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Meeting of Liaison Group
London, Friday 16 May 1997

1. The meeting, which was held at the NIO's new Millbank offices, lasted about two hours. Discussion continued over a working lunch. Present on the British side were Quentin Thomas, Jonathan Stephens, Colin Budd, Donald Lamont, David Hill, Nigel Warner (the Secretary of State's political adviser) and David Lavery. On the Irish side were Seán Ó hUiginn, David Donoghue, Philip McDonagh, Paul Hickey, Simon Hare and Rory Montgomery.

Position of Sinn Féin

2. Ó hUiginn informed the British side of the Government's decision, in line with its long-standing policy on contact with Sinn Féin, to arrange a meeting at official level. Indications received through intermediaries suggested that the essentials of Sinn Féin's 10 October paper remained operational and that there existed both the capacity and the disposition to restore the ceasefire on that basis. His personal guess was that such a move might yet take some time, given the nature of republican decision-making and the present political situation, but it was legitimate to test Sinn Féin's intentions.

3. As regards the four basic points in the original Sinn Féin paper, his sense was that confidence-building measures were reasonably unproblematic if the new Government followed up on its stated policies. In respect of a timetable for the negotiations, the existing British legislation provided an "organic" deadline of end-May 1998: this was realistic, and could gradually be played up by the Governments.

4. Decommissioning - which was to be discussed later during the meeting - remained a trickier issue, as did that of the timing of Sinn Féin entry. He accepted that entry on 3 June was unlikely to be realistically attainable, for political reasons, despite the lack of logic in the over-reliance placed on the test of a lapse of time, and the important point that a restoration would effectively close off the option of reversion to a dual strategy on the republican movement's part. Thomas, though not demurring, remarked that the longer the period of "observed discretion" before a formal restoration of the ceasefire the more latitude the British Government would have. Ó hUiginn said to Stephens that it was his expectation that Sinn Féin would not seek to redeploy the 10 October text as such, while remaining attached to its substance.

5. Stephens emphasised the weight the British Government would attach to the quality of a ceasefire: it would have to stand over its decisions and convince others of the credibility of a restoration. Ó hUiginn agreed that blatant contradictions could not be tolerated, but there was a need to be realistic in our expectations. The evidence was that punishment beatings, for instance, could

COPY TO:

MR O'DONNELL

MR HICKEY

MR BROSNAM

MR EAY

MR CALLAGHAN

MR LARKIN

vary greatly in the degree of precise control exerted over their administration by the paramilitaries on either side. Fine decisions would have to be made. There was in principle almost infinite scope to delay a response. The crucial test was the political will of the Government to see the inclusive process take off, or otherwise. Stephens said it was less a case of erecting barriers than of building confidence. He agreed that punishment beatings - not least because of extensive loyalist activity of this sort - were particularly difficult to handle.

Decommissioning

6. O hUiginn introduced discussion of the decommissioning issue by remarking that the central dilemma was that the unionists had two types of interest in the matter. On the substance, they had a reasonable and legitimate desire for total decommissioning, which was fully shared by the two Governments. However, the issue had also been used tactically, as a means of blocking Sinn Féin entry. The problem had been that reasonable efforts by the Governments to meet them on the substance had been annexed and subsumed into a tactical agenda. Until the unionists were persuaded to abandon the tactical agenda there was little value in constructing ingenious schemes to meet their substantive concerns. All such good endeavours had so far simply been used to reinforce the tactical agenda, which was essentially about decommissioning as a code for a deeper refusal of inclusive negotiations.
7. Thomas asked if this meant that the two governments should do nothing until the unionists made their position clear. Surely we had to find a way forward which was consistent with Mitchell and the positions we had already taken, and which could win sufficient consensus. If this could be done, we could then consider how best to deploy a shared position. He personally did not fully share O hUiginn's analysis, but that was less important than reaching a practical agreement.
8. Continuing, Thomas said that if the Irish Government did not feel able to reach such an agreement, the British Government would have to carry on by itself and prepare proposals of its own. Ministers, who were looking forward to partnership, would be disappointed if this were the case. The issue was on the table, and had to be resolved if a talks process were to be in place for Sinn Féin or anyone else. The truth was that the only way to test the unionists was by presenting them with concrete propositions.
9. O hUiginn responded that the two Governments should of course work together. But previous advances on our part - the February communiqué, the joint positions reached last June, the enactment of legislation, - had not met with unionist reciprocation. The reality was that their concerns were above all

tactical - they wished to set Sinn Fein an examination which would be unpassable at any given time. Thomas retorted that much the same could be said of Sinn Féin: many concessions had been made in their direction in the run up to the launch of the negotiations and their response had been to ask for more. He agreed that some unionists were so suspicious as to wish to keep Sinn Féin out indefinitely. But he was not sure that this was the UUP position. Decommissioning was genuinely an important issue, precisely because it tested whether republicans had really abandoned the option of violence, which they manifestly hadn't.

