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Teahon,

To see, please.

Frank Murray 22.1
10.1.96

P.S.T. P.S.S. S/S O'Huiginn
Counsellors A.I. Section,
Messrs Teahon, Donlon
Murray & Dalton
Ambassadors London
Washington, Joint Secretary

Confidential

Meeting of Liaison Group, Dublin, 4 January 1996

1. The meeting began at 11.00 a.m. and lasted for two hours. The Irish side comprised Seán O hUiginn, David Donoghue, Fergus Finlay, David Cooney, Paul Hickey, Simon Hare and Rory Montgomery. On the British side were Quentin Thomas, Veronica Sutherland, Stephen Leach, Peter Bell, David Watkins and David Hill.
2. There was an initial discussion of the matters to be considered at the meeting, during which O hUiginn indicated that while the Irish side had not yet completed work on their promised paper on the potential difficulties to be overcome in relation to an elected body, for which political clearance would be necessary, they hoped to be in a position to hand it over as soon as possible, probably early the following week.

Political Implications of Recent Killings

3. O hUiginn said there was little dispute that the recent killings had either been organised or condoned by the IRA. Why this was so was hard to interpret. Were the killings a coherent tactic cynically thought through? Or had they been allowed to happen in response to tensions within the republican movement? While he had no categorical knowledge, he felt that they were to some extent a reaction to pressures rather than the outcome of a masterplan.
4. O hUiginn suggested that the situation might ultimately stem from the prolonged absence of political movement. The "front-of-house" leadership, such as Adams and McGuinness, were under pressure to show that their strategy was working and were embarrassed by the obvious lack of political movement. Perhaps their writ ran less fully at the moment, and they felt obliged to make internal compromises which the more intelligent of them appreciated were politically very costly. He cautioned, however, that this was more a tentative inference than a firm judgement.
5. Thomas concurred in the view that the killings were being carried out by the IRA under a label of convenience. The British side likewise had no concluded assessment as to why this was happening. They were sceptical of the notion of a loss of control by the

leadership, but agreed that it was arguable that the killings had arisen out of pressures within the movement. One theory was that the moderates were in fact strengthening their hand by “throwing bodies to the hard men.” Another was that the IRA thought that their handling of the drugs issue could be decoupled from the bigger picture.

6. Thomas argued that, on the contrary, these actions were very reckless in terms of the big picture. At a time when the British position on decommissioning was likely to be challenged by the forthcoming Mitchell report, they were being handed “game, set and match.”
7. O hUiginn agreed that what was happening was the opposite of an intelligent strategy towards Mitchell. It was probable that the political leadership had not initiated the current tactic, but were tolerating it against their better judgement. Sinn Féin’s deepest commitment was to the avoidance of a split. Sheer self-preservation would oblige those who might be unhappy with the killings to go along with them in the interests of compromise.
8. Thomas remarked that the killings would be counter-productive in terms of any report the Forum might produce. If Sinn Féin subscribed to attractive formulations while “rubbing people out” it would “induce belly-laughs”. He asked what the two Governments should do.
9. O hUiginn recalled that at his meeting with the Taoiseach the Prime Minister had said that it was important not to provoke a further unravelling of the ceasefire. The murders were totally unacceptable but other elements of the ceasefire remained intact. We must ensure that any action did not precipitate further movement in the wrong direction.
10. Thomas suggested that a further theory was that there was an attempt for tactical reasons to give the appearance that Sinn Féin was decoupled from the IRA. O hUiginn , supported by Finlay, said that while republicans were very insistent upon and observant of the “Chinese walls” in their own system, the country was too small to make such a

decoupling possible unless it was for real, which was unlikely. A tactical diversion of this sort would cut no ice.

