

## CONFIDENTIAL

FROM: ANITA BHARUCHA  
IPL Division  
10 November 1997

cc list attached

## NOTE FOR THE RECORD

## LIAISON GROUP MEETING, LONDON 7 NOVEMBER 1997

British Side:

Mr Thomas  
Mr Stephens  
Mr Bell  
Mr Hill  
Mr Fergusson  
Mr Cooke  
Miss Bharucha

Irish Side:

Mr Gallagher  
Mr Barrington  
Mr Donoghue  
Dr McDonagh  
Mr Cooney  
Mr Hickey

A meeting of the Liaison group was held in London on 7 November; the meeting began at 11.20 and continued over lunch in the Atrium.

Summary

2. A productive meeting, with very good atmosphere. Mr Gallagher keen to emphasise that the Irish believe that there is a deal to be done and that he can deliver his side. Irish side to produce a draft paper (for Senator Mitchell's bilaterals on Strand 2) by 10am on 12 November for British side comments; next Liaison Group provisionally scheduled to take place in Dublin at 11am on Friday 14 November.

Paper for Senator Mitchell

3. Mr Thomas welcomed the Irish side. Mr Gallagher said that it was important for officials to stay in close touch via the Liaison Group and to choreograph the way forward carefully. He turned to Senator Mitchell's instruction for the two governments to give him by 18 November a paper to be circulated later in preparation for the review plenary. Mr Gallagher thought that the purpose of this should be to guide the Senator through the bilaterals with the parties, by identifying the areas of agreement and disagreement, and



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providing a series of questions under various headings for him to pose to each of the parties.

4. Mr Thomas pointed out that the bilaterals start on 17 November and that, therefore, Senator Mitchell would need any paper by then. Mr Stephens wondered whether the paper was to be confined solely to Strand 2. Mr Gallagher thought that this was what Senator Mitchell intended, but that in his capacity as Chairman of the Review plenary, it would be sensible to provide a paper which covered all three strands. Mr Thomas said that the strong possibility of the Unionists objecting to covering Strand 1 issues with the Irish government and the independent chairman should not be forgotten; he agreed that it would be sensible to for the paper to provide an overview, but said that it would be necessary for the different elements to come from different places. Mr Hill agreed and noted that it was therefore important to consider how to get the other issues onto the table; and also that for this reason, parallel streams of bilaterals might be better.

5. Mr Gallagher suggested that Senator Mitchell should be shown, to inform him during his bilaterals, HMG's paper on Strand 1; Mr Thomas, however, pointed out that the Strand 1 bilaterals are scheduled for the week after, and that the paper would flow from these.

6. In passing, Mr Gallagher raised the issue of the Panel: was it still necessary? Mr Thomas said that it appeared still to be favoured by the SDLP, and wondered if that was the Irish side's view. Mr Gallagher said that he hoped to find out more in the course of the next week, but felt that Seamus Mallon was moving away from it and that his was the decisive view.

7. Returning to the paper for Senator Mitchell, Mr Stephens said that it could fall into two parts: a private brief to guide him through the bilaterals, part of which could highlight HMG's analysis of the outcome for Strand 1 as far as it was relevant to these, and a first draft of a paper for the review plenary. Mr Gallagher saw this latter part rather as a series of questions to ask the parties rather than a paper to table; Mr Thomas said that it came to the same thing.



**CONFIDENTIAL**The Council of These Islands (COTI)

8. There was a lengthy discussion, led by the British Side, about the shape of a settlement and the place in it of a Council of These Islands. The British side said that it was uncertain whether the UUP could be brought to accept significant North/South institutions of the kind that were required if a settlement were to be achieved. But it seemed clear, from all that had been said, that if this was to be achieved at least three enabling conditions needed to be met:

- the constitutional issues would need to be settled, around the principle of consent, in a way the Unionists found acceptable;
- any North/South institutions must not be free-standing in the sense that they would need to be directly accountable to the administrations in Belfast and Dublin, as the Frameworks envisaged;
- they must not be free-standing in the different sense that they must be embodied in some East/West architecture which the Unionists call the Council of the British Isles.

