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FROM: JULIE MAPSTONE
TALKS TEAM
7 APRIL 1998

1765
7 APR 1998

NC/66/4

cc PS/Mr Murphy (B&L)
PS/PUS (B&L)
Mr Thomas
Mr Jeffrey
Mr Bell
Mr McCusker
Mr Brooker
Mr Hill
Mr Beeton
Mr Ferguson
Mr Howard
Mr Whysall
Mr May
Mr Johnston
Mr Fergusson, RID FCO
Mr Sanderson, Cab Office
HMA Dublin
Mr N Warner
Mr Holmes, No 10

*to be added
to file
1765*

NOTE FOR THE RECORD

PS/Secretary of State (B&L)

TALKS: 6 APRIL 1998, EVENING

Summary

Meetings with the Irish on the remaining unresolved text continued through the afternoon and evening. Meetings also with the Secretary of State and Sinn Fein on prisoners, and to a lesser extent policing. After several delays, latterly due to the prisoners issue, the draft agreement was eventually tabled by the Chairmen at a brief plenary at midnight.

Detail

The discussions with the Irish concerned the three annexes in Strand Two of the draft agreement, on North/South Ministerial Council: areas for co-operation on policy; areas for joint action North/South using existing mechanisms; and implementation bodies. After discussions involving on

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our side Mr Ferguson and Mr Jeffrey, the first annex was agreed; the second was agreed except for approaches to the Common Agricultural Policy which was resisted by HMG and remained square bracketed in the draft Agreement. On implementation bodies, 5 were agreed, and a further 5 submitted by the Irish were not agreed and remained square bracketed.

Sinn Fein

Attempts by the Irish to change, at the behest of Sinn Fein, text agreed between the two Governments incurred the Secretary of State's wrath. In subsequent meetings with Sinn Fein (Adams, McGuinness and de Bruin) she explained the difference between the general text in the draft Agreement, and the parallel paper on implementation mechanisms on prisoner issues which was HMG's own paper and subject to negotiation. The general wording of the draft Agreement left room for further negotiation on implementation mechanisms. Mr Adams however insisted that the draft Agreement would need to include a line to the effect that all prisoners would be out within a year.

After asking the Chairmen's office to hold up the issuing of the draft Agreement, the issue was finally resolved with Sinn Fein agreeing to continue discussions on the details of prisoner issues the following day.

The Chairmen's office tabled the draft Agreement at a brief plenary at midnight.

(Signed)

JULIE MAPSTONE

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*Gene -
Please send a p'copy of this
paper to Nigel Carson + file
original - checks
1746
sent 8/4 - 7 APR 1998*

FROM: JULIE MAPSTONE/PETER MAY
Talks Team
6 April 1998

NC/BS/4

cc as attached

PS/Secretary of State (B&L)

TALKS: 6 APRIL 1998: MORNING

*Done
To see + File
my 7/4*

Summary

Continuing discussions with the Irish over the remaining square bracketed sections of the Agreement not resolved over the weekend. A number of Ministerial bilaterals held with parties during the morning.

Detail

Sinn Fein

The Secretary of State met Sinn Fein (Adams and McGuinness) at 10.30 to 11.45. The main points they raised were:

- The need to define consent - as 50% + 1 - in the Agreement. It was pointed out that the text would specify "a majority", which meant a simple majority, but they feared this being redefined at some future date.
- The likely areas to be designated for all-Irish bodies. It was important that the designated areas were substantive and concerned with issues that impacted on people's lives. The Secretary of State pointed out that these discussions would be within the negotiations.

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- They then raised a number of other issues which included:
 - the Ard Comhairle meeting on Saturday had voted to support the top-up voting system favoured by the Women's Coalition. Sinn Fein volunteered that it would also be helpful to the loyalist parties (they pointed out that David Ervine will get elected but McMichael "would be struggling").
 - They reiterated their view that the prisons should be emptied as quickly as possible after an agreement. Two issues were raised specifically, extradition and the ability of prisoners on licence to stand for election. The cases of a prisoner (unnamed) rearrested immediately after release from Portlaine because of extradition proceedings, and Rita O'Hare, unable to come to Northern Ireland since the early 1970s, were raised. The ineligibility of prisoners on licence to stand for election resulted in good potential Sinn Fein candidates being unable to become candidates.
 - On Irish language being given an official position, Sinn Fein pointed out that it was a facility which would only be used if it was demanded. This should serve to placate Unionist fears.
 - On policing, they referred again to their position, too well known to repeat. The Secretary of State said that a paper on the issue would emerge as part of the Agreement tabled later today.

