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Meeting of Liaison Group, London, 10 May 1996

Summary

Under the "news from the road rubric", the British side offered a rather sketchy account of David Trimble's meeting with the Prime Minister earlier in the week, while we briefed on contacts with Sinn Féin. While warning that no guarantees could be offered, and insisting on the need for clarity on how decommissioning was to be handled, we indicated cautious optimism on trends in republican thinking on a renewed ceasefire.

The British side indicated that in general they had no difficulties with the bulk of the draft agenda for negotiations proposed by us. They then proceeded to discuss in considerable detail arrangements for the opening session, focussing on the decommissioning question. They suggested various means by which commitments to the Mitchell principles might be tied down, including through a chairperson's statement at the end of the opening session. They continued to insist, however, on the political need for a separate debate on decommissioning as part of the opening session, perhaps after the adoption of an agenda and agreement on procedural matters. While recognising that the prior adoption of an agenda represented some movement on their part, we continued to warn in strong terms of the dangers of an approach which seemed to elevate decommissioning above other topics and which could encourage the unionist parties to adopt high profile and inflexible positions. We emphasised very strongly the need for an "exit strategy" (for example, some agreed contingency plan by the Governments), to ensure that the debate did not become logjammed on the issue.

Detail

1. The meeting took place at the Northern Ireland Office, and lasted for approximately two hours. The British side comprised Quentin Thomas, Colin Budd, Stephen Leach, David Watkins, Peter Bell, David Hill, Jonathan Stephens, Donald Lamont and Clare Checksfield. On the Irish side were Seán O hUiginn, Ted Barrington, Wally Kirwan, David Donoghue, Fergus Finlay, David Cooney, Paul Hickey and Rory Montgomery.

2. At the beginning of substantive discussion, Thomas registered disquiet at the preview of the meeting contained in that morning's *Irish Independent*; he did not want meetings of the Liaison Group to be public events, and thought it important that exchanges be confidential. He commented that David Trimble was worried about the activities of the Group, and that newspaper coverage of this kind could cause difficulties.

News from the Road

3. O hUiginn asked for an account of the meeting held the previous Tuesday between the Prime Minister and David Trimble. He thought that there had been mixed signals from Trimble and John Taylor: while making aggressive and indeed insulting remarks, they had avoided taking an irretrievable or wrecking line on some difficult issues.
4. Thomas replied that the meeting had not been lengthy. It had begun with an exchange of views on the situation of the loyalists. Trimble had agreed that matters were "fraught" within the UVF, while the UDA were "relaxed in their racketeering." He had gone on to ask about the progress of decommissioning legislation: in the course of his reply, the Secretary of State had said that he understood the Irish Government to be making good headway.
5. Trimble had then stressed the importance of nailing down commitments to the Mitchell principles at the very start of negotiations: this would legitimise further contact with Sinn Féin and the loyalists. There had been an exchange on the possibility of "capturing these commitments in a joint statement." Trimble expected - "as we do", said Thomas - a "purposive engagement" on decommissioning. He wished to secure a timetable for parallel decommissioning, including a beginning to the process which, while perhaps not fixed for the opening plenary itself, would not be too far down the track - "weeks, not months." Trimble had been alarmed by the Tánaiste's public canvassing of a possible "fourth stream"; he saw this as a device to bury the issue. But he did not rule out the idea of some form of separate machinery to advance matters. He made clear that he suspected the British Government of wishing to backslide.
6. There had been some preliminary discussion of chairmen, including the possibility of

multiple candidates. The names of Mitchell, Stephen, de Chastelain and Fraser had all been mentioned.

