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Multi-Party Negotiations**Meeting of Plenary Working Group, 15 December 1997****Contents**

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Multi-Party Negotiations, 15 December 1997

Steering Note

The Minister of State and officials are due to leave Dublin (Connolly) by train, departing at 7.40 am and arriving in Belfast Central at 9.50 am and at Castle Buildings at approximately 10.00 am. The Minister is due to travel to Belfast on Tuesday (timings to be arranged).

A meeting with the British Government and Senator Mitchell is likely to take place before the Plenary sub-group resumes at 10.30 am on Monday. The sub-group will be seeking to agree proposals which would be put to the review Plenary for approval on (a) key issues to be resolved in the negotiations and (b) the formats in which to proceed.

As of now, Senator Mitchell is hoping to convene the Plenary on Tuesday morning, but this will depend on the degree of progress in the sub-group.

As regards key issues, the participants will be attempting to overcome the impasse which has arisen as a result of Sinn Féin's unwillingness to support an SDLP/UUP proposal on the grounds that it would involve their accepting that there should be an Assembly in Northern Ireland and that issues of concern to them such as equality issues and demilitarisation were omitted. Sinn Féin claim that the paper is unbalanced and that it does not reflect their views in relation to Strand Two. We could have supported the SDLP/UUP proposal but were not prepared to move to a vote which would isolate Sinn Féin. We do not consider that it is necessary or desirable to do so, particularly just before the participants go into a three week break.

The most likely way forward may well be to return to the Chairman's original idea of listing the issues which the participants themselves regard as the key ones.

As regards formats, we would support the establishment of a limited number of smaller groups to take the work forward. We could support the Womens' Coalition idea of groups being established which could deal with clusters of related issues, although we must also be sensitive to the UUP's strong desire not to blur the distinction between the Strands. We also consider, as

do most others it seems, that the centrality of the present Working Group, which has worked effectively and well, should be maintained.

It is expected that there will also be a meeting of the Liaison Sub-Committee on Confidence Building Measures on Monday afternoon. This is intended to continue the discussion on prisoners' issues, but may also reach the agenda item on economic and social development.

The Business Committee is also expected to meet after the review Plenary, perhaps on Wednesday morning. The Government is normally represented at both these committees by officials.

Anglo-Irish Division

12 December 1997

Multi-Party Negotiations, 15 December 1997

Speaking Points

Key Issues Paper

- I hope that it will be possible for us to agree today on a paper on key issues which we can recommend to the reconvened Plenary.
- If we are to be successful, it is important that we are clear in our own mind on exactly what we are trying to achieve.
- The Chairman gave us a paper two weeks ago which sought to list what the parties themselves had identified as the key issues in the negotiations. It sought to be an inclusive list, in that it drew on all the individual papers submitted by the parties.
- Naturally, that list contained items which some parties liked and others didn't. To get around this problem, it was decided to look at something more general.
- We all know what happened. Perhaps, without even realising it, we actually began to draft an outline agreement, albeit in quite general terms.
- We may not have achieved unanimity, but we did arrive at a substantial level of consensus which should allow us to move with some confidence into the next phase of the negotiations.
- What I do not believe we should do, and what my delegation would not wish to do, is to adopt today a text which might serve to exclude or isolate to any degree any party around this table. And I emphasise any party.
- Hard decisions will have to be taken by all of us if we are to reach agreement. The moment for these decisions may not be far away, if we are to meet the May target.
- As we are about to begin a three-week break, we need to be particularly sensitive to the needs of all sides.

The way forward

- I believe that the most likely way forward is to return to the Chairman's original concept and to draw up an inclusive list of the issues which the participants themselves argued are were key.
- This would clearly be without prejudice to the position of any participant on those issues.
- We can either agree such a list ourselves, or leave it to the Chairmen to do so.

Formats

- In some ways, the issue of the formats in which to carry forward the negotiations is more important than agreement on key issues.
- Most of us know what are the key issues, even we cannot, at this stage, agree them. What we need to decide is how do we address them.
- I think that this group has served its purpose well, and that we should seek to make further progress through a limited number small groups dealing with clusters of issues which, as far as possible, bring together leaders of each delegation.
- I would see merit in the proposal of the Women's Coalition which envisages that we address the issues to be resolved in groups which cover the full range of the negotiations. However, Mr. Empey on Wednesday last made the preference of his party clear for any such groups to be based on the Strands.
- We would wish to be sensitive to his concerns in this regard, and would be happy with either approach. As I said the last day, however, I believe the centrality of this group, which has worked effectively and well should be maintained. I think this was generally supported around the room.

