

Trilateral Meeting with Sinn Féin, 17 January 1995

Speaking Note

Working Lunch with Secretary of State

- We entirely agree that we should use the trilateral meeting to re-state to Sinn Féin our strong condemnation of the **recent killings** and of the continuing **punishment beatings**, and our negative assessment of their impact on the overall climate of confidence.
- We have ourselves done so, both in public and in private, at every available opportunity.
- It is also important, however, that we handle the issue in a way which allows us - after having made our point as forcefully as we can - to move on to the political issues upon which we need to focus.
- We might urge Sinn Féin to respond to next week's report of the **International Body** in a forthcoming and positive way which will not give others an excuse to avoid engaging in the political track.
- With regard to further meetings in the **preparatory talks**, we should seek to maintain nationalist confidence in the dynamic of the process. Multilaterals in some form represent the logical next step.
- Sensitivity to the positions of the Unionist parties cannot be allowed to stifle the development of this preparatory phase.
- As a minimum, we should assure Sinn Féin that the various possibilities for further expansion beyond the trilateral are being constructively examined.
- With regard to the **basis and structure of all-party talks**, our previous meeting with Sinn Féin revealed that they can broadly live with the 1991/2 arrangements, though they

would like to see the two Governments co-chairing Strand 2 talks. We could seek to clarify their position on these issues and on the principles governing the talks generally.

- [Presumably the Secretary of State will indicate his desire to investigate Sinn Féin's thinking on **elections**. The Tánaiste might say that he would have no objection to the Secretary of State pursuing this line of enquiry, while acknowledging the strength of nationalist objections.]

At Trilateral Meeting

(The agenda for the trilateral meeting will be discussed at the working lunch with the Secretary of State. The following points relate to a number of issues which are likely to arise.)

Punishment Killings and Beatings

- The recent spate of punishment killings appears to have ended. We welcome this development and hope that there will be no return to these actions which are an appalling and unacceptable abuse of human rights.
- Our views on the killings - and on the repugnant practice of so-called punishment beatings, which still continue - have been made clear publicly in the most emphatic terms.
- We are concerned at the damage inflicted by these activities on the prospects for developing the climate of trust necessary for the launch of all-party negotiations.
- We would ask again that Sinn Féin - and also the loyalist parties - use whatever influence you have to end these punishment attacks once and for all.
- We would encourage you to make clear to the International Body that you stand ready to do so.

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International Body

- All parties should be prepared to accept the report of the International Body as a basis on which to move forward to all-party negotiations. We expect that it will offer the best chance achievable of launching the negotiations by the end of February.
- Sinn Féin, and others, have invested much time and effort in their dialogue with the Body
- I hope that your response to the Report's publication will be forthcoming and positive and will not give others the excuse to avoid engagement in the political track.

Future Development of Preparatory Talks

[Depending on the outcome of his lunchtime discussion with the Secretary of State, the Tánaiste might say

- We agree that it is important to develop the momentum of the preparatory talks. Your ideas on how to do this are under very careful consideration and I hope that it will be possible to move very soon into a range of more ambitious formats.

Basis and Structure of All-Party Negotiations

- We noted at our previous discussions that Sinn Féin could endorse a three-stranded process with a completely open agenda, much along the lines agreed in 1991/2. This is helpful.
- At our last meeting, we had some discussion of the question of how democratic ratification of the outcome of negotiations should be measured. You have since expressed the view that the means of measuring agreement should itself be the subject of negotiation.
- The two Governments remain committed to the approach set out in the Framework Document and to the principle of consent as enshrined in the Joint Declaration.

Elected Body

[It is recommended that the Tánaiste not take the lead on this issue. If the occasion arises, he might say

- While the Irish Government believe that the question is legitimately one for discussion, we would not wish to pursue options which could deepen the existing polarisation which is already an obstacle to progress in all-party negotiations.

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Trilateral Meeting with Sinn Féin, 17 January 1996

Twin-Track Process: Preparatory Talks

Overall Steering Note

1. This will be the third meeting involving the two Governments jointly and a Northern party, following those with the Alliance Party (20 December) and the SDLP (15 January). The Government met Sinn Féin on 18 December (report in brief), while the British met them on 19 December. Following these meetings, Sinn Féin wrote to each of the Governments following up points made in discussion (texts included in brief).
2. The Secretary of State has offered a working lunch to Irish Ministers in advance of the meeting, with a view to identifying issues for the discussion with Sinn Féin and preparing a common approach to it. The principal issues likely to arise, both at the working lunch and at the meeting with Sinn Féin, are:
 - punishment killings and beatings
 - the forthcoming report of the International Body
 - the future development of the preparatory talks
 - the basis and organisation of subsequent all-party negotiations
 - the question of an elected body.

