



An Chartlann Náisiúnta National Archives

Reference Code: 2021/98/12

Creator(s): Department of the Taoiseach

Accession Conditions: Open

Copyright: National Archives, Ireland. May only be reproduced with the written permission of the Director of the National Archives.



AN ROINN GNÓTHAÍ EACHTRACHA
DEPARTMENT OF FOREIGN AFFAIRS

BAILE ÁTHA CLIATH 2
DUBLIN 2

CONFIDENTIAL

27 May, 1996.

Mr. Paddy Teahon,
Secretary,
Department of the Taoiseach,
Government Buildings,
Merrion Street,
Dublin 2.

Dear Paddy,

I understand the Tánaiste may wish to up-date colleagues on the Northern Ireland situation at Cabinet tomorrow.

We are unclear whether he will do this orally or by way of an Aide-Memoire.

We have prepared the enclosed draft which we will subsequently seek to have cleared at political level, in the event of the Tánaiste opting for the latter approach.

Yours sincerely,

Sean Ó hUiginn
Second Secretary

Aide-Memoire for the Information of the Government

Preparations for All-Party Negotiations

1. The Tánaiste and Minister for Foreign Affairs wishes the Government to note:
 - (i) the current position with regard to preparations for the all-party negotiations due to commence on 10 June next;
 - (ii) matters for decision regarding the composition of the Ministerial delegation;
 - (iii) issues requiring inter-Departmental consideration and coordination.

Background

2. Both the Irish and British Governments are committed to convening all-party negotiations in Belfast on Monday 10 June 1996, as announced in the Joint Communiqué issued by the Taoiseach and the British Prime Minister following their meeting on 28 February last. As stated in the ground rules paper published by the two Governments on 16 April, the purpose of the negotiations will be to achieve a new beginning for relationships within Northern Ireland, within the island of Ireland and between the peoples of these islands, and to agree new institutions and structures to take account of the totality of relationships. The negotiations will open with a plenary session and will thereafter take place within a three-stranded framework reflecting the three sets of relationships, as in the case of the 1991-92 talks process. In practice, however, certain issues such as decommissioning may have to be dealt with on a cross-strand basis, in some distinct stream.

Prospect for Negotiations / Political Overview

3. There is still a very worrying uncertainty about the prospects on 10th June. The outcome of the elections on 30th May is one imponderable factor. However the main difficulty comes from the continued British and Unionist insistence on paramilitary decommissioning as a precondition before (or within) the substantive negotiating process.
4. The present British "scenario" is to start with an open-ended plenary, whose purpose essentially would be to reach agreement on the relationship between prior decommissioning and political progress, as a prelude to moving into actual negotiations in the various strands. They seem to regard an advance commitment by the paramilitaries to decommission in the course of negotiations as a pre-requisite for moving into substantive negotiations on the other issues.
5. The Irish Government, while agreeing fully on the desirability of decommissioning at the earliest possible moment, has regretfully concluded on the basis of categorical statements from Sinn Féin and the Loyalist parties that neither is likely to promise decommissioning during the negotiations - and certainly not at the outset, before any real political engagement has taken place.
6. Our alternative "scenario" is for delegations (who would already have subscribed to the six Mitchell principles) to engage in an opening round of discussion on the issue, which, hopefully, would foster a general sense of constructive engagement and good intent. The issue could then be referred to a separate stream in some agreed form (it obviously does not fit into any of the three strands), and negotiations would begin on it in parallel with the three strands. Progress on the issue would be reported to the political negotiating process, and its outcome would be available for consideration before negotiators were asked to agree a final package.

7. Since there is a severe danger that the opening plenary would become deadlocked and break down on decommissioning, we have urged an "exit strategy" to ease the transition from the plenary to substantive political negotiations (for example in the form of prior agreement that the decision would be at the discretion of the independent Chairman).

Chairmanship

8. There is interest on both sides in having Senator Mitchell involved. The British see him as chairman of the opening plenary and the decommissioning strand, with someone else (possibly General de Chastelain) chairing Strand Two. Given that they view the opening plenary as aimed primarily at securing advance commitments on decommissioning, and that the role of the plenary thereafter would be uncertain, we would be concerned they might wish to use Senator Mitchell only a lever for decommissioning, while eliminating or minimising his role on the key political issues, including North/South relations.
9. The Irish Government has suggested that Senator Mitchell should be the overall international chairman, with his two former colleagues on the Body as deputies. They could be used extensively, including in relation to Strand Two, but in a way which ensured Senator Mitchell's role related clearly and authoritatively to the overall independent Chairmanship, and not just to decommissioning.