7. O hUiginn commented that, at a minimum, benign options had not, apparently, been foreclosed. Reverting to the Tánaiste's Adare speech, he stressed that there were two constituencies to be considered. Parties could not be asked to go the negotiating table on false premises. If they did so, there could be fateful effects on the future prospects for trust, including trust in the Irish Government. Our current efforts had two goals: the launch of negotiations, and the unequivocal restoration of the ceasefire. The speech had not been a "thoughtless or gratuitous act" but a public signal that the Irish Government was aware of the dimensions of the decommissioning problem and was considering how to overcome it. That was crucial for the debate on a restoration of the ceasefire. The benefits were considered to outweigh any irritation there might have been.
8. Thomas thought that the speech might have endangered a good idea. He said that the British Government had received an Irish paper, on which it thought it was working in confidence. Indeed the Irish paper had envisaged that the two Governments would jointly present the proposal in plenary - after some pre-cooking, admittedly.
9. O hUiginn said that the Irish Government would be most unwise to enter the negotiations on an undefined basis. Clarity was required, even if this involved a difficult debate with the Unionists. That had been made clear from the outset. Thomas interjected that the manner in which that debate was launched was a different question. O hUiginn repeated that only with a viable scenario all round was there a prospect of a ceasefire, and hence of inclusive talks and of decommissioning.
10. O hUiginn moved on to recent contacts with Sinn Féin. He stressed that their very keen operational interest in the detail of the negotiations had encouraged him to hope that a renewed ceasefire was a possibility: he was more confident than two weeks previously that the leadership were disposed to reinstate the ceasefire. What Sinn Féin appeared to need were assurances that the negotiations would be serious and that it was safe for them to enter, i.e. that it would not be a political snare. He mentioned briefly that they were

seeking to re-establish a form of understanding with the Irish Government: this was very delicate.

11. A couple of points had emerged the previous evening. Sinn Féin had signalled that they understood the fear of the British Government, as conveyed by Irish officials, that their opening engagement on decommissioning might be derisory. From their reaction, a generally constructive statement might be expected, though it was not clear if Sinn Féin would go beyond their submission to the International Body. Secondly, as Thomas had rightly speculated at the previous meeting of the Liaison Group, Sinn Féin would be deeply allergic to any stream exclusively involving the two Governments, themselves and the loyalists. They would like the other parties to be included in some way (though Ó hUiginn thought personally that for practical purposes a form of "variable geometry" might apply). It had also been mentioned that the British Government might be publishing a helpful newspaper article the following week, but Sinn Féin had expressed the fear that this might be of little use, in that it might have to address several constituencies. A bad article would be worse than none.
12. The Government side had emphasised once again the need for an unequivocal restoration of the ceasefire, and had strongly pressed for the earliest possible action.
13. Thomas hoped that Sinn Féin had drawn reassurance from the Taoiseach's carefully crafted Finglas speech. Perhaps the Prime Minister could also offer some assurance. It was good that Sinn Féin appreciated the need for seriousness on decommissioning. Much could be gained from a positive tone and the appropriate body language - the reverse of how Martin McGuinness had behaved during exploratory dialogue.
14. Thomas asked if Sinn Féin would wish to meet British officials, while noting that he was unaware of the views of Ministers. O hUiginn thought that such a meeting would be welcomed. Bell thought that the Irish side now seemed markedly more optimistic about the prospects for a ceasefire than even a week previously. O hUiginn, confirming this, cautioned that no promises were being made and that Sinn Féin were capable of operating in an intensely tactical fashion. We were by no means out of the woods.

