



An Chartlann Náisiúnta National Archives

Reference Code: 2021/107/13

Creator(s): Department of Justice

Accession Conditions: Open

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

All Party Negotiations 7-8 October 1997

Steering Note

1. The three-stranded negotiations were launched on 24 September by a procedural motion completing the work of the Opening Plenary. This week sees the start of negotiations in each of the three strands, according to the following timetable agreed at last week's meeting of the Business Committee:

Tuesday:	10am-1pm	Strand One
	2.30pm -5.30pm	Strand Two
	7pm - 9pm	Strand Three
Wednesday:	Morning	Business Committee
	Afternoon	Sub-Committee on Decommissioning, followed by Sub-Committee on Confidence Building Measures

Strand One

2. The Irish Government is not involved in this Strand of negotiations. The British Government as Chairman of Strand One has invited the parties to a meeting in full Plenary format. Parties are expected to make opening statements and to discuss how to take forward future work.
3. It is possible that Sinn Féin may repeat their objection to the British Government chairing Strand One which they raised at last week's meeting of the Business Committee. Sinn Féin claim that the British Government cannot be relied upon to act as an impartial Chairman. However, there is no possibility of Sinn Féin achieving sufficient consensus among the parties to change this arrangement which was carried over from 1991-1992.

Strand Two

4. Strand Two involves both Governments and all the parties as full participants. The meeting is to be chaired by Senator Mitchell, who lost no time last week in asserting his position as de facto Chairman of Strand Two (even though Holkeri and de Chastelain are nominally co-chairmen). The British Government are expected to be represented by the Secretary of State.
5. Senator Mitchell has invited the participants to be represented in somewhat more reduced numbers than in Plenary, with each participant dropping two members from the size of its Plenary delegation. (He has proposed 3+3 for the Governments, 2+2 for the larger parties and 2+1 for the smaller parties.) This reduction in members reflects the wishes of the parties, although the Governments had earlier expressed a preference to retain delegation size at the Plenary level. A final decision on numbers falls to be taken by the Business Committee under paragraph 28 of the Rules of Procedure.
6. Tuesday's meeting is expected to be largely taken up with a round of opening statements, beginning with the two Governments. Senator Mitchell has proposed a maximum of 15 minutes per delegation. Since the Irish Government will not have had the opportunity to deliver a Statement at the opening of the Strand One negotiations, the Minister might wish to deliver a somewhat wider ranging statement than some of the other delegations.
7. Any time remaining after the opening statements is expected to be taken up by a discussion of how to organise the future work of the Strand. We would be anxious to avoid the experience of 1992 when considerable time was lost in extensive question and answer sessions based on the opening statements of the various delegations.
8. Last week, we discussed with Senator Mitchell and the British Government how we could avoid getting bogged down on the early items on the agenda over issues such as the principle of consent (under the item on Principles and Requirements) and Articles 2 and 3 (under the item on Constitutional Issues). We considered the possibility of running quickly through the items one by one. Senator Mitchell suggested that, following a discussion of each item, he might ask the participants to produce a paper but that he would not attempt to draw up a synthesis document until we had completed the run through the agenda. The initial reaction of the two Governments to

this proposal was positive as it offered the possibility of avoiding an early log-jam and of getting quickly to the real issue at stake - the North-South Body.

9. In subsequent bilateral discussion, Seamus Mallon expressed the fear that asking the parties to submit papers might encourage them to take entrenched positions. There may be something to this argument. However, we tend to the view, as do the British, that it is only when the real divergences between the parties have been clearly established that the Governments will be able to contemplate the launch of a comprehensive compromise position (i.e. along the lines of the Framework Document.)
10. It should be possible for the two Governments to meet Senator Mitchell before the meeting of Strand Two to establish whether his thinking has evolved since last week.
11. If the participants are to be invited to table papers on the various items, consideration will need to be given as to whether the Governments should also table papers and, if so, whether they do so jointly. Given the importance which the Irish Government gives to Strand Two, there could be some expectation from the nationalist parties that we would produce papers which would be somewhat in advance of the Framework Document. In this regard, it might well be that any paper submitted by the British Government would fall short of the Framework Document. It would be essential, in such circumstances, that the Governments coordinate their position to ensure that neither adopts a position which rules out the thrust of the Framework Document as an eventual compromise. To do otherwise, would also allow the UUP to drive a policy wedge between the two Governments, which would be very unfortunate.

Strand Three

12. Tuesday's meeting of Strand Three will take place over dinner and involve the two Governments alone. The British Government will be represented by Paul Murphy (as the Secretary of State has a pressing dinner engagement). It is intended that the Governments will agree a joint paper on Strand Three issues which will be presented to the parties next week. It is hoped that this paper will have been agreed in draft form by officials prior to the meeting.