10. O hUiginn stressed that the Irish Government had not asked the British to change policy to meet Sinn Féin intransigence, whereas the unionist hardline on decommissioning was ratcheting us consistently. We were in the market for any new approach consistent with Mitchell, but underlined our fear that the entire negotiating process could be booby-trapped. He said that we had a "strong bias" of hope that some decommissioning might begin during negotiations, but that no party could realistically be expected to commit itself to this in the abstract and independent of the context of progress on political substance. Thomas asserted that the British paper met these tests. It had been made clear to unionists that there could be no prior decommissioning, and no schedule of instalments. What now had to be done was to present an agreed text to the parties and put them under pressure to accept it.

11. O hUiginn, making clear that he had as yet no specific proposals to make, said that the starting point should be that, at an operational level, decommissioning mainly concerned the two Governments and those parties with paramilitary links. He suggested that the Governments might "take back ownership" of the issue by undertaking to take it forward on the basis of Mitchell, and assuring the parties that it would have to be resolved to the satisfaction of all participants as a condition for ultimate agreement. Thomas agreed that some of this chimed with the views of some parties - for instance, the SDLP and, at an early stage, the DUP. He thought that the parties would be unlikely to repose all of their trust in the Governments without some capacity to check on progress. Stephens thought that O hUiginn's suggestion was not a very long way from the British position. Presumably we would agree that all participants would have to work constructively to implement Mitchell. Would we accept that a Commission should be set up alongside the start of substantive talks, and that all should co-operate with it as required? Presumably we expected progress to be made on the basis of the Mitchell compromise. Who should determine when actual decommissioning should start? Would there be a call by the Chairmen, or by the two Governments?

12. Donoghue and Hickey both wondered if any provision had to be made for such a call. Should a start to decommissioning not emerge from agreement among those directly involved? O hUiginn felt that a Chairmen's call, if made, could either seem peremptory or, conversely, be so qualified by reference to the pattern of negotiations as to be of no practical value. Hill thought that it was necessary to offer unionists an additional element of comfort if their agreement was to be achieved. Thomas concurred. O hUiginn also saw the "deadman's brake" element of the British paper (whereby parties would periodically have to vote in favour of the negotiations' continuation) as ill-advised and unacceptable. However, he agreed with Hill that there would have to be some channel of communication between the parties in the negotiations and those charged with achieving decommissioning.
13. In response to O hUiginn, Thomas did not think that it would be sufficient to ask the Chairmen to determine when a Commission should be set up. If agreement were to be reached, the decommissioning machinery should be in place at the same time as the launch of the strands. Hickey said that unionists should understand that the Commission would need some time to consider the practicalities of decommissioning before any scheme could be launched, even in ideal circumstances. O hUiginn said that his fear was that as soon as the decommissioning machinery was in place, there would inevitably be tactically motivated preconditions for it to start producing hardware forthwith.
14. O hUiginn repeated that some sense of unionist good faith was essential if we were fully to commit ourselves to a plan: such an approach would also have to be calibrated at a level which was achievable by Sinn Féin. It was not negligible that Sinn Fein had already accepted the Mitchell Report, even if there were "a play of interpretation" around some passages. Thomas maintained that it was impossible to prejudge the unionist position in advance of the presentation of a text to them. Hill said that the rather weak credibility of the talks would be enhanced by a breakthrough on decommissioning: this would strengthen the constitutional parties, notably the SDLP, and aid the loyalist ceasefire.
15. O hUiginn remarked that we would need to reach careful agreement, not just on the substance, but also on the deployment of any paper, and that we should also consider what to do if the two Governments' best shot were rejected - Thomas agreed that discussion of a paper should be accompanied by discussion of "Plan B". It was agreed that the Irish side would prepare a paper and that a further meeting of the Group would be held on 27 May, with the aim of preparing a Ministerial meeting before the resumption of the negotiations, subject to the constraints of the electoral time-table..

Loyalists

16. O hUiginn argued that the maintenance of some semblance of a ceasefire by the loyalists was of value, if only on the basis that "hypocrisy was a tribute vice pays to virtue", but that eventually a judgement might have to be made. Nationalists were increasingly insistent on the existence of a double standard. Alliance had said they would raise the issue on 3 June.
17. Thomas replied that the British view was similar. Their information was that each of the three components of the CLMC had, with authority, seriously breached the ceasefire in the past three months. There was a gap between reality and the formal position. The loyalist spokesmen urged that keeping them in the negotiations exerted a benign pressure on their supporters, but a point would come when it would be hard for the Governments to maintain this position. The truth was that we had engaged in double standards. The key determinant of the future health of the loyalist ceasefire would be the stance of the IRA.
18. It was agreed to keep the situation under review, and to draw a clear distinction between the IRA and CLMC on one side and the deeds of the respective fringes (INLA, etc.) on the other. Hill proposed that a draft judgement by the Governments in response to formal claims of a breach of the Mitchell principles might be prepared.

