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FROM: ROBERT CRAWFORD  
PAB  
1 DECEMBER 1997

cc: as attached

**NOTE FOR THE RECORD**

**TALKS: 1 DECEMBER 1997**

Summary

The day's events were dominated by the statement by Irish Minister David Andrews over the weekend, to the effect that any NI settlement had to include an all Ireland body with executive power which could be "in the nature of a Government". Unionist anger about this was apparent in the early morning media and on arrival at Castle Buildings the UUP, PUP and UDP immediately sought a quadrilateral meeting with the Irish Government. This required postponement of the Chairmen's meeting (11.00am) arranged to discuss the handling of the following day's plenary session. The Unionist parties followed this up in a meeting with HMG in which they also complained about HMG's announcement of a date for Mr Adams' meeting with the Prime Minister, Sir Kenneth Bloomfield's letters regarding the Victims Commission and alleged interference by the Secretary of State in the Kevin Artt Barry extradition case.

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Meetings with the Irish and Independent Chairmen

The British delegation met the Irish at 9.45, and were joined by the Independent Chairmen at 10.15. Both meetings discussed the handling of the Plenary and possible outcomes from it. It was agreed that the objective should be to obtain the agreement of the participants to set up a sub-group, probably made up of two representatives of each participant, to work to obtain agreement on Heads of Agreement by 17 December. This would however not be suggested at the outset of the Plenary, but would be played in as the discussion progressed. Whether or not there should be reports from the Chairmen of the Strands and sub-committees was discussed, but a decision of this was deferred until after the (postponed) meeting with the parties.

It was also suggested that the Chairmen might make a statement including a synthesis of the key issues, based on a paper submitted by the parties (with the exception of the UUP). The Chairman was wary of this, since the UUP had not been involved in drawing up the synthesis (although there is nothing to prevent them adding to it) and because the UUP were opposed to any statement by the Chairmen. No decision was taken.

During the course of the meeting Mr Andrews mentioned that RTE had requested to be allowed to film the opening of the plenary "in silent mode". There was no discussion and no decision was taken.

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The Chairman's meeting scheduled for 11.00am was postponed (eventually until tomorrow) at the call of the chair and the three Unionist parties instead met the Irish at 11.00am. Following that meeting the UUP requested a meeting with HMG, arranged for 1.15pm

Meeting with the UUP 1.15pm

A heavyweight Unionist delegation, led by Trimble, Ervine and McMichael, but also featuring Maginnis, Donaldson, Reg Empey, "Plum" Smith, John Smith, Hugh Smyth and Gusty Spence. Trimble began in rather moderate form by saying he could have done without Andrews' statement. He believed the statement was no accident, and the timing was terrible, particularly in conjunction with the announcement by No 10 of a date for Adams meeting with the Prime Minister. All this had played into Paisley's hands, with the DUP Conference at the weekend. Consequently he had had to tell the Irish that they would not be able to continue with the arrangements made to follow up the earlier meeting with the Taoiseach.

Trimble said that if Andrews statement represented the Irish Government's position then there was nothing to talk about. The Minister replied that he thought the Irish position was closer to Hume's comments this morning, regarding a Council of Ministers etc. Reg Empey said that Unionists had not discussed the Council of Ministers or any such issue. He thought that they had had a dispensation that the discussion with the Irish Government would be conducted in an atmosphere of calm etc. He went on to complain about Saturday's

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announcement regarding Adams meeting with the PM. He said it was clear that there was "only one man in this building worth 2d, and that is the man in the beard". Trimble said that he had written to the Government about this announcement and other matters. The Adams meeting had been arranged for the day of the NIGC, thus wiping out any publicity the NIGC might have received. This was also the day before the next UUP Executive meeting.