- 3 -

Proposal to begin work in January on heads of an agreement

- If we are serious about the May deadline, which I believe we must be if we are not to collide with the marching season, we will have to have completed the negotiations by Easter.

- That is ten working weeks from the resumption of the talks on 12 January.

- It is vital therefore that we hit the ground running and get down to substance immediately we return in the New Year.

3/10/97
Circulated
Chairman

Key Issues

The following is a summary of the key issues as submitted by some of the participants (not listed in any order of priority):

Strand One

- new arrangements in Northern Ireland - An Assembly, its purpose, composition, functions, responsibilities, relations with other institutions including GB, checks and balances, safeguards
- confidence issues - policing arrangements, demilitarisation, prisoners.

Strand Two

- new North/South arrangements - purpose, composition, powers, functions, responsibilities; relations with other institutions.

Strand Three

- new intergovernmental and other arrangements within these islands - purpose, composition, functions and responsibilities.

Constitutional Issues

- the principle of consent
- sovereignty
- Articles 2 and 3 of the Irish Constitution
- British constitutional legislation

Rights and Safeguards

- protection of human, civil, and cultural rights; equality; justice.

Other

- validation of agreement.

Principal issues to be resolved:**Responses by Participants****Alliance:**

- “1. The constitutional claim (Articles 2 and 3)
2. North/South Structures
3. Assembly/form of government for NI
4. Safeguards for minorities.”

Labour:

- “1. Endorsement of the principle of consent. A united Ireland can only come about with the consent of a majority in NI.
2. A NI assembly with power sharing and appropriate safeguard, checks and balances.
3. Fundamental changes in policing arrangements in NI.
4. Amendments in Articles 2 and 3 of the Republic of Ireland’s constitution.
5. Closer Anglo-Irish relations with appropriate institutional arrangements.
6. Cross-border institutions with executive powers including an organisation for security, social and economic co-operation.”

PUP:

- “1. Will there be an Assembly in Northern Ireland?
2. Will there be special relationships between the people of Northern Ireland and the people of the Republic of Ireland?”

Sinn Fein:

- “1. Demilitarisation including, in particular, the release of those imprisoned as a result of the conflict. This can and should be acted on immediately.
2. An equality agenda encompassing rights, safeguards and justice issues.
3. Sovereignty. This issue goes to the heart of the political difficulties we are attempting to resolve.
4. Constitutional Issues and in particular the British legislation underpinning the union, ie the Act of Union 1800, the Government of Ireland Act 1920 and the Northern Ireland Constitution Act 1973.
5. New Arrangements arising from the resolution of the sovereignty and constitutional issues.”

SDLP:

- “1. Future arrangements for Northern Ireland: nature and composition of institutions; functions and responsibilities, relationships with other institutions.
2. Future North-South arrangements: nature and composition of institutions; functions and responsibilities; relationships with other institutions.
3. Future Irish-British arrangements: nature and composition of any institutions(s); functions and responsibilities; relationships with other institutions.
4. Constitutional issues: any amendments to the Irish Constitution, to the Government of Ireland Act and other constitutional legislation.
5. Rights and Safeguards: protection of human, civil and cultural rights; constitutional and institutional safeguards for agreed new arrangements.
6. Validation of agreement.”

UDP:

- “1. Nature of Northern Ireland governmental structures and how they can command widespread support.
2. Nature of relationships between Northern Ireland government and other regions of the United Kingdom.
3. Nature of any relationship between the jurisdictions of Northern Ireland and the Republic of Ireland, and between other UK regions and ROI.
4. What protective mechanisms can be agreed to address rights issues?”

Annex B

ISSUES FOR RESOLUTION

1. **Future arrangements for Northern Ireland:** nature and composition of any institutions, including an Assembly; powers, functions and responsibilities; relationships with other institutions.
2. **Future North-South arrangements:** nature and composition of any institutions; powers, functions and responsibilities; relationships with other institutions.
3. **Future East-West arrangements:** nature and composition of any institution(s); powers, functions and responsibilities; relationships with other institutions.
4. **Constitutional Issues:** Any amendments to the Irish Constitution and any amendments to British constitutional legislation.
5. **Rights and Safeguards:** protection of human, civil and cultural rights; constitutional and institutional safeguards for new agreed arrangements, including justice and policing.