New ceasefire ?

10. In the on-going contacts with Sinn Féin at official level we have made very clear that a restoration of the ceasefire is a sine qua non for participation in negotiations and have urged them to take the necessary steps. The Taoiseach's Finglas speech and other statements have improved the climate in this respect, and we are seeking to build on this. However, Sinn Féin, in turn, seem to be adopting a wait-and-see attitude. It is still very uncertain whether they will move to a ceasefire after the

elections (as we hope) or will opt for the more confrontational strategy of demanding access without a ceasefire, on the basis that their mandate in the elections is being ignored.

Next Steps

11. The Tánaiste meets the Secretary of State this afternoon (Tuesday 29th) for further discussion. We will seek to make progress on the issues involved, but it may be that the British side will avoid any movement until the Northern elections are out of the way. (There is also an obvious worry that the current British political situation may leave things undecided even beyond that point.) In the meantime, we are also maintaining contact with the US authorities, to emphasise the importance of some agreed scenario to ensure that the negotiations are meaningful and that decommissioning is taken forward without blocking negotiations, and to urge their support for this view.

Practical Arrangements

12. Strand One negotiations will take place in Castle Buildings, Belfast; Strand Two negotiations will take place initially in Belfast, with sessions in Dublin and, possibly, London envisaged in due course; and Strand Three in venues to be determined by the Governments (probably Dublin, London or Belfast). A suite of rooms in Castle Buildings has been provided for the use of the Irish delegation. Accommodation in Stormont House will be made available for Ministers in the delegation. It appears likely that the negotiations would require Ministers' attendance for up to three days a week when in session. The three strands will run concurrently on this occasion, unlike in 1991-92, although in some periods meetings of Strand One only may occur, in which case the Irish delegation would not be involved. The proposed "Forum" will not directly involve the Government.

Composition of the Irish Delegation

13. The ground rules paper provides that delegations will be limited for any one meeting to teams of three, plus three in support (five in the case of the two Governments).
Following the precedent of the 1992 talks, it is assumed that the Government team of three will be composed of Ministers, with up to five officials in support.
14. The Tánaiste and Minister for Foreign Affairs wishes his colleagues to note that a decision will be required on the composition of the Ministerial team, and on the question of alternate Ministerial representatives.

Issues Requiring Inter-Departmental Work

15. The Tánaiste and Minister for Foreign Affairs wishes to draw his colleagues' attention to the fact that a number of important issues due to arise in the negotiations will require detailed preparatory work by a range of Departments. The most immediate of these are the following:
 - (i) the proposal, contained in the Framework Document, for the establishment of a North-South body to discharge or oversee consultative, harmonising or executive functions. While considerable work on this issue has been done in the context of the 1992 Talks, the Framework Document and the Forum, this needs to be reviewed and updated. Further inter-Departmental work is required on the question of the economic and other competences which it would be proposed to devolve to such a body;
 - (ii) proposals for the protection of human rights in both jurisdictions, as set out in paragraphs 50-53 of the Framework Document, including the domestic legal implications of proposals for a Bill of Rights for Northern Ireland;
 - (iii) North/South security cooperation;

(iv) constitutional issues, including Articles 2 and 3 of Bunreacht na hÉireann.

16. With regard to (i) above, the Taoiseach has agreed that his Department will convene and coordinate a series of inter-Departmental meetings at senior official level to address this issue. With regard to (ii) and (iii), the Tánaiste and Minister for Foreign Affairs intends to contact Ministers directly concerned to arrange for further consideration of the relevant issues, which obviously have “read-across” implications for our own laws and provisions. Discussion of (iv) might in the first instance involve the Cabinet sub-Committee on Northern Ireland.

Briefing of Opposition parties on progress in negotiations

17. The Government may wish to consider what arrangements, if any, it wishes to put in place for briefing the Opposition parties on progress in the all-party negotiations. A parliamentary question enquiring as to the nature of any such arrangements is due for answer by the Tánaiste this Thursday.