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Meeting between the Government and the SDLP**29 June 1998**

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Confidential

Overview of Post-Electoral Political Situation in Northern Ireland

1. David Trimble is in a difficult political situation, and knows it. He told a mutual friend last evening that the "situation is worse than it appears, and it is changing very fast". The latter was a reference to the apparent talks to coalesce the three anti-Agreement Unionist groups (DUP, UKUP and the Donaldson dissidents in the UUP).

Robinson

2. Robinson lacked the guts in the past to make a serious bid for leadership of Unionism. However, at fifty, he now knows the clock is ticking for his undoubted political ambitions. Moreover, Paisley is a declining figure, and was never less involved in an election campaign. The time may be right now for Robinson to make his political bid for power.

Trimble

3. Trimble is clearly deeply worried about (a) the possible departure of a number of his MPs to a new grouping, and the danger that they might bring some Assembly Members with them; (b) the danger of his not being able, as local MP, to deliver on Drumcree (an obligation that arguably goes with the job) and (c) the possible development of a feeling that Trimble has been fatally weakened, and the resulting impact of this on the "loyalty" of his team in the Assembly.

4. Trimble realises he has made mistakes - his own approach to the Prisoners Bill was politically all over the place, while nominating Donaldson as spokesperson on it was a major error of judgement. Above all, perhaps, he knows that there is no way back for him, nor does he wish one. He has been courageous, and he deserves help and support. He can, of course, do much himself. He apparently intends, for instance, integrating the Parliamentary and Assembly parties, and trying to knock discipline into shape. He should, in my view, also seek quickly to re-establish a high political profile, by, for instance, meeting the Prime Minister and the Taoiseach at an early date.

Trimble/Adams

5. Trimble needs to stop using language that suggests he is determined to delay the coming into being of the (Shadow) institutions envisaged in the Agreement. This is sending all the wrong messages to nationalists, and especially to Sinn Féin. He should also, as far as possible, try to stop lecturing Sinn Féin on decommissioning. The task in this area (especially a "war is over" statement) might best be left to the SDLP and ourselves.
6. On the other hand, Sinn Féin also need to start finding language that will help Trimble. Given the absence of dialogue between them, it is in my view of the utmost importance to find an intermediary who could try and choreograph a way forward between them on sensitive issues (e.g. through reciprocal statements). John Hume would obviously be the right man for this. Unless we organise something on these lines, we will not have the required handle on the situation over the coming delicate period. It would be very valuable if Hume and Mallon could be sounded out on this at today's meeting.

Dermot Gallagher

29 June 1998

Meeting between the Government and the SDLP, 29 June 1998

Steering Note on Implementation of North/South Provisions of the Agreement

Overview

1. Overall responsibility for the implementation of the Agreement rests with an Inter-Departmental Steering Committee, chaired by D/Foreign Affairs. A Sub-Group of that Committee (D/Taoiseach and D/Foreign Affairs, assisted on certain issues by D/Finance and the Attorney General's Office) is taking forward implementation of the North/South provisions of the Agreement. The Sub-Group has almost completed a first round of meetings with all Departments in regard to the identifying of the initial set of areas (six to be carried out by all-island Implementation Bodies and six for common policy/separate implementation).
2. The Sub-Group will also have a preliminary exchange with the British side on North/South issues in the Anglo-Irish Secretariat on Thursday next, 2 July. D/Foreign Affairs has been keeping in close touch at official level with the SDLP and Sinn Féin on these issues (further meetings scheduled for later this week with both).

Meetings with Departments

3. The Sub-Group (D/Taoiseach and D/Foreign Affairs) has held preliminary meetings with nine of the eleven line Departments involved to date, with the final two meetings taking place today (Monday) and tomorrow. The response has been uniformly positive and constructive. While it will not be possible to present a complete outline until all Departments have been met, we are satisfied that, on the basis of the meetings to date, the Government side will be able to present a solid set of proposals for the work programme that has to be undertaken by the Shadow North/South Ministerial Council "with a view to identifying and agreeing by 31 October 1998 (at least 12 areas) where co-operation and implementation for mutual benefit will take place". Against that background, and pending formal Cabinet

approval, the following areas, on a preliminary basis, provide examples of the kind of possibilities that exist under the two categories of Implementation Bodies and Common Policy/Separate Implementation:

Implementation Bodies (Six Areas to be chosen):

Tourism (involving either a full or substantial amalgamation of Bord Failte and the Northern Ireland Tourist Board)

EU Programmes Body (Implementation of substantial EU programmes and initiatives such as INTERREG, Peace and Reconciliation, LEADER etc)

Promotion of the Irish Language (an all-island Bord na Gaeilge).