11. Taking up the question of what was to be done, O hUiginn said that as a first step we should see what could be achieved by maximum pressure in private contact - first at official, and then possibly at political, level. There were plans for a first meeting before the weekend. Public attacks would not necessarily improve our chances of encouraging positive movement within the republican movement. We should not be so sweeping as to create a wider hole in the ceasefire than was already there.
12. Thomas wondered if the two Governments could remove any possible impression that the campaign would not result in wider political consequences. British Ministers had said they would maintain contacts with Sinn Féin. They were already under pressure on this, and this would increase if the killings continued. If there were those in the republican movement who felt that their actions would incur no costs, then they should be disabused of the notion. The two Governments could not be in the business of drawing distinctions between killings, or of certifying the ceasefires. They had to decide whether to maintain contact with Sinn Féin.
13. O hUiginn agreed on the need for a strong message on the unacceptability and political cost of the killings, but argued that, in addition, the republican political leadership had created expectations, which had not yet been met, of an early start to all-party negotiations. Their current prognosis was dangerously pessimistic. If there were no talks in the offing, the incentive to good behaviour would diminish, and that to bad behaviour might increase. The threat of a reduction in contacts might accentuate this trend. Thomas insisted that Ministers were making no threats, but stressed that as a matter of analysis their ability to maintain contacts was coming under pressure.
14. Leach remarked that Sinn Fein's admission to exploratory dialogue with the British had been dependent on a total cessation of violence. This point could be thrown back at Ministers. Their capacity to manoeuvre would be reduced. The parliamentary arithmetic

would come into the equation. Thomas added that from the beginning of the British Government's contacts with Sinn Féin the point had consistently been made that all rested on a cessation of violence. Finlay said that if this linkage were publicly made then the ceasefire could be at an end. Thomas agreed.

15. Donoghue suggested that it would be difficult for the Governments to decide that the ceasefire had come to an end after a certain number of killings - this would imply the existence of an acceptable level of violence. Thomas replied that, logically, perhaps contacts should have stopped after the first killing. Leach said it came down to a matter of political judgement. Hill pointed to the forthcoming debate on the renewal of the EPA as a pressure point.
16. O hUiginn agreed that all was dependent on a permanent cessation of violence, but he reiterated that this had been regarded as a prelude to negotiations. Sinn Féin's leaders heard Trimble speaking of a leisurely timetable and feared that no negotiations would begin. The answer to the present situation had to be the creation of a genuine expectation of serious negotiations in the near future. In the absence of talks, the ceasefire would sooner or later become unsustainable.
17. Leach felt, given that the two Governments had the firm aim of launching negotiations by the end of February, that it would have been more logical for republicans to wait until after that date had passed - if it were to do so. Watkins expected a drop-off in killings and beatings in the immediate run-up to the completion of the Body's report. This would demonstrate that the leadership could turn the violence on and off. Cooney suggested that it might be that the leadership could apply extra pressure at certain times, but were not so much in command as Watkins implied. Finlay emphasised that the key consideration for Sinn Fein was the avoidance of a split. Thomas said that the basic problem was that a private army was being deployed to put pressure on the system.
18. O hUiginn undertook to advise the British side of any developments at the official-level meeting with Sinn Féin. Moving on to the preparatory talks, he said that the next step

should be to move into the multilateral format. The SDLP's leaders were away until the end of the following week: a date shortly after their return could be investigated. He enquired about the British view on a meeting with Sinn Féin.

19. Thomas said that they had no clear position on the matter. The next stage would in their view be trilateral, not multilateral. A meeting with the SDLP should be scheduled first. As for meeting Sinn Féin, much would depend on it being possible for the two Governments to focus on the recent killings. O hUiginn said that Irish Ministers would certainly wish to put their concerns on the record once again, but might not wish to devote the whole meeting to this question once positions had been stated with the necessary force. Thomas agreed with the latter point. The British would not expect the acceptance of responsibility by Sinn Fein, or a particularly constructive engagement by them with the issue. But they would wish the two Governments to do more than "dutiful obeisance" to the topic. O hUiginn did not think that Irish Ministers would have a problem with this. Thomas found this helpful.
20. Watkins wondered if anything could be done at the US end to put pressure on Sinn Féin - what had happened since Clinton's visit was a "poke in the eye". Finlay and O hUiginn both thought that the US administration would for now leave the initiative to the International Body.