Labour

19. As previously conveyed to the Secretariat, Thomas explained the difficulties in ascertaining which were the legitimate representatives of the Labour grouping. The point would soon come when the Secretary of State would have to determine this, and indeed whether the grouping still existed in any meaningful form and, if not, should be expelled on those grounds. O hUiginn warned against the creation of a precedent which could have unfortunate consequences, for example if there were a split e.g. within the loyalist parties and we were obliged to expel a constructive element.

Ministerial Accommodation

20. It was agreed that in the short term one suite, with one or two other rooms, should be reserved for Irish Ministers at Stormont Castle. This could be revisited in September if substantive negotiations were under way.

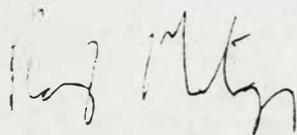
Forum

21. Hill explained that the draft Order-in-Council reviving the Forum would be debated in the House of Lords during the week beginning 19 May, but in the Commons only on 2 June. 6 June was a possible date for a first meeting. Stephens recalled that Paisley had said he would not be at the talks until the Forum had met.

- Lunchtime discussion/Prime Minister's speech
22. The Prime Minister's Balmoral speech - which Thomas had briefly characterised at the start of the meeting as being a balanced presentation of British Government policy - was distributed at the end of the meeting. It was the subject of a robust discussion over lunch.
23. In summary, we expressed considerable disappointment at the failure to advise us of the terms of the speech in advance of delivery, in particular as one key point - the reference to the Irish constitution - was very much a matter for us alone. Nevertheless, we welcomed the announcement that contact with Sinn Féin at official level was being offered, and saw some other positive features in the speech, including its emphasis on the need for both communities to have a sense of a stake in the institutions of Northern Ireland, its recognition of the political dimension of North-South bodies, and, overall, its crisp and authoritative tone.
24. However, while we recognised the need for the Prime Minister to offer reassurance to the unionist community, in particular in the context of an opening to Sinn Féin, we thought that the speech's emphasis on the strength and durability of the Union, and on the Prime Minister's own sympathies in that direction, went too far, and departed from the careful neutrality enshrined in the Joint Declaration and Framework Document. It conflicted with the assurance that all options were on the table and no agreed outcome precluded. It also brought the debate back in the direction of a sterile polarity of Union and United Ireland, while the thrust of the intergovernmental approach had been to move away from such archaisms towards a fresh new dispensation the essentials of which did not depend on the triumph of one or other competing sovereignty. The old rhetoric on one side would create pressures for old rhetoric on the other.
25. We took particular exception to the suggestion that Articles 2 and 3 of the Constitution might be altered as a confidence-building measure in advance of a settlement. The Framework Document clearly envisaged that balanced constitutional change - requiring alterations in both sets of constitutional doctrine - would take place as part of an overall settlement. We had frequently

spelled out the political realities in our jurisdiction. All that this reference would achieve was the handing of an extra tactical weapon to the unionists.

26. The British side did not accept this line of argument. On consultation, they argued that we had not shown them advance texts of recent speeches, in particular that by the Taoiseach at the Oxford Union. They repeatedly stressed that the headline element of the speech was the outreach to Sinn Féin. It had had to be balanced by assurances to the unionists. In any case, the new Government made a virtue of plain speaking. There was no merit in pretending that by virtue of the principle of consent anything other than a maintenance of the Union was on the cards. Moreover, why should a British Prime Minister not speak positively about the Union, especially when he was spelling out to the unionists that the Union could no longer be defined on their terms? Moreover, in relation to constitutional change, it was contended that the Framework Document represented a possible agreed compromise outcome of the talks - it did not prohibit the British Government from outlining its own preferences if different [we made clear that this argument was casuistical, and that if taken seriously would open the way to unhelpful reassertions of individual preferences on all sides].
27. In conclusion, we underlined that we would be looking carefully at the thrust and terms of future speeches from the British Government. If this speech presaged a policy of packaging proposed change (however constructive) as an explicitly pro-union agenda, they would discover empirically that the definition of British intentions, even on a rhetorical level, was not marginal but central in determining the attitudes and reactions of the two communities - in this case, a departure from even-handedness, if sustained, would seriously damage nationalist confidence.



Rory Montgomery
19 May 1997