[Subject to confirmation in meetings this week with D/Enterprise, Trade and Employment and D/Environment and Local Government, we would hope also to be able to include **Trade Promotion and Business Development, Training and Employment Services,** and **Environmental Protection.**]

Common Policy/Separate Implementation (Six Areas to be chosen from below)

Agriculture (eg Common Approaches to the CAP, Research and Training);

Education (eg aspects of the Third Level Sector, Science and Technology, Education for Special Needs, Youth Affairs);

Transport (eg Strategic Transport Planning);

Community Development (eg. Support for the community and voluntary sector, including, over time, a possible all-island Community Trust);

Health (eg personnel training, post-graduate training, high-cost technology equipment, health promotion);

Arts (eg. possibility, over time, of all-island Arts Council);

Inland Waterways/Inland Fisheries (both areas with considerable potential for enhanced co-operation).

Position of UUP

4. It is a reality, of course, that the negotiations on the above are likely to be difficult, particularly given Mr Trimble's position post-elections. It is now highly likely that the UUP will be pressing for a minimalist approach, and indeed it must be expected that they will reject some of the above areas in terms of the initial "six-plus-six". Their yardstick throughout is likely to be the benefit or otherwise to Northern Ireland. We are hopeful that a relatively strong objective case (albeit in some instances more than others) can be made for such benefit. Nonetheless, it is a reality that, ultimately, decisions on the initial areas are likely to be based on politics as much as on economic or other factors.

Position of SDLP/Sinn Féin

5. On the basis of soundings to date, both parties are broadly satisfied with the approach and areas we are working on, as outlined above. We have stressed to them - and to Departments - that it is necessary also to keep a longer-term focus, and that we have asked all Departments to be working on draft programmes of work which each Minister can "bring to the table", so that there is a substantial agenda to be pursued in each sectoral Council over and above the initial 12 areas which must be agreed by 31 October. The Taoiseach/Minister could also make the case to the SDLP this evening that the primary objective in regard to the North/South, is to get the Bodies off the ground, even if initially being operated by essential staff, on the basis that their scope can progressively be built on.

Anglo-Irish Division

29 June 1998

Meeting with John Hume and Seamus Mallon, 29 June 1998

The Northern Ireland Assembly

Steering Note

The Outcome of the Elections

The results of the elections to the Good Friday Agreement produced few surprises. The breakdown between those voting for pro- and anti-Agreement parties broadly mirrored that in the referendum. The virtual 50-50 split within unionism was confirmed. The UUP lost ground in comparison to its performance in the 1996 Forum election, mainly to the UKUP and Independent Unionists. However, this was hardly surprising, given the internal dissensions within the party. Despite vociferous claims of success by Paisley and his followers, the DUP failed to eat into the UUP vote and actually fell back slightly on its forum result.

On the nationalist side, the SDLP achieved the breakthrough of becoming the party with the highest total of the first preference vote, although it finished with four seats less than the UUP. Sinn Féin continued its impressive progress, taking an additional 2% of the vote and becoming the largest party both west of the Bann and in Belfast.

The PUP and the Women's Coalition both did well, winning two seats. Alliance will be disappointed with their performance, making no headway and failing to win a seat in South Belfast, once considered the heartland of its support.

Of the ten parties represented at the Stormont negotiations, the UDP and Labour failed to win any seats in the negotiations, gaining 1.07 (2.22 in 1996) and 0.34 (0.85) percent of the vote respectively.

The final outcome of the election was as follows (the results of the 1996 Forum elections are in brackets):

	Percentage of vote	number of seats
SDLP	21.96 (21.37)	24
UUP	21.26 (24.17)	28
DUP	18.3 (18.8)	20
Sinn Féin	17.63 (15.47)	18
Alliance	6.5 (6.54)	6
UKUP	4.51 (3.69)	5
PUP	2.55 (3.47)	2
Women's Coalition	1.61 (1.03)	2
Independent Unionists	n/a	3

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The situation in the new Assembly

The result leaves the position within the new Assembly uneasily balanced, with pro-Agreement unionist parties (UUP and PUP) having 30 seats and the anti-Agreement unionist parties (DUP and UKUP) and independent unionists together with a total of 28 seats. However, at least one of the UUP members, Roy Beggs jnr., is openly anti-Agreement and a further two, Peter Weir (who voted No in the referendum) and Pauline Armitage, are said to fall into the "soft No" camp. There will certainly be others who will have difficulties with particular aspects of the Agreement.