An Elected Body

21. Thomas said that the British had had quite detailed exchanges with Trimble, but without commitment. There was a possible conflict between achieving clarity (where ideas were not developed) and pushing him to come to settled positions which might be unhelpful.
22. Leach then briefed the Group on Ancram's meeting with Trimble on 21 December. [See also the Joint Secretary's report of 4 January]. He began by saying that the bedrock of Trimble's position was that an election was a means of allowing Unionists to enter into contact with Sinn Féin pending the fulfilment of the criteria set out in paragraph 10 of the Joint Declaration. He very much felt that elections should be to a body: there was a need

to give "lawful employment" to his followers. Trimble was conscious of nationalist fears. He was flexible about the name of any body. It would be time-limited and without executive powers. It would function through committees on an entirely proportional basis. Its primary purpose would be to gather information in a value-free way, and to prepare factual reports without recommendations or conclusions. Voting should thus be unnecessary. Trimble recognised the need to involve both Governments. Committees could, for instance, gather evidence in Dublin.

23. Leach thought that at times Trimble had come close to admitting that a purpose of the body would be to advance negotiations without admitting to doing so. Formally, Trimble suggested that negotiations, when they eventually became possible, would take place outside the body. Leach believed that Trimble's ideas on these issues were not fully thought through. It was helpful, however, that the unionists sought convergence, rather than setting out their own stall. There was material to be worked on.
24. Hill, who had also been present at the meeting, added that he was struck by Trimble's opening analysis, which was that at the end of February the twin-track approach would run into the buffers. There would be no decommissioning and hence no negotiations. Something would have to be done until conditions were right. In a body, relationships between parties and their leaders could develop to a point where Sinn Fein might feel ready to do something on decommissioning. The reports of a body could, in addition, be fed into negotiations.
25. O hUiginn said that in a deeply divided society even procedural questions - such as how committees might organise their business - could assume symbolic or substantive overtones. Had Trimble worked out issues of this kind? Would the proposed committees be chaired by unionists, or would nationalists chair some? How would they agree their business with the South, since the relevant committee would inevitably be divided against itself? Hill agreed that on some matters, especially relative to Strands 2 and 3, Trimble had further thinking to do. Leach said that the absence of a blueprint was not a bad thing. Donoghue queried the realism of believing that value-free discussions were possible.

26. Thomas noted that Trimble's scheme could not assist in meeting the Governments' objective of launching negotiations by the end of February. It was perhaps a second-order possibility if that objective proved unattainable. But it was premature to think of making that judgement.
27. O hUiginn did not doubt that Trimble was intending to show goodwill. But he feared that he had misunderstood the depth of nationalist opposition to a body. Without entering again into detail on the many nationalist objections to the idea of an elected body, it should be recalled that views on the issue coincided exactly with the unionist/nationalist cleavage. The psychological dimension missed by Trimble was the fear that participation in a body at this point could prejudice nationalist aspirations, and allow for the reintroduction of the majoritarian principle into the functioning of Northern Ireland (as opposed to the determination of its constitutional status). At a more practical level, the idea that a body could make value-free assessments of issues was far-fetched and unrealistic, while a committee system would have huge question-marks over it. In essence, Trimble's proposal had little in it to appeal to nationalists.
28. Thomas agreed that a problem with the notion of a committee was that it assumed the existence of a kind of collective sense - while the whole point of negotiations was to see if such a sense could be developed. Trimble's ideas had some good features - the desire to see the UUP and Sinn Fein do business, the acceptance of the three strands, some role for Dublin. But they were basically defensive, and clearly did not meet the tests set out in the Communique. Leach commented that Trimble did acknowledge the need to persuade nationalists.
29. Donoghue, having ascertained from Thomas that Trimble would not himself be preparing a paper on his ideas, but that the British would be seeking to set down an account of them, observed that there was a very thin line between this and a joint British/UUP exercise.
30. O hUiginn, in response to an invitation from Thomas to broaden the discussion of an

elected body beyond the UUP proposals, said that a first benchmark for nationalists would be whether a body facilitated the move to full negotiations. If not, a body, however worthy, would be seen as a distraction and would face an uphill struggle to gain acceptance. If on the other hand it were an immediate precursor to negotiations, it was just conceivable that the SDLP and Sinn Fein could accept it with a number of safeguards.