Trimble said that during the UUP's earlier meeting with the Irish, Andrews had talked in terms of a Council set up by British and Irish legislation which would handle such things as external trade and EU matters. If HMG was considering anything like this, there was no chance of Unionist agreement. The Minister and officials said that none of this had been discussed. Trimble went on to ask what HMG would consider appropriate for such a body. Mr Murphy replied that the only list that had been drawn up was that set out in the Frameworks Document, to which Trimble interjected that that was not the true list. The Minister said that, on Europe, although Scottish, Welsh and Northern Irish Ministers would be present in Brussels they would be subordinate to UK Ministers.

Empey and Trimble added that Andrews had also talked in terms of a Central Secretariat which would "direct", and the Irish Government as the "overseer" of such an arrangement. The Minister said that the Irish had never expressed a view along the lines of Andrews' comments to him, nor had such a proposal ever been considered by HMG. Empey replied that Andrews' proposals were nothing less than a third source of power in Ireland. Hugh Smith

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added that Adams had commented on the back of Andrews' statement, saying that this was a price that Unionists would have to pay for peace. David Ervine commented that he thought the Minister had done a reasonable job that morning and John Hume had also worked hard to limit the damage. Damage had however been caused by the Irish and the question was how the Irish could repair this. Andrews' suggestion that he would make a statement saying his words had been misinterpreted was not enough. Gary McMichael said that he did not believe that Andrews' comments were accidental.

Trimble suggested that the Taoiseach might use the occasion of his visit next week to make a statement setting out the Irish position. If he was not prepared to do so then his visit would have no purpose. Empey added that the UUP meeting with Ahern had not gone into detail. Empey himself had said in that meeting that anything in the nature of an embryonic Government would not be acceptable and Ahern had responded that that was not the Irish intention. In reply to a question from Mr Stephens, Empey and Trimble confirmed that they could not accept a body which had free-standing authority or one which was a decision making body. The latter could include any body which made decisions subject to ratification by others.

Trimble said there was no point holding a Review Plenary unless it finished with a positive decision. Ken Maginnis said that the three Unionist parties could find themselves rejected by the electorate. He was already under a lot of pressure from constituents. For Unionists

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to participate in a review under the cloud of Andrews' comments would look as if Unionist anger was not sincere.

Trimble noted that participants in the Review Plenary had to affirm that they had the necessary confidence to continue to the process. Unionists would have a credibility problem after the weekend. Andrews' comments had added to difficulties created by HMG's decisions. Maginnis complained that the SOS had interfered "catastrophically" twice in the judicial process, in the cases of Jason Campbell and now Kevin Barry Artt. Maginnis "could not live with that" and had written to the Secretary of State about it. Jeffrey Donaldson said that he also had received negative feedback from his constituents. The Unionists now had to live with the prospect of Adams going to No 10 before Christmas, on the day before the next UUP Executive meeting. This was also the day of the NI Grand Committee meeting, and would wipe out any publicity for the NIGC.

Trimble also complained that the UUP had had to go to No 10 to have included in the Terms of Reference for the Victims Commission the phrase, "including those who have died in the service of their country". This phrase had however been omitted from the letters sent out by Sir Ken Bloomfield. There was also the possibility of an inquiry into Bloody Sunday. Donaldson said that this put the UUP under considerable pressure from the DUP, who, prior to the weekend, had been losing support. The DUP would now regain momentum, for example they were planning a demonstration outside No 10 on the day of Adams meeting. He also referred to the report of the Decommissioning

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Commission as unsatisfactory, saying he could not accept such a report in a Plenary tomorrow.

Mr Murphy said that the Review Plenary would provide the opportunity to make all these points. If there was no review, this opportunity would be lost.

Ervine complained that confidence building measures were being created by HMG to give to SF. This was being done outside the process, when it should be done in the sub-committee set up for that purpose.

Ken Maginnis suggested that Ministers should say they had read with dismay the remarks made by Andrews, that they did not understand the process could be moving in the directions suggested by him and that such a direction would not be acceptable to HMG. This was supported by Trimble, Empey, Hugh Smyth and others. HMG should say that it was not appropriate for any North/South body to handle NI's relations with the EU. Trimble said that Mr Murphy's interview that morning had not actually expressed disagreement with Andrews' comments. Andrews had told the UUP that he proposed to take the line that he had not consulted with the Taoiseach before making his statement and that this did not necessarily represent the Irish Government's viewpoint. This was unsatisfactory. Gusty Spence added the least that Unionist people would expect was some sort of row between HMG and the Irish.