It will also be necessary to agree the lines of a press statement for release after the meeting with Sinn Féin.

Punishment Killings and Beatings

3. Seven "punishment killings" of alleged drug pushers/dealers have occurred since the ceasefires, of which five took place during the period from 8 December to 1 January. Our best assessment has been that the killings point to some erosion of political control in the Republican movement, probably arising from the lack of political movement. The absence of further killings since 1 January may suggest that control has been re-asserted and that the killings have ended, at least for the time being. However, there have

been thirteen attacks or beatings so far this year, and a total of 170 republican and 77 loyalist attacks since the ceasefire.

4. **The British have indicated that their agreement to holding a trilateral meeting with Sinn Féin is on condition that the meeting would begin with the two Governments making emphatically clear their views on the recent killings and punishment beatings. We have pointed out that we have forcefully presented our views to Sinn Féin both publicly and privately on all available opportunities. We see no problem in doing so again at the trilateral meeting, as long as the subject does not so dominate the meeting as to hinder consideration of political issues. The linkage which we see between such actions and the lack of political progress could also be re-emphasised.**

International Body

5. Sinn Féin has now met the Body on three occasions, most recently on Monday 15 January. There are indications that the recent meeting was quite difficult, with subsequent Sinn Féin comments indicative of a reserved attitude. This might reflect stiff questioning by the Body on Sinn Féin's commitment to the principle of consent and on the possibility of decommissioning in parallel with all-party negotiations.
6. **The Tánaiste may wish (as appropriate in the presence of the British side) to argue to Sinn Féin (and, of course, by implication to the British also) that the International Body's Report will come at a critical time and probably offers the best achievable basis to move forward to all-party negotiations, and that its report and recommendations should be considered in most constructive possible way by all concerned.**

Future Development of Preparatory Talks

7. Sinn Féin have urged a rapid move to more ambitious multilateral formats. Before Christmas they suggested that a conference be held in the first week of this month involving all parties willing to attend. Given the continuing refusal of the Unionist parties to meet Sinn Féin and, indeed, the Government, the British may well argue, both

in the meeting and in preparation for it, that such an initiative would be premature and divisive.

8. **However, in preparatory discussion with the British side, we might reply that it is important to maintain nationalist confidence in the dynamic of the twin-track process; that multilaterals in some form are the logical next step; and that, irrespective of the desirability of having all parties present at the start of substantive negotiations, the Unionist parties cannot be allowed to stifle the development of this preparatory phase. We should as a minimum seek to be in a position to assure Sinn Féin that the various possibilities are being constructively examined.**

Basis and Organisation of All-Party Negotiations

9. At its meeting with the Government before Christmas, and in follow-up correspondence, Sinn Féin indicated a general willingness to accept a repeat of the 1991/2 arrangements, including the three-stranded approach. They did not, however, favour the appointment of an independent chairman for Strand 2 discussions, proposing instead that they should be co-chaired by the two Governments (though some of their opposition appeared to be to Sir Ninian Stephen personally - they regarded him as over-influenced by the British).
10. One matter which causes more acute problems for Sinn Féin is the commitment of the two Governments in the Joint Framework Document to the democratic ratification of the outcome of all-party negotiations by separate referendums North and South. They argued at the meeting with the Government that the means of ratifying agreement should itself form part of agreement in negotiations. However, an agreement ratified in both jurisdictions (and therefore by a majority on the island as a whole) would be extremely difficult for Sinn Féin to challenge.
11. **If the matter arises, the two Governments might state that they remain committed to the approach set out in the Framework Document and, unshakeably, to the principle of consent.**

An Elected Body

12. Following the forceful reiteration by the SDLP at its meeting with the two Governments of its opposition to any form of elected body, it is probable that the British will seek to probe Sinn Féin's attitude to see if there is any hint of flexibility. While they will have been encouraged by Mitchel McLaughlin's initial comments last weekend (in which he indicated that a 45-seat body elected on the basis of the Northern Ireland constituencies would be more likely to win Sinn Féin acceptance than a 90-seat body), these were subsequently overtaken by Martin McGuinness's restatement of the party's established line of opposition to any form of elected body prior to negotiations.
13. The Secretary of State may also seek to emphasise, as he did to the SDLP, that elections need not necessarily lead to an assembly, but could serve instead as a gateway to negotiations between the parties.
14. **It is for the British to make the running on the question of an elected body, if they so wish. Nevertheless, in preparing for the meeting, we might make clear to them that the tendency of debate reinforces our consistent position that the issue is apt to have a polarising rather than a unifying effect, since it follows the fault-line between the two communities, and has underlined the depth of nationalist opposition. [We might also point out to the British that David Trimble's negative and disappointing reply to the Tánaiste clearly does not envisage a body as providing a direct route into negotiations, thus making the concept still less attractive.]**