The divisions within the unionist representation in the Assembly will inevitably give rise to some difficulties, but, unless there is a radical realignment within unionism causing desertion from the UUP ranks, these should not be insurmountable. The key thresholds in terms of unionist votes are:

- (a) 30 votes the number of votes required to trigger a *petition of concern* requiring that a decision of the Assembly must be taken on a *cross-community basis*.
- (b) 30 votes the number of unionist votes (assuming a total unionist vote of 58) required to block a decision taken on a cross-community basis according to the *parallel consent* formula.
- (c) 35 votes the number of unionist votes (assuming a total unionist vote of 58) required to block a decision taken on a cross-community basis according to the *weighted majority* formula.

The only decision which the Assembly is required, under the Agreement, to adopt by parallel consent is the appointment of the First and Deputy First Minister. Since parallel consent requires the support of a majority of those members present and voting, including a majority of the nationalist and unionist designations present and voting, the appointment of the First and Deputy First Ministers could be blocked by only ~~two~~ ^{one} UUP defections or ~~three~~ ^{two} abstentions.

The only way of overcoming such a situation would be for some or all of those 8 members (6 Alliance and 2 Women's Coalition) who might be expected to register as neither nationalist or unionist, to register as unionist. (Under the draft initial Standing Orders drawn up by the Secretary of State, who is responsible for laying down the Assembly's standing orders during its shadow phase, each participant is required to register as nationalist, unionist or other. This designation can be changed with seven days notice). There are indications that both Alliance and the NIWC would be prepared to do this in order to ensure ~~the~~ the survival of the Assembly.

All other decisions which might fall to be taken on a cross-community basis will require only weighted majority; that is 60% of those present and voting, including 40% of each of the nationalist and unionist designations present and voting. This means that, assuming a full

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turn-out and a 60% majority overall, a decision would require the vote of only 24 unionists. Given that the PUP are likely to back the Agreement, this means that Trimble could theoretically survive up to six desertions or eleven abstentions from his Assembly party. Any more than this, and the Anti-Agreement unionists would have a blocking minority within the Assembly.

It must be borne in mind, that the above figures are computed on the basis of a full turn out, whereas decisions taken on the basis of cross-community support will actually be taken on the basis of those present and voting.

The First Meeting of the Assembly

Under the terms of the Northern Ireland (Elections) Act 1998, it is the responsibility of the Secretary of State to name the time and venue of the meetings of the shadow Assembly. The parties have been notified that the first meeting of the Assembly will take place on the afternoon of Wednesday 1 July in Castle Buildings. It has also been announced that the Assembly will meet in Parliament Buildings as from September. (This was opposed by the SDLP and Sinn Féin, who both want to construct a new venue in the centre of Belfast. The British take the line that the decision on a permanent venue for the Assembly, and the financing of that decision, are matters for the Assembly.)

Appointment of an Initial Presiding Officer

An immediate task for the Secretary of State is the nomination of a provisional Presiding Officer to chair the opening stages of the first meeting. The British obviously hope that their nominee will be confirmed in office by the Assembly at that meeting. It is understood that Lord Alderdice is making strong representations to obtain this nomination. He is apparently prepared to give up the leadership of the party to obtain the position of Presiding Officer. David Trimble spoke to John Hume by phone this morning and it appears that he would be prepared to accept Alderdice as Presiding Officer with Alban Maginness of the SDLP acting as Deputy Presiding Officer. It seems that Hume would be willing to agree to such an arrangement as part of a package which also included the election of the First and Deputy First Minister. (It might be noted that, under the draft standing orders circulated to the parties, the Presiding Officer would have no right to vote, whereas his deputy would retain that right.)

The Business of the Assembly

The business of the Assembly in its shadow phase is governed by the Elections Act which, consistent with the Agreement, provides that the shadow Assembly will "take part in preparations to give effect to the agreement reached at the multi-party talks". Under the Act, the Secretary of State may refer to the Assembly specific matters arising from the Agreement and such other matters as she thinks fit.

Under the draft initial standing orders, the substantive business of the first meeting will be:

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- **Election of a Presiding Officer to replace the Presiding Officer nominated by the Secretary of State**

The Presiding Officer must be a member of the Assembly. Nominations must be made and seconded by members of the Assembly. The election of the Presiding Officer shall require cross-community support (either parallel consent or weighted majority).

- **Appointment of a Deputy Presiding Officer**

- **Appointment of First and Deputy First Minister**

The First and Deputy First Minister are to be jointly elected on the basis of parallel consensus. Any member of the Assembly may nominate candidates.