9. The British side, drawing unattributably on the UUP paper of 26 October 1992 (given to the Prime Minister on 30 July this year), then developed the idea of a Council of These Islands. The following points were made:

- There might be a Council of These Islands bringing together the two sovereign Governments and any devolved institutions in England, Scotland, Wales or Northern Ireland.
- The Council could provide the architectural shell within which its members could meet in a number of different configurations. It could be a cathedral with many different chapels: in one the two Governments would meet in the successor to the IGC; in another the Irish Government would meet the Northern Ireland administration about North/South issues. Elsewhere there could be contact with devolved institutions in Scotland and Wales.
- The Council could be the framework for meetings in different configurations. The different components, or chapels, would not be accountable to the Council.
- The Irish side stressed that, while they could understand the role of such architecture in enabling Unionists to accept N/S structure, it would be unacceptable were N/S structures made subservient to some wider architecture.



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In particular the North/South contacts would not be accountable to the Council. (The Irish side stressed that there could be no question of the Irish Republic re-joining the United Kingdom. In the margins they also suggested that it was premature to raise any question of the Republic re-joining the Commonwealth, as recently canvassed by No 10.)

- The core issue was where power and responsibility would lie: The two Governments would meet in the Council as sovereign Governments; the British Government would devolve power to the institutions in Northern Ireland and they would meet the Irish Government under their own power and responsibility. It would not therefore be a question of hierarchy, but of the various Governments and administrations coming together in different formats each carrying such power and responsibility as they enjoyed in their own right.
- The EU concept of subsidiary might provide a parallel. In addition within the overall architecture specific agencies could be established if they were needed.
- While the Council of These Islands had not been in the Frameworks (the Irish side had mentioned this as possible grounds for rejection), this was a positive advantage. The Unionists had, perhaps mistakenly, so demonised Frameworks that some new element was needed if anything remotely on those lines was to be made saleable.
- While the Anglo-Irish Intergovernmental Council might have a role to play, it was probably better to start with a clean slate with a new Council addressing the "totality of relationships" (a concept the UUP now promoted).
- While the Irish side feared that the idea of a Council of These Islands was a flash in the pan, and a diversionary measure by the Unionists, the British side explained that it was in fact a very long-standing UUP idea going back at least to the 80s and further developed in the 1992 talks.
- A scheme of this sort appeared to the British side to pose no difficulties of principle for the British Government or, they thought, for the Irish Government.

10. In response the Irish side made clear that they would be ready to contemplate arrangements of this kind. They were however reluctant to concede this unless they had an assurance that the UUP would in exchange agree to significant North/South institutions. They were worried that a further concession by them would simply be pocketed. The British side acknowledged that it was of course for the Irish Government to determine its own bargaining tactics. But the two Governments, as well as being players, had a role as facilitators. In preparing any steering brief for Senator Mitchell they must, as



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facilitators, mention the idea of a Council of These Islands. This could be done without the Irish side conceding, if they did not wish to, that in the right circumstances they might agree to something on those lines.

### Six Pillars of Wisdom

11. Since the Irish side still seemed hesitant, the British side argued that it was in fact possible already to discern the half dozen or so components of a settlement. There might not be a settlement which could be achieved. But if there were, it was likely to include at least six elements, because each of them would be insisted on by at least one of the major players. In discussion the British side suggested, and the Irish side appeared largely to agree, that these components were likely to include:

- A balanced resolution of the Constitutional Issues, based on the principle of consent and acknowledging that Northern Ireland was part of the United Kingdom.
- Devolved institutions of government within Northern Ireland where power was shared or distributed proportionately.
- North/South institutional arrangements of some significance and powers, but accountable to the Irish Government and the Belfast administration respectively.
- A successor to the present Intergovernmental conference established under the Anglo-Irish Agreement.
- Some address to the equality agenda (see below) supported by some entrenched rights and safeguards.
- The Council of These Islands.

12. The Irish side volunteered that their new dedicated drafting unit would produce a draft steering brief for Senator Mitchell for consideration by the British side by 10 am on Wednesday 12 November. The British side said they would consider the question of drafting a Strand One component for this brief. (Note: the Irish side did not unambiguously accept that the idea of a Council of These Islands should be included in this brief, and there may be a further haggles over the draft on this point.) The British side also indicated that they would give further thought to the Council of These Islands and might produce a paper developing the concept.