Twin-Track Process: Preparatory Talks
Trilateral Meeting with Sinn Féin, Belfast, 17 January 1996

Background Note

Previous Discussions: Preparatory Talks:

1. At the Government bilateral with Sinn Féin on 18 December the party tentatively engaged in discussion on the structure, format and basis for substantive negotiations. While indicating a preference for talks based on two strands (i.e. North/South and East/West) they expressed a willingness to accept the three stranded approach without Irish Government involvement in Strand 1 provided it was clear that an internal settlement was unacceptable. Arguing the need for discussions to be based upon an open agenda and within the confines of a time frame, the party expressed strong opposition to any hint of a pre-determined outcome. The principle of consent remains deeply problematic for Sinn Féin and no indication has yet been given of a willingness to accept it. In a letter to the Tánaiste on 21 December, Mr Adams said that *"on the question of ratification of the outcome of negotiations our position is that the means of measuring agreement would also be part of the negotiations"*.

2. In an attempt to increase the prospect of an early commencement of all party talks Sinn Féin have been advocating a multilateral format for preparatory talks. In his letter to the Secretary of State on 19 December, Mr Adams called for such multilateral discussions to involve the leaders of all the parties.

Position on Possible Elected Body

3. Until recent days Sinn Féin had largely sought to avoid any significant public acknowledgement of Unionist Assembly proposals by arguing that all such matters are for discussion at all-party talks. Initially, after advancing his proposal at a speech on 22 September, Mr Trimble took some encouragement from the fact that Sinn Féin, despite being unenthusiastic, did not dismiss the idea completely out of hand. While claiming that the UUP proposal was a *"diversionary distraction"*, Mr Adams, speaking on BBC television on 1 October, said that if elections were held to any new assembly, Sinn Féin would participate in them. However in his statement of 9 October Mr Adams argued that *"seeking to promote and create a new unionist dominated Assembly, repackaging an old unionist proposition, will not build bridges of trust with nationalists"*.

4. Speaking to the "Irish Times" on 12 January, Mr Mitchel McLaughlin seemed to indicate a significant shift in Sinn Féin policy towards Mr Trimble's proposal. He said that if reports of a British Government proposal to establish a 45-member elected body were accurate, then his party would "*give very serious consideration to the proposition*". Speaking on the same day to the "Belfast Telegraph", Mr McLaughlin said that while "*negotiating delegations selected by the parties would be a better idea...a proposal for a 45-member forum that would not just be another talking shop would go some way to meeting Sinn Féin's requirement for all-party talks and would be more workable than any 90-member body*".

5. However, the response of senior party members to Mr McLaughlin's comments suggested that he may have been engaging in something of a solo run. Giving an emphatic dismissal of the proposal on RTE radio on 14 January, Mr Martin McGuinness said that "*many of us who have been deeply involved in this process view the prospect of an elected assembly with almost dismay*" and maintained that "*an elected Assembly in the North of whatever size, ninety or forty-five, is a non runner*". Explaining this intense objection, he argued that a new elected body would:

- "*be an invitation for parties who have refused to come out of their bunkers to remain there;*
- *stiffen the resolve of those who believe that an internal settlement is possible;*
- *detach Dublin and minimise its role in negotiations for a real and true democratic settlement;*
- *further delay and prevent meaningful all party negotiations.*"

6. Responding to questions regarding Sinn Féin's participation in elections, Mr McGuinness argued that while his party "*has a policy of fighting elections*" it would be a decision that would have to be considered by the Ard Chomhairle.

Other Developments

7. The dramatic increase in the number of punishment killings over the Christmas period put Sinn Féin firmly on the defensive and raised questions about the credibility of the ceasefires.

An indication of the precariousness of the situation was given by Mr Martin McGuinness in an RTE radio interview on 10 January. When asked if he could still stand over his 1994 statement that the ceasefires would hold in all circumstances, he said that the lack of political progress "*seriously undermines the statement that I made at that time*". He also admitted that he was no longer in a position to make such a statement. However, during his RTE interview on 14 January he defended his own commitment to a peaceful strategy stating that he was "*totally and absolutely and exclusively committed to peaceful ways of moving forward*".