The Minister agreed to relay the Unionists' views to the Secretary of State. In response to a suggestion from David Hill, he said that a statement by Ahern during his

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visit would be too little too late. Trimble said that the UUP could not continue in the present atmosphere. The UUP needed to know whether Andrews' comments represented the Irish Government's position. Ken Maginnis suggested the UUP would not attend the Plenary. Ervine reacted that this had not been discussed between the Unionist parties and he could not commit the PUP to a decision whether or not to be at the Plenary.

Trimble then had a private word with the Minister concerning Heads of Agreement provided by No 10. He wanted to know what was different between these and Andrews' statement. The Minister agreed to provide an immediate response on this [Action Mr Johnston].

Meetings with the Irish and Independent Chairmen

Following the meeting with the UUP, the British Delegation had a short meetings with the Irish and with the Irish and the Independent Chairmen together. Mr Andrews provided a readout of his meeting with the Unionists. He was concerned that they did not genuinely wish to continue the talks. He had offered to drop the reference to "not unlike a Government", but this, it appeared, was insufficient. The Minister replied that the Unionists were concerned about a number of things, including some decisions by HMG, but that the main problem had been the timing of Andrews' statement during the weekend of the DUP Conference. They had asked HMG to put out a much firmer statement saying that Andrews' statement was unacceptable.

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The Minister said he would pass on to the Secretary of State the issues relating to HMG's decisions. So far as Mr Andrews' comments were concerned, he thought that the Taoiseach's visit might be used to help set out the way forward. Ms O'Donnell said that the skirmish with the UUP had hit substance, making it clear that there was a real issue concerning the extent to which Unionists could contemplate North/South bodies. With the exception of the "Government" reference, Andrews' statement had essentially set out the Irish position. The Minister said that only after 17 months did the UUP shift their position on decommissioning; he thought that something might come out of the UUP's discussions with the SDLP. Mr Stephens added that the UUP had seemed happier with Hume's suggestion of a council of Ministers. They had said that there were three things that mattered in any new arrangement - accountability, transparency and 'radifyability'.

The Independent Chairmen reported that the UUP would not participate in a preparatory meeting today, instead suggesting that it be postponed until next week.

The Chairman had suggested that the preparatory meeting should be held tomorrow morning and the Plenary in the afternoon. Trimble had not objected to this, although neither had he agreed to it. The Chairman thought that this would give Trimble the opportunity he needed to track the Irish and a day in which this would constitute the main item in the press. The Chairman is confident that Trimble still wished to attend the Plenary - he had

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said that he had wanted to come out of the Plenary with something positive and that he still hoped for this.

It was agreed that the preparatory meeting should be scheduled for 10.30am tomorrow morning. The Chairman indicated that he would notify the participants that the meeting would be tomorrow morning, time to be confirmed in the morning. It was agreed that Mr Murphy and the Chairman would attempt to speak to Mr Trimble before the meeting.

Ms O'Donnell asked if the UUP attendance at the Plenary was conditional on a statement by either Government. The Chairmen said that Trimble had said that he had asked Mr Murphy to make a statement and that Mr Andrews had promised to do so. He had not suggested that attendance at the Plenary was conditional on this. He had not yet agreed to participate in the Plenary, but had not objected to the Chairmen's suggestion that it should be held tomorrow as planned. Mr Andrews confirmed that he intended to speak to the press at 3.30pm.

Confidence Building Measures Liaison Sub-Committee

A meeting of the Confidence Building Measures Liaison Sub-Committee was held at 3.00pm. A note of this meeting will be circulated separately.

(Signed)

ROBERT CRAWFORD

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