- They had seen no HMG text on proposed constitutional changes. The Irish Government was likely to meet difficulties with Articles 2 and 3, and the way to get the changes through was corresponding constitutional changes to British legislation, including the Act of Union. The Secretary of State said she understood that the relevant legislation was the 1920 and the 1973 Acts, but she undertook to ensure they received an early response to their letter on the issue.
- The "nuts and bolts" detail on the equality agenda should be included in the Agreement, and they referred to the Chris McCrudden document on PAFT and TSN. The Secretary of State spoke at some length on the response to SACHR, and the statutory basis now given to PAFT. Adams pointed to the overwhelmingly Unionist ethos of the civil service as an example of the structural nature of discrimination, and didn't appear to accept that it would be for elected representatives following a settlement to deal with.
- On a similar point, Sinn Fein wanted the issue of symbols - notably flags - to be determined in detail in the Agreement, and not dealt with in general terms.
- They were concerned with the best way to run Commissions - on the RUC or any other topic. Review mechanisms, timeframes, and the process of making recommendations to Government would need to be agreed.
- The tight timescale this week left no time for consultation with parties' wider constituencies.

SDLP

Mr Murphy met the SDLP (Hume, Mallon, Farren and Durkan) from 11.15 to 12.00. The main points were:

- Continued adherence to sufficient consensus as the only way to protect the SDLP against Sinn Fein attacks;
- The use of an equality proofing committee to militate against the 20% trigger being used vexatiously (as a case would need to be made to back up the procedure);
- The idea (to be floated with the UUP at 12.00) of appointing the First and Deputy First Secretary first by the Assembly voting on a cross-community basis. They would not have portfolios. The d'Hondt procedure would then apply afresh. This would get round UUP concerns that Sinn Fein might get the deputy post if it went automatically to the largest party, and should be very attractive to both UUP and SDLP because it would give them an extra seat;
- SDLP had not considered a shadow period. They were opposed to giving out Ministerial portfolios ahead of powers being delegated because the code of conduct would not apply and allow DUP wrecking tactics. They saw consultation as being through parties rather than the Assembly. They did not mind the absence of shadow North South Council because they saw the two Governments setting up the implementation bodies ready for when powers are devolved. (Comment: Their unwillingness for future 'Ministers' to be briefed and consulted on major issues seems perverse and may be open to change once they have thought about

it. They also seem to see a greater role for the two Governments in appointing members to implementation bodies and making the arrangements than will be the case).

Alliance

The Minister met the Alliance (Alderdice, Close, Neeson and McBride from 12.15 to 13.00. The main points were:

- Loyalist and Unionist fears about implementation bodies would be lessened once specific proposals are put forward. Alliance propose animal health, food safety, railways, tourism, fisheries, specialist health care, environmental protection, sport and culture;
- They see the need to designate 5-6 as essential for Nationalists and agree they should be in Westminster legislation. The implementation date should be after the Assembly is up-and-running. The UUP had a problem with any legislative basis;
- In the interim before powers were devolved, consultation would be with elected Assembly members appointed by their respective parties. It would not be that different from the current arrangements.
- The Alliance thought the UUP might trade in Strand 2 once they had seen more detail on Strand 3;
- On Strand One, the Alliance found sufficient consensus alone unacceptable and appeared signed up for the either/or formulation. If there were to be a First Secretary and Deputy

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First Secretary, the Alliance would want the Speaker's Chair as the price for support. This would be achieved by having three blocks of Unionist, Nationalist and non-aligned with first choice to the biggest etc. Neither the SDLP nor UUP had ruled this out.

signed

JULIE MAPSTONE/PETER MAY

cc PS/Mr Murphy (B&L)
PS/PUS (B&L)
PS/Mr Semple
Mr Thomas
Mr Jeffrey
Mr Bell
Mr McCusker
Mr Brooker
Mr Hill
Mr Beeton
Mr Ferguson
Mr Maccabe
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