Sinn Féin and the Forum

8. A drafting committee of the Forum has been working intensively over the past several months to seek agreement on a statement of the realities which need to be taken account of, and the principles which should underlie, a political settlement in Ireland. The most difficult area is, predictably, that relating to the issues of self-determination and consent. The approach adopted has been to seek to secure acknowledgement that the treatment of these issues in the Joint Declaration enjoys widespread, but not universal, consent, and to agree that the outcome of all-party negotiations, if ratified by the people of Ireland, North and South, will represent a valid exercise of the right to self-determination.
9. Sinn Féin have retained a general reserve over the bulk of the proposed Forum document. Technically, the number of disputed points is now quite small, and could relatively quickly be resolved if the will to do so existed. Sinn Féin, however, with an eye on the wider political scene, have understandably been afraid to concede too much too quickly. They are nervous lest the Forum's paper will appear to have led them implicitly to accept the likely continued existence of Northern Ireland. Their attitude to reaching agreement in the Forum is likely to be coloured by their sense of how significant the progress made in the twin-track process is.

Anglo-Irish Division

16 January 1995

Trilateral Meeting with Sinn Féin

17 January 1996

Punishment Beatings and Killings

Background Note

Punishment Killings

1. Seven "punishment" killings have been carried out since the ceasefires (table attached as Annex 1). A previously unknown organisation calling itself Direct Action Against Drugs (DAAD) has recently claimed responsibility for the murders. However, it is widely believed that the IRA have been involved in the killings. The British Government and the RUC have stopped short of describing the killings as breaches of the ceasefires. The Tánaiste has called for universal condemnation of the killings and described them as "totally unacceptable". Sinn Féin has refused to condemn the killings, repeatedly stating that it does not condone them. Pat Doherty of Sinn Féin said on 5 January, following a meeting with Government officials, that the party was doing everything it could to end the killings. The British Prime Minister has stated his belief that the killings were "centrally directed". The Chief Constable, Sir Hugh Annesley, has said that the killings were being sanctioned and carried out by the IRA. Media reports on 15 January had suggested that Sinn Féin had brought about an end to the killings in the run-up to the publication of the report of the International Body.
2. After the recent spate of killings, Ulster Unionist Party MP John Taylor has called on the British Government to suspend all contacts with Sinn Féin in protest at the killings. Party leader, David Trimble M.P., has accused Sinn Féin and the IRA of contemplating a return to violence, while security spokesman, Ken Maginnis M.P., has described the killings as an IRA strategy to restart violence. DUP leader, Rev. Ian Paisley, has said that the killings proved that the IRA ceasefire was only a

temporary tactic.

3. The Protestant Action Force, a recognised cover name for the UVF, has issued death threats twice in recent weeks. 10 alleged drug dealers in the Antrim area were warned of repercussions if they did not leave Northern Ireland. In recent days a similar threat has been issued against 15 people in the North Down area. The Progressive Unionist Party has expressed concern at the threats. Threats are also reported to have been made by the UVF against schoolchildren at a North Belfast school alleging to have been involved in drug dealing. A previously unknown organisation calling itself "Loyalists against Thuggery" claimed responsibility for a recent beating in Bangor, Co. Down.

Punishment Beatings and Shootings

4. In the 16 months prior to the IRA ceasefires, there were 219 instances of punishment beatings and shootings, the latter being far more prevalent at the time. In the corresponding period since the ceasefires there have been almost 270 beatings. Since the beginning of December 1995 there have also been 6 non-fatal "punishment" shootings, 5 of which are believed to have been carried out by Loyalist paramilitaries. Of the 270 beatings, around two-thirds may be attributed to Republican activists and one-third to the Loyalist side. A table detailing the number of reported beatings in each month since the ceasefire is appended (attached as Annex 2). The attacks have also increased in volume and seriousness since the ceasefires. Media reports have pointed to two suicides which are reputed to have been the result of IRA threats and beatings.
5. We have used our channels to Sinn Féin since the IRA ceasefire to convey the Government's concerns in this area, and this was one of the concerns which led to the most recent decision by the Government on prison releases. The Government has raised the issue directly at meetings with Sinn Féin representatives, including most recently at the preparatory talks meeting on 18 December 1995 and at a meeting with Government officials on 5 January 1996. Sinn Féin and the Loyalist

parties have stated that they neither support nor condone such attacks. Gerry Adams has called for an end to the attacks, stating that he has always been opposed to them. David Ervine of the Progressive Unionist Party has also called for an end to the beatings. Billy Hutchinson of the P.U.P admitted last June that senior Loyalist Paramilitaries were involved in beatings.