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The Equality Agenda

13. The British side asked the Irish side what they understood the "equality agenda" to comprise. The Irish side, appearing to lack very developed ideas, mentioned the significance, disproportionate they implied, attached by Sinn Fein at least to the Irish language issue. They also mentioned fair employment, policing and a more generalised and diffuse right by nationalists to feel that their Irish aspiration and identity was acknowledged. In response the British side drew attention to the SDLP's idea of "equality of allegiance" and its ambivalence. In some presentations it appeared to involve a right by a nationalist in Northern Ireland to act as if he were resident in the Irish Republic: so that he could if he chose draw Irish social security, fly his own flag and so on. That, drawn to its logical conclusions, seemed to point to condominium or joint authority and was simply not on. In other presentations the idea seemed to involve creating arrangements within Northern Ireland such that they could attract the assent and support of Unionists and Nationalists equally. That was a more feasible proposition, which the Unionists could also support.

14. It was agreed, on a contingent basis, that the Liaison Group should meet again in Dublin on Friday 14 November - in particular if that was needed to secure agreement on any papers to be given to Senator Mitchell.

News From the RoadSinn Fein

15. Mr Gallagher said that the level of dissent within the movement was more significant than had been expected, but the leadership were in control and the ceasefire was intact. If talks are moving slowly Sinn Fein need CBMS, particularly on prisoners, in order to strengthen their position. If there is real engagement, particularly from the Unionists, then that pressure is lessened. Mr Thomas asked what would happen if the Unionists continue as they are now: is direct engagement with the UUP vital for Sinn Fein? Mr Gallagher said that he thought that there had been the beginning of engagement between Taylor and McGuinness, and that a move into sub-groups bringing about direct engagement, even if multilateral, would be helpful.

16. Mr Cooney said that the outcome of the review plenary would be far removed from a united Ireland and that this would be a pressure on Sinn Fein. Mr Gallagher said that the paper would need to be skilfully drafted so that



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everyone could feel that it represented some of their core position. Mr Thomas agreed with Mr Cooney that the paper, dealing as it must with new Northern Ireland institutions, would cause problems for Sinn Fein which could not be drafted away.

17. Mr Stephens asked when Sinn Fein would begin to engage properly. Mr Gallagher referred to McGuinness's answer to Lord Alderdice stressing the risks that they had taken in getting to the talks; Sinn Fein are for real.

Prisoners

18. Mr Gallagher said that prisoners remained the most sensitive issue. The transfer announcements had been helpful; the issue of setting outstanding tariffs, particularly for Doherty, remained a potential irritant. Dr Mc Donagh said that prisons issues had been mentioned in the letter to McGuinness; to prisoners, these seem to be relatively easy administrative decisions and are therefore seen as a test of whether real change by HMG is possible. Mr Gallagher expressed gratitude for the Home Office's stance, but emphasised the importance of the prisons issues generally, and tariffs in particular.

Decommissioning

19. Mr Gallagher said that only Ken Maginnis was making much of this issue; Mr Thomas corrected this impression, saying that Trimble was still raising it with us and accusing the two governments' of failing to deliver. Mr Donoghue said that the review plenary would need to be carefully structured to ensure that it did indeed address all aspects, and was not hijacked by the Unionists as a discussion of decommissioning alone. Mr Hill said that much will depend on how the Unionists sense the talks are moving in the weeks before the review plenary.

**CONFIDENTIAL**Secretary of State's Meeting with Trimble

20. Mr Thomas gave a brief read out of this meeting, saying that Trimble had accused HMG of undermining the Union, not understanding the Unionist position, and failing to deliver its promises on decommissioning; and had emphasised that the enabling conditions were a constitutional dispensation in which they could have confidence, and the overall architecture. Mr Thomas said that the positive was that they are at the talks and have taken risks to do so; their concerns also need to be recognised.

signed

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Mr Thomas said the NIWC still broadly supported the Highland approach, but some of its key words needed amending to reflect the new approach. For example, 'parity of esteem' reflected an assumption of two divided communities. A more inclusive approach was needed, as well as one which was more gender-conscious. There was also a need for imagination in devising electoral arrangements for the proposed Assembly, to get in more diverse groups and break up the old party structure. The NIWC also thought the 3-man Panel was a poor one, and wanted a second chamber on economic and social issues. They were a bit depressed by the progress of the talks so far, but still thought the process should be talked up in public.

Pearl Sagar said the talks were going at a snail's pace, and there was no real sign visible yet. The Unionists and their unfounded fears were the main problem, but it was difficult to know how to solve this. The Coalition saw three options: the independent Chairman to be more proactive; expertise from outside; the two governments pushing the process on together. Their preference was the latter, to be more active. The NIWC remained totally committed and hoped the best was true of the government.

The Chair suggested it was hard to see the necessary convergence, but he could see that it was difficult for others to see. He thought they had a long way to go, but it had been suggested to