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cc Mrs + Mr. ...

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26 May 1998

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To: HQ
Fbr: Secretary Gallagher

From: Belfast
From: Joint Secretary

*Ms McLoughlin
passed on to the
Tobinark
5.5.98*

Subj: Conversation with Peter Bell

1. The British have confirmed their agreement to a Liaison Group meeting in Dublin on Tuesday 2 June. They are agreeable to a two-part approach, as previously discussed, under which the meeting might move into ad hoc mode in the afternoon for a discussion of Strand One and Strand Two issues.
2. I will forward later in the week a proposed agenda together with details of the expected participation on the British side (which will include John Semple for the ad hoc meeting).
3. As regards Ministerial contacts, the Secretary of State returns tomorrow from a short break. She is interested in having a telephone discussion with our Minister (on Thursday if this suits) which would touch on the following points:

*hand over
draft to
Belfast*

- General review of the situation following the two referendums;
- The need for the two Governments to maintain a low profile during the Assembly election campaign and to avoid saying or doing things which might expose them to charges of partisanship;
- An indication of how the British Government proposes to reflect in the forthcoming Prisons Bill (expected to be tabled in early June) the criteria set out by the Prime Minister in his recent Balmoral speech;
- British hopes for an early meeting at political level with the Decommissioning

*This would
need to be
seen by us
in good
time, and
our views
to be on board*

Commission and for an agreement between the Governments that the signature of the Orders for the decommissioning schemes might be brought forward.

4. On the second of these points, the British have renewed their concerns about the Taoiseach's meeting this afternoon with residents' groups, which they fear could play back in an unhelpful way into the election campaign. We have pointed out that the Taoiseach could not reasonably refuse a request from these groups for a meeting, that, if he had done so, they would certainly have pointed to the meeting granted recently by the Prime Minister to the Orange Order; and that the scheduling of the meeting was at least arranged in such a way as to avoid the referendum campaign. The British hope nonetheless that it can be handled in as low-key a way as possible.

5. On the Prisons Bill, we have requested a detailed briefing in the Secretariat for tomorrow or Thursday, with particular reference to the manner in which the Prime Minister's criteria are to be reflected. We have emphasised the enormous political sensitivity of this matter, particularly in the context of the election campaign which is now getting underway, and the importance attached by our Ministers to strict compliance with the terms of the Agreement in any legislative provisions which may be contemplated.

6. We understand that NIO suggestions as to how the criteria might be reflected are with the Prime Minister at present and that the latter's response is awaited. We are told that there will be no departures from the Agreement and that this is one of the points on which the Secretary of State will wish to reassure our Minister. The Bill will lay down a number of factors to be taken into account in forming an "overall judgement" but will not present these as successive hurdles to be overcome. (We received the same message recently from Jonathan Stephens and Tony McCusker).

7. The general expectation is that the Bill will be introduced in Parliament early in June. (You may have noted a forecast by Des McCartan in the Belfast Telegraph that this could happen on 1 June, i.e., on the day that Parliament resumes).

8. In the light of our own conversation earlier, I observed to Peter Bell that the British Government's desire to avoid contentious issues during the election campaign is incompatible with the plan to table this Bill in early June. He agreed fully with this but said that they have no alternative if the "end of June" deadline specified in the

Agreement for enactment of the prisons legislation is to be met. They do not want to be accused of failing to meet the first deadline indicated in the Agreement. As (according to Bell) the Prime Minister's criteria will be reflected in a manner which will be scrupulously faithful to the Agreement, they are expecting heavy criticism of the Government from Trimble and the Conservatives. They would obviously prefer that this should not be happening during the election campaign but are left with no choice in the matter. As for the Settlement Bill, Bell expects that, for practical reasons (lack of progress on the draft to date), this will not be tabled until early July (i.e., after the election campaign).

9. On the decommissioning point, we are told that the Secretary of State wishes to be in a position to lay the relevant Order as soon as possible after Parliament resumes. She sees strong presentational merit in taking this forward at the same time as consideration of the Prisons Bill gets underway. The British Government are worried about the flak which they will be receiving from Conservatives and Unionists on this Bill and would like to have some balancing movement on the decommissioning issue to protect their position.
10. We have been emphasising the importance of all aspects of the Agreement being seen to be implemented in a balanced fashion and the reservations of our Ministers about initiatives which could give the impression that decommissioning is being prioritised over all other aspects. In the first instance, it will be necessary to have a general stock-taking review of implementation of the Agreement at political level. This could be achieved at the meeting between the Secretary of State or Paul Murphy and our Ministers which is currently under discussion. On the timing of this, the British, like ourselves, are looking to next week. Subject to our Minister's wishes, we might propose Wednesday or Thursday.
11. The British hope that, once that meeting has taken place, it might be possible for the Governments to meet the Decommissioning Commission at political level. This would be in response to a proposal from General De Chastelain contained in a letter of 15 May to the Governments (in which De Chastelain recognised that a meeting might be problematic during the referendum campaign but hoped that one could be arranged shortly afterwards). They hope that agreement could also be reached to sign the Orders for the decommissioning schemes within the next fortnight or so.

Have we seen this?

12. These matters are covered in greater detail in a separate report on a conversation this morning with Stephen Leach