncontroversial could become so. The Irish Government had urged that sectarianism should be avoided and that every influence should be used to stop it spreading. There were worries about the Apprentice Boys March in Derry in August. Sinn Fein had agreed that local dialogue was the key. Tim Dalton said that Adams himself was still working on achieving a ceasefire. At the moment he had nothing credible to offer. He said that unless decommissioning was addressed quickly in a way satisfactory to Sinn Fein there was no prospect of a ceasefire. Sinn Fein had approved of the Taoiseach's intervention which had had the effect of restraining nationalist anger (!) Sinn Fein saw advantages in the whole marching season issue points being dealt with in the context of the Apprentice Boys. The Irish Government had discouraged this approach and hoped that the Apprentice Boys would pass off peacefully. He thought that Sinn Fein wanted to avoid a repeat of the Garvaghy Road.

26. The Secretary of State said that he had spoken to John Hume about the Apprentice Boys and he was hopeful. Michael Ancram said that he could back this up from discussions with Paisley and others.

26. At this point the Secretary of State called a halt to this session and brought in the Chief Constable for the full plenary on confidence issues. A full record of this is being issued separately by Mr Fisher and his team. Suffice to say that the Chief Constable's performance was extremely impressive and in effect unanswerable. There were few substantive questions from the Irish side and they were dealt with easily.

Comment

27. The second session on political matters had a slightly more ritualistic air than the first. A number of statements were clearly intended to be got on the record and with a bit of luck we may have put behind us what had been an extremely difficult phase in Anglo-Irish relations.

(Signed)

MARTIN HOWARD
PS/Secretary of State

Mr. Allison
Mr. Loughran
Mr. Murray
Mr. Dwyer
Mr. Spence
Mr. Thomas
Mr. Toner
Mr. Bell
Mr. Blackwell
Mr. Doyle
Mr. Lynch
Mr. Shannon
Mr. Smith
Mr. Sullivan
Mr. Toner
Mr. Walsh
Mr. Conboy
Mrs. Childs
Mr. Hill
Mr. Macaulay
Mr. Perry
Dr. Power
Mr. Stephens
Mr. Smyth
Mr. White
Ms. Chackfield
Miss Steele
Mr. Budd, Cabinet Office
HSA, Dublin
Mr. Lament, RIB
Chief Constable, RUC HQ

PS/SECRETARY OF STATE (HSA) - B

INTERNAL RECORD OF THE PLenary SESSION HELD IN LONDON ON 22 MAY 1994
IC(94)2

Attached is the final version of the Internal Record of the Plenary Session of the Intergovernmental Conference held in London on 22 May 1994.

(Signed)