13. The Minister will wish to make clear our understanding that this paper is not an exhaustive presentation of the issues which might fall to be addressed within Strand Three. Paragraph 44 of the Framework Document, for instance, makes it clear that for as long as issues of law and order within Northern Ireland are not devolved, they will be matters for consideration by the two Governments. We will be interested to see if discussion of such issues is taken up within either Strand One or the Sub-Committee on Confidence Building Measures, while retaining the right to raise them under Strand Three.
14. In addition to adopting the paper, Ministers will wish to discuss how the Governments might best meet their obligation under paragraph 39 -42 of the Rules of Procedure to brief and consult the parties on their Strand Three discussions. The British favour an approach whereby Strand Three issues could effectively be discussed with the parties within Strand Two. We would see merit in this suggestion as long as it was made clear that decisions on Strand Three issues were for the Governments alone.
15. Ministers might also take advantage of the Strand Three meetings to discuss a number of other general issues in relation to the negotiations. These could include arrangements for the formal briefing of the Irish Government by the British Government on Strand One issues, as provided for under paragraph 38 of the Rules of Procedure. We would obviously prefer briefings to be as frequent and as thorough as possible.
16. Ministers might also wish to discuss the future timetabling of the negotiations in preparation for Wednesday morning's meeting of the Business Committee. While views differ among the participants, the preference of the Governments and the Independent Chairman would be for Strand One and Strand Two/Three to meet on separate weeks, rather than having a meeting of each strand every week. The feeling is that this would allow momentum to build up within the Strands. It would also increase the likelihood that Senator Mitchell would be available to chair most sessions of Strand Two.
17. The issue might arise of the possible attendance of the Prime Minister and the Taoiseach at a future session of the negotiations.

Business Committee

18. The Business Committee is to meet on Wednesday morning. The Governments will be represented at official level. The main issues for discussion are likely to be the size of delegations and the time-table for future meetings of the negotiations.

The Liaison Sub-Committee on Decommissioning

19. Senator Mitchell has convened a meeting of the Liaison Sub-Committee for Wednesday afternoon. Briefing for this meeting is being prepared by the Department of Justice. It is not yet clear whether the British Government will be represented at Ministerial level.
20. The meeting is expected to be largely symbolic. At a meeting with Government officials in Dublin last Friday, the Independent Commission indicated that they were unlikely to be in a position to present proposals on possible schemes for decommissioning to the parties before the end of October.

The Liaison Sub-Committee on Confidence-Building Measures

21. This is scheduled as the final meeting on Wednesday. Again, the meeting is expected to be largely symbolic in nature. The question of the level at which the Governments should be represented is still under consideration.
22. The main issue for discussion is likely to be the scope of the remit of the Sub-Committee. The procedural motion of 24 September identified two types of issue as falling within the competence of the sub-Committee: those identified in the Report of the International Body and those which may be referred to it by agreement by the Plenary.
23. At last week's meeting of the Business Committee, Sinn Féin indicated their desire to raise a number of issues not covered in the Mitchell Report, and expressed some dissatisfaction with the requirement that the approval of the Plenary was required before these matters could be discussed by the sub-Committee. They have some grounds for their complaint in that the Plenary is not due to meet for two months. We would have some sympathy with Sinn Féin's desire to discuss a wide range of

confidence-building measures in the sub-Committee.

24. In dealing with Sinn Féin on this issue, it should be recalled that, while the approval of Plenary is required for any issue to be discussed in the sub-Committee, under paragraph 17 of the Rules of Procedure each participant has the right to raise any significant issue of concern to them and to receive a fair hearing from those concerned. It would seem, therefore, that there is an obligation on the participants to discuss any confidence-building measure not falling within the strands in either the Plenary or the sub-Committee.

Anglo-Irish Division
Department of Foreign Affairs
6 October 1997

Background Note

General background

In June 1996 the Irish and British Governments put in place a process of negotiations involving nine of the political parties in Northern Ireland, with provision for Sinn Féin to enter the talks once there had been a restoration of the IRA ceasefire. After initial disagreement among the participants over the rules of procedure and the question of who would chair the negotiations, the talks became deadlocked over the sensitive question of decommissioning of illegally held weapons.

In an effort to resolve this issue, in July 1997 the Irish and British Governments tabled joint proposals on how **decommissioning** would be handled. These proposed that decommissioning would be handled in accordance with the Report of the International Body, under which progress on decommissioning and political matters would be mutually reinforcing. These proposals did not secure sufficient consensus, as the unionist parties voted against them. Following the vote on 23 July, the DUP and the UKUP withdrew from the talks.

With the restoration of the IRA ceasefire on 20 July, Sinn Féin were invited to enter the negotiations. When the Plenary resumed on 9 September after the summer break, Sinn Féin took their place at the negotiating table and affirmed their commitment to the Mitchell principles of democracy and non-violence. None of the unionist or loyalist parties were present.

The UUP and the two loyalist parties, the UDP and the PUP, returned to Castle Buildings on 17 September after an absence of two weeks, when the UUP tabled a resolution calling for Sinn Féin to be expelled from the talks in the aftermath of the bomb attack by the Continuity Army Council in Markethill on 16 September. The UUP also cited an interview with the IRA which appeared in 'An Phoblacht' on 11 September, in which the IRA said it had difficulty accepting some aspects of the Mitchell principles.