This will be a tight vote. Bob McCartney has already indicated his intention to whip up opposition within the UUP to a joint Trimble-Hume slate by getting Trimble or Hume to concede that he will join an Executive with Sinn Féin in the absence of further progress on decommissioning. As mentioned above, ~~more than~~ one defection or two abstentions within the UUP would mean that appointments could only go through with the support of Alliance or NIWC members who had registered themselves as unionists. If they have not so registered as unionist from the outset, this would require the decision to be delayed for at least a week, before the change in their designation could take effect.

- **Appointment of a Standing Orders Committee**

- **Mandating of First and Deputy First Ministers to make proposals on matters referred to the Assembly by the Secretary of State**

The Secretary of State has already indicated that she intends to refer the following matters to the Executive: *Assembly*

- standing orders and work practices;
- the number and content of Ministerial portfolios;
- the selection of the shadow Executive (using the d'Hont^d procedure) and the appointment of associated Assembly committees;
- identification of North-South implementation bodies and areas of cooperation.

- **Consideration of any motion to establish a House Committee**

This Committee will consider practical matters such as the scheduling of meetings,

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stationery etc.

Appointment of the Executive

The Secretary of State has not listed the appointment of the Executive as a matter for decision at the first meeting of the Assembly. This will give rise to complaints from Sinn Féin, but it is inevitable, in light of the pressure on Trimble, that the appointment will not take place until September, at the earliest. Trimble may want to delay it still further, but neither the SDLP nor the Government will find it easy to conduct business as usual on the implementation of the Agreement in a situation where Trimble is blocking Sinn Féin from taking their Ministerial posts. It is essential, therefore, that John Hume reaches an understanding with Trimble, before Wednesday, on the timing of the appointment of the Executive.

It is likely that Trimble will seek prior concessions from Sinn Féin, either in terms of a statement that the war is over, or in terms of practical decommissioning. It is hard to imagine that these will be forthcoming if presented as preconditions, but it may be that Trimble can say and do things at the same time which might give rise to a positive response. In an article in today's Irish Times, Niall O'Dowd, whose views often reflect those of Gerry Adams, pointed to the desirability of Trimble recognising that the peaceful pursuit of a united Ireland is as legitimate a goal as the continuation of the Union. A willingness by Trimble to talk to Adams could also have a significant effect. John Hume is uniquely placed to assume the role of go-between and choreographer if an such reciprocal moves are to achieve the desired breakthrough.

Composition of the Executive

The Good Friday Agreement specifies that the Executive shall be comprised of the First and Deputy First Ministers, plus up to ten Ministers with Departmental responsibilities allocated on the basis of the d'Hont system by reference to the number of seats each party has in the Assembly. Assuming that ten Ministers are appointed, and the fact that the tenth place would fall to the SDLP makes it likely they will be - the full entitlement will therefore be UUP 3, SDLP 3, DUP 2, Sinn Féin 2.

The strong possibility exists that the DUP will not take their seats. Ian Paisley has said that they will not sit down in the Executive with Sinn Féin until decommissioning has occurred. However, there is bound to be strong pressure from within the party not to forego the influence and patronage which will flow from Ministerial office. If the DUP do decline to take their seats, they will go to the UUP and the Alliance, on the basis of the d'Hont system.

Anglo-Irish Division
Department of Foreign Affairs

29 June 1998

Drumcree

Speaking Points

- The decision of the Parades Commission is clearly the right one. It is in line with the decisions taken since 1995.
- Unlike the experiences of past years, there are indications that the RUC intend to hold the line this year and enforce the Parades Commission's ruling.
- Though it is the right decision, there will be a price to pay. It feeds the NO campaigners, particularly in Upper Bann. It will galvanise the Spirit of Drumcree and local loyalist paramilitaries. It will not make things easier for Trimble.
- In the absence of dialogue, the Commission was left with little choice. Their determination is well argued and wise.
- There will never be a good year to lance this boil. If it is stopped once, maybe the loyal orders will realise that their parades are more important than their aversion to dialogue and begin to engage.
- The focus is now very much on the Orange Order. They have three choices. They can peacefully if reluctantly accept the determination. They can seek to overturn it through challenges on the street. Or they can make an offer of dialogue.

- The evidence on the ground strongly suggests that the local Orange Order and their loyalist supporters are not prepared to enter into dialogue with the residents this year.
- The Orange Order may be preparing to challenge the determination on the ground. We have to be braced for wild-cat parades next weekend to stretch the security forces as well as sectarian violence at the flashpoint areas. A massive security operation in the Portadown area will feed unionist sense of grievance.
- Our considered view is that the less we say the better. In the absence of dialogue, we will call for the rule of law to be upheld - in this case the determination of the Parades Commission.
- There will be pressure for the political leadership on both sides to use their influence. Great caution must be exercised on this. Certainly every stone should be over turned in the search for an agreed outcome.
- On the other hand, to intervene without a clear outline of an agreed accommodation and some certainty that it can be achieved, would be damaging to all concerned.
- We have some reason to doubt whether the residents on the Garvaghy Road are amenable to leadership *per se*. We have a sense that even McCionnaith's leadership was damaged by last year's events. The residents will undoubtedly take heart from the determination.