~~7-6.~~ Validation of overall agreement.

6. Confidence Issues

8th December 1997

*circulated by chair
(but essentially the
initial SAHP submission,
amended following
consultation with the CCP)*

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KEY ISSUES FOR RESOLUTION

1. **Future arrangements for Northern Ireland:** nature and composition of any institutions, including an Assembly; powers, functions and responsibilities; relationships with other institutions.
2. **Future North-South arrangements:** nature and composition of any institutions, *including cross-border institutions in Ireland*; powers, functions and responsibilities; relationships with other institutions.
3. **Future East-West arrangements:** nature and composition of any institution(s); powers, functions and responsibilities; relationships with other institutions.
4. **Constitutional Issues:** Any amendments to the Irish Constitution and any amendments to British constitutional legislation.
5. **Rights and Safeguards:** protection of human, civil and cultural rights; constitutional and institutional safeguards for new agreed arrangements, including *equality issues*, justice and policing.
6. **Confidence issues:** *as identified by the Liaison Sub Committee on confidence building measures*
7. **Validation of overall agreement.**

9th December 1997

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NORTHERN IRELAND WOMEN'S COALITION

KEY ISSUES

Theme/Working Group:- Arrangements and Relationships

- nature and composition of institutions in Northern Ireland - purpose, composition, functions, responsibilities; relations with other institutions; checks and balances, safeguards.
- new North/ South arrangements - purpose, composition, powers, functions, responsibilities; relations with other institutions.
- new intergovernmental and other arrangements within these islands - purpose, composition, functions, responsibilities.

Theme/Working Group - Rights and Safeguards and Confidence Building

- protection of human, civil and cultural rights; equality; justice.
- policing, prisons, normalisation (peace and security)

Theme/Working Group - Constitutional Issues

- sovereignty
- Irish constitution
- British constitutional legislation

Theme/Working Group - Confirming Agreement

- consent
- validation of agreement

8th December, 1997

Report of Working Group

8 December 1997

1. The meeting of the Working Group made very slow progress yesterday. The key issues document circulated by the Chair last week (annex A) ran into difficulty both from the UUP and Sinn Féin. The UUP, as anticipated, had difficulty with language such as "demilitarisation", while Sinn Féin objected strongly to the reference to "An Assembly" in Strand One, and the resulting lack of equivalence - as they saw it - between the reference to "arrangements" in Strands One and Two.
2. In an effort to resolve the impasse, the SDLP put its initial submission on the key issues back on the table. Following a brief adjournment, to allow for consultation between the SDLP and the UUP, a new draft, based on the SDLP text, was circulated by the Chairman (annex B). This was subsequently further amended, at the suggestion of the UDP, to include the heading "Confidence Issues".
3. The document, however, ran into very heavy criticism from Martin McGuinness, who was leading for Sinn Féin in the absence of Gerry Adams who was accompanying the Taoiseach in West Belfast. As well as the lack of equivalence between Strands One and Two, arising out of the continuing reference to "an Assembly", McGuinness objected, in an excessively strong intervention, to the lack of courtesy shown to Sinn Féin by the failure of the UUP and the SDLP to consult the party on the text.
4. Given the overall sour atmosphere of the meeting, and the wish of a number of parties to reflect further on the text overnight, it was agreed to adjourn until this (Tuesday) morning.