The Plenary heard the UUP deposition on 23 September, when the UUP and Sinn Féin sat at the table together for the first time. The two Governments delivered their determination the following day, when they rejected the Unionists' allegations that Sinn Féin had demonstrably dishonoured the Mitchell principles. However, they repeated their expectation that the six

Principles would be honoured by all sections of the republican movement.

Launch of Negotiations

Substantive political negotiations in the three strands were launched on 24 September, when the participants adopted a **procedural motion** completing the work of the opening plenary. This was achieved after continuous contact between the Taoiseach and the Prime Minister, at Ministerial level and at official level.

The procedural motion was passed unanimously, except for Sinn Féin voting against a section dealing with consent and decommissioning. However, Sinn Féin supported the procedural motion as a whole, and reaffirmed its commitment to removing the gun from Irish politics, and agreed to work with the Independent Commission on Decommissioning.

The procedural motion made reference to a **joint statement** issued by the Taoiseach and the British Prime Minister on 15 September, which gave assurances on the issue of consent and decommissioning. In the statement, the two Governments confirmed their view that consent will be a 'guiding principle' in the negotiations. It also described decommissioning as an 'indispensable part of the process of negotiations, alongside other confidence-building measures for all sides.'

The negotiations, which will be based on an outline agenda adopted by the participants in the procedural motion, will take place within three separate strands which will proceed in parallel.

Strand One negotiations, involving the British Government and the political parties, will cover the relationships within Northern Ireland, including the relationship between any new institutions there and the Westminster Parliament. Meetings will take place in Belfast and will be chaired by the British Government.

Strand Two negotiations, involving the two Governments and the political parties, will address the relationships within the island of Ireland. Meetings will take place in Belfast, Dublin and London under the joint independent chairmanship of the Senator George Mitchell, Prime Minister Harri Holkeri and General John de Chastelain.

Second and Three negotiations on the wider British-Irish relationship will take place between the two Governments, who will consult with the parties.

The **Plenary** will reconvene every two months, or so, under the independent chairmanship of Senator Mitchell, to review progress across the entire spectrum of the negotiations and to consider whether the necessary confidence and momentum towards agreement is being sustained.

Once an agreement has been reached in the negotiations that can command sufficient consensus of the political representatives of both communities, the outcome of negotiations will be submitted for public approval by referendums, North and South, before being submitted for parliamentary ratification. Prime Minister Blair has indicated a deadline for such an agreement of May 1998.

The **Business Committee** of the talks met on 30 September, under the independent chairmanship of General de Chastelain, to discuss the precise arrangements for the substantive negotiations. It will meet again on 8 October, following the start of the three strands, to review arrangements for future meetings of the negotiations, and to discuss arrangements for the two liaison sub-committees.

Two **liaison sub-committees** of the Plenary have been established to assist, as appropriate, with the implementation of all aspects of the Report of the International Body on decommissioning. One sub-committee will deal with the issue of **decommissioning** and will liaise with the Independent Commission formally established by the Governments on 24 September to facilitate the decommissioning of paramilitary weapons. The agreement to establish the Commission was signed in Belfast on 26 August. The Commission is made up of General de Chastelain of Canada, who will act as chairman, Brigadier Tauno Nieminen of Finland and Mr. Donald Johnson of the USA. The Commission has opened offices in Dublin and Belfast, and issued a statement on 1 October outlining its plans to consult widely with the two Governments, the talks participants, the security forces North and South, and with representatives of the paramilitary organisations.

The other sub-committee of the Plenary will deal with the other **confidence-building measures** identified in the report of the International Body and any others which might be referred by agreement to the Plenary.

liaison sub-committees will meet under the independent chairmanship of Senator Mitchell, and will convene for the first time on 8 October.

Position of the Parties

The **UUP**, which modified its stance on decommissioning to enable negotiations to proceed, has come under considerable attack from the **DUP** and **UKUP**, which organised an anti-talks rally in Belfast on 29 September. Similar meetings have been planned for across Northern Ireland. The **DUP** attempted to have Sinn Féin expelled from the talks, but the Chairman concluded that this challenge was inadmissible in the absence of the complainant.

There is also dissent from within the **UUP** at the leadership's decision to participate in talks with Sinn Féin. A number of MPs have publicly voiced their concern, the most vocal being the West Tyrone MP Willie Thompson, and the East Derry MP William Ross, who published a critical article in 'The Daily Telegraph' on 29 September.

The two **loyalist** parties, the **PUP** and **UDP**, supported the procedural motion. Though supportive of progress to political negotiations, both remain critical of the British Government's response to demands for action on prisoners' issues. They have come under internal pressure since the emergence of a feud between the **UVF** and the dissident **LVF**, which has not called a cease-fire.

Since entering the talks on 9 September, **Sinn Féin** has repeatedly claimed that there is no connection between it and the **IRA**. The party supported the procedural motion, though it voted against the section on consent. Party leaders have recently stated that the issue of consent should be placed in an all-island context, and have reiterated their belief that all constitutional issues are on the table for negotiation.

Anglo-Irish Division

Department of Foreign Affairs

6 October 1997