Date	Name	Location
Security Section, Anglo-Irish Division		
16 January 1996	John McKeown	Ballinacorney, West Belfast
22 September	Arnold Kane	Andersonstown, West Belfast
4 December	Paul Devine	Carlisle Road, Belfast
18 December	Frank Collins	New Lodge, West Belfast
13 December	Christopher Johnston	Lower Glenties Road, South Belfast
17 December	Martin McCarty	Turf Lodge, West Belfast
1996		
1 January	Jim Linn	Laragh, Co. Antrim

"Punishment" Killings in Northern Ireland

<u>Date</u>	<u>Victim</u>	<u>Location</u>
1995		
28 April	Mickey Mooney	Belfast City Centre.
5 September	Antonio Kane	Andersonstown, West Belfast.
8 December	Paul Devine	Lisburn Road, Belfast.
18 December	Francis Collins	New Lodge, West Belfast.
19 December	Christopher Johnston	Lower Ormeau Road, South Belfast.
27 December	Martin McCrory	Turf Lodge, West Belfast.
1996		
1 January	Ian Lyons	Lurgan, Co. Armagh.
Total	7	7

Anglo-Irish Document,
15 January 1996

"Punishment" Beatings since the Ceasefires

Annex 2

1994

	<u>Loyalist</u>	<u>Republican</u>	<u>Unclear</u>	<u>Total</u>
September	5	5	1	11
October	3	2		5
November	3	3	1	7
December		4		4

1995

January	7	5		<u>12</u>
February	4	24		<u>28</u>
March	3	12	3	<u>18</u>
April	2	4		<u>6</u>
May	12	16	2	<u>30</u>
June	3	11		<u>14</u>
July	8	10	3	<u>21</u>
August	5	11		<u>16</u>
September	5	12	3	<u>20</u>
October	3	21		<u>24</u>
November	9	10		<u>19</u>
December	3	9	6	<u>18</u>

1996

January (to 16/1)	2	11		<u>13</u>
<u>Total</u>	<u>77</u>	<u>170</u>	<u>19</u>	<u>266</u>

Anglo-Irish Division,
16 January 1996

Trilateral with Sinn Féin, 17 January 1996

International Body

Background Note

1. Sinn Féin have met with the International Body on three occasions at its Dublin offices for a total of about seven hours. At the first meeting last month they presented a written submission entitled "Building a Permanent Peace". This was published last week and media coverage concentrated on the references to possible decommissioning by the paramilitaries themselves with some form of third party involvement. These references were presented as a response to a British paper outlining various decommissioning options last May. The UUP's Ken Maginnis gave an initial positive response to the Sinn Féin document but subsequently backtracked and claimed that the detail showed that they were still refusing to decommission in advance of the outcome of all-party negotiations.
2. Sinn Féin met with the Body last Friday and again on Monday of this week. There are indications that the most recent meeting was also the most difficult. The Members of the Body appear to have pressed the Sinn Féin delegation on their willingness to commit to the type of fundamental principles on democracy and consent outlined in the Government's written submission of 18 December and in the Aide Memoire of 12 January. The Body may also have pressed for a concrete commitment to some form of decommissioning in parallel with all-party negotiations. The Body's probing of the potential of the Assembly option may also have caused difficulty.
3. After the meeting Gerry Adams made perhaps his most negative remarks to date since the Body began its work (he and other Sinn Féin spokespersons have previously praised the Body's energy and commitment, contrasting it with the British Government's approach to the political track.) He commented that he did not think that Mitchell expected any of the parties "to accept a report that has not been published... we will judge the outcome in good faith. We are not putting down preconditions. We are spending an awful lot of time and have exhausted ourselves,

along with a lot of other people, in trying to remove those preconditions". Mr. Adams indicated that there might be further contact between Sinn Féin and the Body by telephone.

4. The Tánaiste may wish (as appropriate in the presence of the British side) to signal clearly to Sinn Féin that the Report of the International Body comes at a critical time and offers probably the only firm basis on which to move forward to all-party negotiations. The aim of achieving a launch of these negotiations by the end of February, already difficult, is very unlikely to be met if Sinn Féin reject the Report or appear not to fully engage in the follow-up to it.