Dermot Gallagher
9 December 1997

1679/4

Sub-Group on Key Issues, 9 December 1997

1. The discussion continued around the draft SDLP/UUP text tabled on the previous day (Annex 1). While the atmosphere was considerably improved over Monday and some progress was made (paragraphs 3, 6 and 7 of the text were agreed unanimously) the desired breakthrough was not achieved. The core issue holding up progress continued to be Sinn Féin's need for either the exclusion of the reference to "An Assembly" in the Strand One section or the introduction of a balancing term (all-Ireland institutions with executive powers) in Strand Two.
2. Other issues were also unresolved, including whether there should be references to sovereignty, equality and demilitarisation, as Sinn Féin wished.
3. Following an SDLP/UUP bilateral, the UUP offered to reword Strand Two to read "... nature and composition of any cross-border institutions in Ireland" (new words underlined). However, Sinn Féin, while welcoming the effort, were unable to accept the amended text. It was subsequently withdrawn by the UUP.
4. Minister O'Donnell, in an early intervention, said it was very important that all sides felt ownership of the paper. As we faced into the detail of historically difficult negotiations, she did not want to see a situation where anyone felt fundamentally uncomfortable about the nature of the "key issues" document. Minister Paul Murphy followed the Minister and effectively supported her approach.
5. While any of the texts circulating were essentially acceptable to us, as compromises, the Minister's intervention signalled that we did not wish to see Sinn Féin isolated, either in the discussions or through the issue being pushed to a vote at this stage.
6. Séamus Mallon suggested that, if agreement were not possible on specifics, the sub-group might take the very broad headings in the paper (future arrangements for Northern Ireland, future North-South arrangements, etc.), and ask the Chairmen to fill in all the issues under each, in an accompanying memorandum which the parties would not need to accept. This was generally felt to be a retrograde step but may well resurface if all else fails.
7. Later in the day, the British came up with some new wordings which was being run across the parties (Annex 2). This was very unlikely to be acceptable, however.

Dermot Gallagher
10 December 1997

PSM, PSMS, PSSG, S/S Gallagher,
Joint Secretary, Ambassadors
London, Washington, Helsinki and
Ottawa, Consul General New York,
All Officers Anglo Irish Division,
Press Section, Messrs Teahon,
Murray, Dalton and Mansergh,
Kirwan.

Working Group on Key Issues, 10 December 1997

1. The meeting today, which was quite brief, agreed to park the key issues paper until next Monday at 10.30 am in the light of the clear inability to make further progress this week. At the Chairman's suggestion, the group had a brief discussion on the formats aspect of its mandate.
2. Minister O'Donnell agreed with the proposal to park the issues paper for the moment. She argued for the preservation of the centrality of the working group, and this was generally supported. As regards future sub-groups in specific areas, she saw this as being done in at least two ways. We could follow the Strands, with sub-groups based on these, or we could take clusters of subjects, as the Women's Coalition had suggested.
3. The SDLP (Mark Durkan) continued to express the SDLP view that some lateral space might be created if the Chairs of the Strands could produce a paper with a menu of ideas. He also made the point strongly that politics and negotiation should take place within the Talks and not with everybody running to Downing Street or Merrion Street. It was important that the two Governments meant it when they said that the Talks were the only show in town - tickets elsewhere should not be more valuable !
4. Sinn Féin (Gerry Adams) said he saw some merit in the SDLP's proposal. On the other hand, Reg Empey warned that if the Working Group had nothing to report, he did not see how they could emerge from the Review Plenary. The UUP had tried to be helpful yesterday and did not wish to put anybody to the wall. After all, the paper was about issues to be addressed and was not binding anybody. He added that some of the points in it would be political dynamite for the UUP if they came into the wrong hands. Decommissioning and the disarming of paramilitary organisations were not specifically in the text, as the UUP would wish, but they were prepared to argue that these could be considered under Confidence issues. In other words, the text did not exclude people bringing forward items not specifically there.
5. Empey said he would prefer to put the paper to the test today to see if it had support. He warned that if the meeting came back to a nit-picking operation next week, the exercise could unravel. He was not prepared to start all over again next Monday.
6. On structures, Empey said he was not opposed to sub-groups and suggested they be composed of two at the front and two at the back. He emphasised, however, that the Rules of Procedure were clear and that the Strand structure would have to be followed. He added that more than one sub-group could not operate simultaneously. He hinted that the sub-group structure might perhaps be modified down the road when we got into real detail. If the existing Working Group was to continue, it would have to be approved by the Review Plenary.
7. Gerry Adams, addressing Reg Empey, said that the Chairman had put forward his own summary of the key issues as submitted by the parties, with the exception of the

1679/3

UUP. However, the UUP/SDLP paper had taken out all of the issues that Sinn Féin had put forward - equality, sovereignty, prisoners, demilitarisation. This was not very inclusive. Everyone needed wriggle room.

8. Mark Durcan again said that if there was a new paper from the Chairman, and from the Chairpersons of the Strands, this might be helpful.
9. The next meeting of the Working Group will be at 10.30 am on Monday. The Review Plenary will now be on either Tuesday morning or Tuesday afternoon.

Dermot Gallagher
10 December 1997