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Meeting of Liaison Group, London, 14 October 1998

Summary Report

COPY TO

MR. COLE ✓

MR. BOUGHTON ✓

MR. HICKEY ✓

MR. COTTER ✓

MR. O'HARA

MR. CALLAGHAN ✓

MS. LARKIN

1. The British side were represented at this meeting of the Liaison Group by Bill Jeffrey, Peter Bell, Jonathan Stephens, David Hill, George Fergusson, Nigel Warner and William Keown. On the Irish side were Dermot Gallagher, Ted Barrington, David Donoghue, Wally Kirwan, Tim O'Connor, Philip McDonagh, Paul Hickey, Ray Bassett and Rory Montgomery.

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Decommissioning Impasse

2. The British side, underlining the commitment of the Prime Minister and the Secretary of State to meeting the deadline of 31 October, were eager to carry forward discussion of a possible package of steps to resolve the present impasse. In their view, the approach set out in their paper of 5 October (attached) represented the minimum which Trimble might possibly accept. They noted, moreover, that the political pressure on Trimble from within his own party had if anything mounted over the past few days, and were inclined not to place much weight on any indications that attitudes within the wider unionist community might be more relaxed. Indeed, while the internal party pressures on Adams and Trimble might be analogous, there was a fairly significant difference between the views of the two communities as a whole in regard to the Agreement.
3. We indicated that, despite the intense pressure which had been placed on Sinn Féin, the approach set out in the British paper "raised the bar too high" for them. However, we now felt confident that decommissioning would occur within the timescale of the Agreement. In our view, the key part of any package would be a statement from General de Chastelain, carefully coordinated with the two Governments.

4. We made clear that in our view the decommissioning nut had to be cracked. However, we did not think that, given the delicacy and complexity of the situation, the time was yet ripe for a detailed discussion between officials. The first priority, in the ten days or so leading up to the UUP Conference on 24 October, should be an intensification of contacts at a high political level. The Taoiseach and the Prime Minister would be speaking that evening. In general, it was important both to try to develop the level of trust between the UUP and Sinn Fein, and to explore more fully what their possible bottom lines might be.
5. The British agreed that in the run-up to 24 October most activity would be taking place behind the scenes. It would then be necessary to move into a higher gear, with more high-profile activity. They speculated that, if necessary, there could be a form of "shuttle diplomacy" involving the Prime Minister (and perhaps the Taoiseach) in the week leading up to 31 October. We agreed, while making clear that in our view it would be best to avoid a round-table approach, which would encourage grandstanding, including by the DUP and UKUP. The International Commission offered a businesslike, dedicated channel through which to take things forward.
6. It was agreed that it was most important, in terms of political and public perceptions, that there be a significant breakthrough by 31 October. It might be that there could be some slight slippage in actually reaching agreement on North/South bodies, if a Shadow Executive were in place by then and North/South negotiations under way. (The clock could, in effect, be stopped.)
7. In considering whether and how progress might continue to be made on North/South issues in the absence of the formation of a Shadow Executive, we pointed to the useful exploratory work which is continuing, but firmly ruled out the idea of a quadrilateral meeting involving both Governments, the UUP and

SDLP. The British side speculated about whether an informal grouping involving all parties might be formed. We saw no difficulty with this.

Northern Ireland Bill

8. The British side indicated that the Committee Stage in the House of Lords was to begin next week and last a fortnight. In the first week, clauses up to and including those on North-South matters would be reached. Numerous amendments, mostly but not all of a technical nature, were being tabled. There would be a possibility of further amendments being introduced at the Report Stage (11 November).
9. In relation to the North/South clauses of the Bill, two main issues had arisen in contact with the UUP and SDLP. The UUP had asked that there be an amendment specifying, in line with the Agreement, that Northern representation at the Council be cross-community. The SDLP had urged that the provisions in regard to participation in the Council by substitute or alternative Ministers be strengthened to allow them to enter into agreements or arrangements (even without the written permission of the Departmental Minister). The UUP were opposed to such a change, and the British themselves were not sure that it was workable to allow a Minister other than the Departmental Minister such a role. However, they were thinking of spelling out, in the language of the Agreement, the capacity of the First and Deputy First Ministers to make alternative arrangements if a Minister would not attend.
10. We confirmed that this issue had emerged as a major concern for both the SDLP and Sinn Fein in our contacts with them. It would not be acceptable that a recalcitrant (DUP) Minister could effectively prevent any meaningful co-operation in an entire sector. While there was undoubtedly, irrespective of any

particular wording, a major political problem involved, the Bill should be so drafted as to increase the pressure on Ministers to participate normally.