15. Leach asked how Sinn Féin would approach the Mitchell principles. O hUiginn thought that the initial instinct would be to rewrite them - an approach the Irish Government would strongly discourage. There was a danger of casuistry on all sides, as in the Unionist interpretation of "honouring before, during and after negotiations" commitments to the principles, which seemed to imply they had to be implemented before they could be considered "honoured". There should be a sensible and straightforward approach with neither side questioning the good faith of the other. Thomas agreed that a "good, clean affirmation" was the answer. Interrogation should be avoided.
16. Stephens asserted that it was not casuistry to expect commitments to the principles to be honoured during and after negotiations. The fear was that Sinn Féin would come to the table and make commitments which they then showed no intention of honouring. There was political pressure on Trimble: he too required clarity on decommissioning. Trimble felt that Mitchell had identified parallel decommissioning as the way forward, but that Sinn Féin and the Irish Government now seemed to be ruling it out. If there were clearly no chance of parallel decommissioning, this would create serious difficulties.
17. O hUiginn said that the chances of parallel decommissioning actually happening were negligible. But the aim should be neither to rule it in or out. The hope was that if Unionists engaged in the process decommissioning would fall into its true perspective. All accepted it had to become an aspect of the final settlement. The two Governments' presentation should keep open the possibility of parallel decommissioning, without creating false expectations or making the larger political negotiations hostage to it. Thomas said that O hUiginn's judgement might be correct, but there was a need to manage presentation in a consistent way.
18. Thomas inferred from O hUiginn's presentation that Sinn Féin required nothing specific from the British Government. O hUiginn replied that, on the contrary, the question always asked regarding the British Government was whether it was "for real". All specific questions were subsets of that larger one. Addressing particular points mentioned by Thomas, he said that chairmanship was very important: Mitchell brought in the US dimension, and his appointment would be perceived as an earnest of British

good intentions. With regard to the possibility of a timetable for the negotiations, he saw dangers in an open-ended process, but also recognised the difficulties of a guillotine. A possible option as a halfway house was the use of a review mechanism at a certain stage, perhaps involving the Prime Minister and the Taoiseach.

19. Off the cuff, Thomas thought that perhaps the plenary session could be reconvened at a fixed point for review purposes. Donoghue recalled that the concept of a review by the heads of government had been floated in the 1992 Strand 3 talks. O hUiginn said that while a fixed timeframe did not seem to be an absolute Sinn Féin *sine qua non*, there would be a need for some built-in protection, such as a review. To Stephens, Kirwan said that for Sinn Féin the timeframe seemed to be a sub-issue; they had not expressed very strong views on a precise schedule.

20. Hill asked how the Tánaiste's proposed procedural device would help Sinn Féin. O hUiginn replied that even by airing the issue the Tánaiste had reconfirmed the seriousness with which the Irish Government regarded the risk that decommissioning could stymie the negotiations, and the sense that that problem had been taken on board was helpful to the internal republican debate. Thomas thought that, if all parties were after all to be involved in some way in the consideration of decommissioning - as Sinn Féin disliked the thought of a "sin-bin" - a longer engagement on the issue in the plenary could be envisaged. O hUiginn said that in any format much bilateral and multilateral work could be expected.

Agenda

21. O hUiginn said that, following attempts to draft a new agenda for the negotiations, we had ultimately concluded that the 1991/2 agendas had much value as established precedents, which should commend them to the unionists. They were serviceable.

22. Thomas felt that there would not be huge differences between the two sides on the agendas for Strands 2 and 3. He noted ironically that the Irish side had not put forward proposals as such for Strand 1. Turning to the opening plenary session, he said that there was a need to think it through. He assumed that the two heads of government would be

present, if only briefly. There could be a "functional" chairman, to whom the agreement of the parties need not be sought. There might be a need for the business committee to do some work on the agenda and on procedural issues before these were ripe for adoption by the plenary. He also assumed that views on certain issues, including decommissioning, would be "exposed" during the opening session.