31. Secondly, it was vital for nationalists that the British Government clearly indicate that in its view of the matter it was independent of Trimble's. Nationalists saw the Unionists essentially as incumbents tactically exploiting that position, with little incentive to move to negotiation and agreement other than through persuasion by the British.
32. O hUiginn maintained that it was also vital for nationalists that the negotiating process not be seen as deriving democratic legitimacy from within the present Northern Ireland framework. Strands 2 and 3 could not be seen as originating in Strand 1, but had to be clearly independent. It was not just their existence, but their integrity, which mattered.
33. Thomas commented that a scheme would, to meet these requirements, have to be different from Trimble's proposals, and would have to engage in substantive negotiations (Finlay interjected that perhaps a body could meet in parallel with negotiations). There would have to be a comprehensive agenda; a proper role for the two Governments; and the three Strands would have to be of equal and independent standing. He saw a hierarchy of challenges to be met. It was fundamental that a body be compatible with the principles set out by the Governments. Other difficulties - such as the potentially negative effect of an election - were of a secondary order. Of course, the bottom line might ultimately depend on whether there was an alternative to a body.
34. Finlay said that the bottom line for nationalists was whether a body was a means of stalling or facilitating negotiations. Thomas agreed that Trimble failed on this point. Finlay criticised Trimble's general manner. The Tánaiste's patience would not hold much longer. O hUiginn added that Trimble's relaxed approach to negotiations had a

corrosive effect on the political situation generally, and put pressure on others. Thomas agreed that a kind of vicious circle - whereby one side's actions or inaction could be presented as justifying the other's - could come into operation. Leach felt it unfair to say that Trimble only wanted a talking shop.

35. Cooney said that in any arrangement the three strands must be treated equally. Strands 2 and 3 could not be an add-on to internal discussions. It was not a question of building the three strands into the work of a body, but the reverse. Leach said that the treatment of Strands 2 and 3 could be written into legislation. Cooney remarked that the role of elected representatives would be different in each of the Strands. Hill suggested that while the two Governments had democratic legitimacy, the parties did not - for this purpose, he added hastily.
36. O hUiginn completed discussion of an elected body by again undertaking to forward as soon as possible the promised paper on the challenges to be met in establishing one, saying that it would cover both issues of principle and pragmatic difficulties. In response to a point made by Leach about Trimble's intentions, he said he felt it difficult to envisage how a body, once set up, would not be called upon by some unionists to vote on issues (and hence to work on majoritarian principles). He emphasised that the Irish Government was still committed to a late-February start to all-party negotiations and that discussion of a body should be seen as a contingency exercise.

Other Matters

37. Thomas said that the loyalist parties, Alliance and the Workers' Party were all making use of the new offices in the Castle Buildings. He invited us to check them out through the Secretariat. He also advised O hUiginn that in response to a query by the Tánaiste at December's IGC, the Northern wing of Democratic Left were to be offered a briefing at official level on the preparatory talks.
38. Hill said that the British had urged Trimble to respond positively to the Tánaiste's letters to him, but they had no direct influence upon him.

39. O hUiginn told Hill that while there had been, to his knowledge, few developments at the Forum over the Christmas break, the gap between the parties on the proposed statement of principles and realities had been narrowing.
40. Watkins raised the proposed Chicago conference, questioning the desirability of changing the focus to an all-Ireland one. He suggested that inward investment would be difficult to address on this basis, trade and tourism less so. Political sensitivities also had to be borne in mind. O hUiginn referred to the possibility of company match-making. At Donoghue's suggestion it was agreed that approaches should be co-ordinated through the Secretariat.



Rory Montgomery

8 January 1996