11. In discussion the British eventually confirmed that, as they saw it, and despite the capacity of the Executive Committee to give directions to Ministers, ultimately the only real sanction against a non-cooperating Minister (in this or any other area) would be dismissal through a cross-community vote of the Assembly. Executive responsibility for defined areas was being devolved to individual Ministers and Departments, not to the Executive Committee as a whole. They would however reflect further on the points we had made.
12. We indicated that an additional concern for Sinn Féin was that, as drafted, the provisions concerning the nomination of Ministers to take part in the Council could be read as giving too much subjective discretion to the First and Deputy First Ministers. We proposed a number of possible drafting changes which the British indicated they would consider carefully.
13. In regard to other areas of the Bill, the British advised us that:
 - they were reflecting on how to reflect in the equality section the concept of access to public information ;
 - various other points on equality, including in regard to impact assessment, were being met;
 - while the concept of a single Equality Commission was being retained, a working party was being set up under independent chairmanship to look at its structures;

- the Human Rights Commission was unlikely to be given substantial extra powers (to which there was considerable unionist opposition) but a review of its operation would take place after two years;
- in regard to Junior Ministers, they were aware of the SDLP view that their appointment should be tied into agreement on a programme for government. While it might not be possible, in the absence of agreement among the parties, to go beyond including a general permissive clause allowing for future detailed provisions, they would have a further look at the SDLP proposal.

(Legal) Establishment of Implementation Bodies

14. The British side indicated that they had received our paper of the previous day. They thought there was considerable convergence between us on the objectives we wished to achieve, and were grateful for the further clarification that our particular focus was on the method of establishing the initial implementation bodies. They undertook to come back to us by the end of the week.

Normalisation of Security Measures

15. The British side indicated that they were still working on their paper on the normalisation of security measures. However, they suggested that, while we would no doubt find it an advance on earlier drafts, the most important thing in their view was action on the ground. They hoped to let us have their draft shortly.

San Francisco Extraditions

16. We pressed the British strongly, in considering their next steps in regard to Artt, Brennan and Kirby, to take the deeper and wider political concerns, in particular in the Irish-American community, into account. There was also the

reality that all three would, if returning to Northern Ireland, benefit from the early release provisions in any event. The British side said that, although the general view of Ministers to date had been that extradition should continue to be pursued, they would consider this wider perspective and review all aspects urgently with the Secretary of State.

Meeting between Secretary of State and Minister for Foreign Affairs

17. It was agreed, following the telephone call earlier this week between the Minister for Foreign Affairs and the Secretary of State, to try and schedule a meeting between the two Ministers for the week beginning 26 October.



Rory Montgomery

15 October 1998

cc PST; PSM; PSMS; PSSG; Messrs. Teahon, Dalton, Kirwan and Mansergh;
Ambassadors London and Washington; Joint Secretary; Counsellors A-I.

POSSIBLE REPLACEMENT OF SECTION HEADED 'DECOMMISSIONING'**Decommissioning**

To ensure that the decommissioning issue is addressed in a manner which is sensitive to the concerns of all sides, the two Governments will promote with the key parties the approach set out below.

Sinn Féin

Issue statement in which they would:

- restate their commitment to play their part in the implementation of all elements of the Agreement, including the actual decommissioning of all paramilitary arms by May 2000;
- announce that McGuinness has put forward proposals on the modalities of decommissioning which they believe are acceptable to the IRA and meet the Commission's requirements; and
- recognise the need for visible progress in implementing all aspects of the Agreement, offering their analysis that the prospect of the entry into force of the new British-Irish Agreement and the transfer of powers to the new institutions early in the New Year would create a new political context in which a start to decommissioning should occur.

IRA

Issue statement in which they would:

- acknowledge the democratic endorsement, North and South, of the Good Friday Agreement in all its elements;

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- state their readiness, along with others, to play their part in implementing the Agreement as a whole.

General de Chastelain

Commission issues statement:

- confirms positive co-operation with Sinn Féin/loyalists and all accept actual decommissioning to be completed by May 2000;
- has agreed satisfactory modalities with all its contacts, removing any practical obstacle to decommissioning;
- offers assessment, on basis of discussions, that a start to actual decommissioning will occur in the context of further political progress early in the New Year in implementing the Executive and other bodies.

Mr. Trimble

Issues statement in which he would:

- welcome the various statements; and
- look forward, on the basis that progress (including a start to actual decommissioning) continues to be made, to working with all parties entitled to seats on the Executive so as to achieve the transfer of powers without further obstacles early in the New Year.