23. O hUiginn agreed. He saw the opening statements, which might be, say, an hour in length, as including a commitment to the Mitchell principles and some approach to the Mitchell proposals, as well as a statement of an opening position on political questions. The opening plenary would not be simply a quick "in and out", but should be fairly briskly managed by the main participants. In the first week starting 10 June it should be possible to reach formal agreement on the chairmanship of Strand 2, the agenda and the rules of procedure, including how to channel the decommissioning issue. Thereafter the "routine" negotiating sessions could begin. While quite an amount of time was needed for the opening ritual, we should not get bogged down in procedural detail.
24. Thomas thought it should be possible for the two heads of government to make opening statements and then leave. He wondered if a separate decommissioning item were necessary. Leach wondered how, procedurally, the certification of commitments to decommissioning might be effected. If these commitments were not clear, brisk and unambiguous, disputes could break out. O hUiginn thought it inevitable that Sinn Féin would wish to place their commitment to the principles in the wider context of their views on other issues, such as demilitarisation. He warned that it would be easy to devise ways in which Sinn Féin could be made to fail tests. He preferred to be more optimistic.
25. Thomas said that while the Secretary of State had to decide whether to invite parties to negotiations, once they were in he had no equivalent power to exclude them. The rules were not clear on what would happen if a party either failed to subscribe to the Mitchell principles or if it later demonstrably dishonoured them. Was it exclusively for the two Governments? Would the rule of sufficient consensus need to be invoked? We needed a clear understanding. O hUiginn pointed out that the role of the chairperson would be crucial: that being so, this led back to Mitchell, whose interpretation of his own principles

would be authoritative and credible. He again cautioned against an unduly mechanistic view. Leach said that bureaucrats had to examine worst case scenarios, if only to prevent them.

26. Addressing once again how best to ensure agreement that commitments to the Mitchell principles were complete, Thomas agreed that excessive probing of parties should be avoided. He saw options as being (a) a report by the chairperson to the two Governments, (b) a crisp joint statement by all the participants, and (c) an agreed statement nominally issued on the chairperson's own authority, as at the end of the 1992 talks.
27. O hUiginn thought the idea of a chairperson's finding could be attractive. The best initial way to handle substantive aspects of decommissioning might be through opening statements. Thomas thought that it might be best if in opening statements parties kept their powder dry for later debate. He wondered if the issue could be stage-managed in a benign way. Opening statements could be followed by agreement on the agenda for the negotiations, and on procedures/formats. There then could be an initial debate on decommissioning, in which strong positions could be set out. These should however show the "good intent" necessary to create confidence that a purposive engagement was envisaged. The issue could then be hived off into a dedicated format.
28. Donoghue thought that an artificial distinction between a first discussion of decommissioning, and opening statements in which some of the participants might well wish to say detailed things about it, was impractical. Thomas said that his concern was to ensure that the loyalists and Sinn Féin did not "use up all their material" at the very start. Donoghue asked if what was being sought was a piece of theatre. Stephens said that it was not envisaged that opening statements would be challenged or debated. Simply setting out a position would not represent a true engagement. Donoghue commented that the discussion had returned to the true meaning of "address." Hill suggested that the British scheme would have the parties making good opening statements, after which they would later have a chance to address Mitchell.

29. O hUiginn found the ordering of the opening session suggested by the British helpful. However, how did they envisage that the agenda would be settled without a wrangle on decommissioning? Thomas thought that the point could convincingly be made that decommissioning did not neatly fit any of the three strands. He thought it important that setting the agenda - which was, after all, another confidence-building measure identified in the February communiqué - should precede discussion of decommissioning.
30. Cooney feared that once again what was suggested was a situation whereby discussions would begin on decommissioning - with the potential for Paisley and Trimble to block progress- even before political negotiations got properly under way. Thomas replied that nothing could be guaranteed. It was a matter of judging what was most likely to work. In the British view, there was no way that the decommissioning item could be "got out of the room" without some form of address to it. O hUiginn thought this could be a quicksand in which all could sink. It was absolutely essential that there be an exit strategy. All scenarios would be judged by that vital criterion, and an open-ended approach to this issue would be too risky.
31. Hickey asked whether the dedicated decommissioning format would be that suggested in the Irish paper. Thomas said that given Sinn Fein's wishes it now looked as if the Unionists would play a part in any format and would inevitably have their say. Hickey pointed out that a fourth stream would not have to operate in round table mode.
32. The meeting concluded at this point. It was promised that the Irish response to the British paper on rules of procedure would soon be made available. The British side, for their part, promised to come back with views on the Irish redraft on the agenda and on the decommissioning paper.

Rory Montgomery

13 May 1996