- For the last three years, mediators have been hurt (1995 Mediation Network; 1996 the Church leaders; 1997 the Secretary of State). It would be pointless to extend this to other potential mediators this year unless there was reasonable certainty of success.

- Do you have any sense of whether an agreed outcome is possible at this point?

Human Rights Issues

BACKGROUND

1. The following are the major human rights/equality commitments in the Agreement:
 - The British Government to complete the incorporation of the European Convention on Human Rights (ECHR) into Northern Ireland law. In this jurisdiction, we are committed to bringing forward further measures to strengthen and underpin our Constitutional protection of Human Rights.
 - Both Governments to establish Human Rights Commissions, North and South. The two bodies will have "an equivalent remit". The Agreement envisages that there will be a North/South Joint Committee, linking the two Commissions which will act as a forum for the consideration of human rights issues on an all-island basis. The Agreement also states that membership of the Northern Commission will "reflect the community balance" there.
 - The Northern Human Rights Commission will be tasked with advising the British Government on the drafting of a Bill of Rights for Northern Ireland. This Bill of Rights will be based on the concept of parity of esteem and the principle of equal treatment of both communities.
 - The British Government has pledged that there will be new and stronger fair employment legislation in Northern Ireland. This new legislation will include a new statutory obligation on all public bodies to promote equality of opportunity (PAFT). They have proposed that the enforcement of the statutory obligation would be undertaken by a new Equality Commission.
 - The two Governments acknowledge in the Agreement that the issue of Symbols and Emblems carries enormous significance and accept the need to ensure that such symbols and emblems are used in a manner which promotes mutual respect rather than division.
2. There has been a series of exchanges with the two Governments on the issue of human rights since the agreement. There has also been ongoing contacts with Sinn Féin and the SDLP, as well as with human rights organisations. These contacts have focused on the issue of the Human Rights Commissions and the proposed Equality Commission.

HUMAN RIGHTS COMMISSIONS

3. In a meeting in the Anglo-Irish Secretariat in Belfast on 12 June, the British side indicated that they were preparing draft legislation on the composition and remit of the Northern Ireland HRC as part of the *Settlement Bill* which would be the main vehicle for the implementation of the provisions of the Agreement. They hoped to get the legislation through the House of Commons before the end of July. Advance notice, on a confidential

basis, of the likely content of the proposals was requested from the British side.

4. We remain concerned at the lack of time available for such consultation, not only between the Governments, but also with outside bodies before British plan to publish their proposals. It is our belief that there needs to be dialogue with a range of organisations on the issue, including the UN Human Rights Commissioner, Mary Robinson, on the role and composition of the new Human Rights Commissions. (Mrs Robinson has written to the Taoiseach and the British Prime Minister asking for such dialogue).
5. If the British are determined to proceed quickly on the Settlement Bill, there may be a need to establish the Commissions on an interim basis, with a requirement on the new Commissions to engage in an inclusive consultation process involving all relevant bodies. The Commissions would then report back to the Governments with recommendations on how the Commissions should operate in the longer term.

THE EQUALITY COMMISSION

6. The British Government's White Paper "Partnership for Equality" envisages a new Equality Commission which would enforce the new statutory obligation on public authorities to promote equality (PAFT). This Commission would replace the existing equality agencies such as the Fair Employment Commission etc. The Irish Government, Sinn Fein, the SDLP and almost all NGOs in the area, oppose the idea of a new Commission, or any external body, policing the new statutory obligation. It is our belief that the promotion of equality throughout the public sector in Northern Ireland should be undertaken by the Government itself, though a new Department of Equality. The Irish Government's position was outlined to the British Government in a paper which was handed over on June 12. This paper contained our reaction to all the main proposals in the British White Paper. Before our views were passed over to the British, there was considerable consultation and collaboration with both the SDLP and Sinn Féin.

SYMBOLS AND EMBLEMS

7. The Agreement accepts the need to ensure that such symbols and emblems are used in a manner which promotes mutual respect rather than division. We have requested a meeting with the British Government through the Anglo-Irish Secretariat to discuss how this commitment can be put into effect. We are awaiting their response.

Anglo-Irish Division
29 June 1998