



# An Chartlann Náisiúnta National Archives

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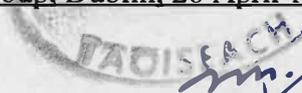
Taoiseach  
I already sent you my own  
summary note of this

PST, PSS, S/S O hUiginr.  
Counsellors A-I, Section,  
F Finlay, Messrs Teahor  
Donlon & Daltor.  
Ambassadors London &  
Washington, Joint Secretary

Confidential

meeting but you may wish  
to see highlighted sections  
Meeting of Liaison Group, Dublin, 26 April 1996

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Summary

hr  
2/5/96

Mr. Nolan  
7/5/96

The Irish side reported on a meeting with Sinn Féin the previous day. While the situation was very unclear, the keen interest shown by Sinn Féin in the details of the negotiations possibly offered some encouragement.

We introduced a paper on the possible handling of the decommissioning issue. The British, while reserving more detailed comments, seemed attracted by the idea of a separate "fourth stream" mechanism involving the Governments and the relevant parties only. They continued to argue, however, that the parties would be prepared to agree to this format only after a more substantive initial address to the issue than envisaged by us. The question of whether parallel decommissioning would be a possibility under these arrangements was raised. We stressed the need for clarity and for the avoidance of allowing the decommissioning question to become entangled with the negotiations. It was agreed that they would reflect further and revert to us.

We commented on two British papers, on the agenda and procedures for all-party negotiations. Raising a number of specific points of difficulty, we undertook to prepare revised drafts.

The chairmanship of Strand 2 was discussed. Emphasising the possibility that a number of chairmen might be required (for the decommissioning mechanism and the opening plenary, among others), the British possibly appeared more inclined to accept Senator Mitchell as part of a package. Alleged Unionist difficulties with him were not mentioned. It appears that Sir Ninian Stephen may after all be unavailable.

The British continued to emphasise the political and legal difficulties which could be caused for them by a late, conditional or otherwise unclear restoration of the IRA ceasefire before 10 June.

## Detail

1. The Liaison Group met at Iveagh House for approximately two hours. The British side comprised Quentin Thomas, Colin Budd, David Watkins, Jonathan Stephens, David Hill, Chris McCahe, Nick Perry and John Dew. On the Irish side were Seán O hUiginn, Seán Donlon, Wally Kirwan, David Donoghue, Fergus Finlay, David Cooney, Paul Hickey and Rory Montgomery.

### Contact with Sinn Féin

2. O hUiginn reported that Irish officials had met Sinn Féin the previous day. The government side had emphasised the importance of a restoration of the ceasefire, while pointing out to Sinn Féin all that was being done to ensure that the all-party negotiations would be meaningful and would work well.
3. The situation was hard to decipher. Sinn Féin had claimed to be uncertain as to the IRA's intentions. Their general approach was to seek to refurbish the understandings they felt had existed in 1994. There had been much criticism of the Government's stewardship of the process. On the other hand, ~~Sinn Féin had sought to discuss arrangements for the negotiations in some detail. This might be auspicious, or simply thorough contingency planning. O hUiginn felt that at least "the shutters had not crashed down" on talks.~~ It had been agreed with Sinn Féin that the Government would think of what it could offer in terms of a restatement of what it was already doing to ensure full and meaningful negotiations.
4. Thomas inferred that Sinn Féin had no specific requirements of the British Government. O hUiginn said that the main emphasis had been on the interface with the Irish Government - though of course Unionist, and British, seriousness were much questioned. He mentioned that Sinn Féin had been anxious to ensure that the meeting remained confidential.

### Irish Paper on Decommissioning

5. O hUiginn introduced the Irish paper on methods of dealing with decommissioning in

terms of the Communique of February 28th by emphasising the absolute necessity of clarity on this question before the start of the negotiations. He noted that both David Trimble and Peter Robinson had expressed similar views in the debate on the passage of the electoral legislation.

6. O hUiginn pointed out a number of ways in which the ~~decommissioning~~ issue was anomalous: it dealt with an illegal situation; even those parties with influence over the paramilitaries were not fully able, in operational terms, to deliver a solution; most of the parties which would be at the negotiations had no direct involvement at all, even if they were, legitimately, concerned with the outcome of how the matter was to be handled.
7. Paragraph 6 of the Irish paper set out our proposal for the hiving off of the issue into a special stream, involving the Governments and the relevant parties. An external agency, as envisaged in the discussions of the Dalton/Chilcot group, would also be necessary: the International Body could fulfil this purpose. The involvement of General de Chastelain, with his military expertise, should be reassuring for the Unionists. We saw discussion of the decommissioning question progressing under its own steam, with periodic reporting back into the main negotiations. At the point of a final decision on the outcome of negotiations, a final report could be weighed as part of the overall package. Our proposal tried to avoid the entanglement of decommissioning with the political negotiations, but would allow all the parties to have a clear picture of what was going on, and would give them a chance to adjudicate on firm proposals at a "point of ripeness".
8. Thomas expressed gratitude for the paper, which the British Government had not yet had time to consider fully. ~~He saw much common ground. Commenting on the idea that the Chairperson of the opening plenary session might report to both Governments if a party failed to make a clear commitment to the Mitchell principles at the very beginning of negotiations, he suggested that some form of joint communiqué by all participants at the end of the first day could be useful. This would short-circuit debate about whether the formulations used had been satisfactory.~~
9. ~~In regard to the opening session, Thomas said that the British Government felt there~~

could be value in "making it an occasion", with responses to the opening statements. In a way, it was our ideal format - with all around the table - and we needn't rush to get out of it.

*British may be thinking of an opening session measured in weeks.*

10. Thomas thought that the British Government was likely to favour the production by the two Governments, at the end of the opening session, of a proposal to move decommissioning into a separate stream. There had to be an "exit route". However, in his view, if this approach were to work there would have to have been a sufficiently substantive address to decommissioning to generate confidence. The main parties could be taken through this approach before June 10.

11. O hUiginn thought that the notion of an opening day communiqué could be looked at. There was a need to avoid casuistry, on either side, and to ensure that all parties signed up to the six principles in an "idiot-proof" way. The operational relevance of decommissioning was as yet not clear: if Sinn Féin weren't present it would be moot. Of course, the nature of the decommissioning scenario could determine whether they were present.

12. Hill wondered if Sinn Féin would be happy to move decommissioning off into a fourth stream before they were satisfied that the other confidence-building requirement - meaningful and inclusive negotiations - had been met. This suggested that it could be useful to take some time - through questioning on opening statements, initial work in the business committee - before agreeing on a format for decommissioning.

13. O hUiginn emphasised that the Government's basic assumption was that if the parties were invited to talk about decommissioning, it would be impossible for them not to take up maximalist positions. What we sought to do was to give the alibi that the Governments were dealing with the matter. Thomas said it would be easier for the parties to allow this if there had been some serious engagement. He expected maximalist positions to be stated, but with the underpinning of a degree of realism. O hUiginn repeated that there had to be clarity and credibility in our joint position. We were trying to use this factor constructively in efforts to restore the ceasefire. Thomas repeated that

while the scheme proposed was likely to be saleable, the question was in what circumstances it was most likely successfully to be used. ~~The British view was that the Unionist parties would expect more than a reference in an opening statement before agreeing to the launch of a fourth stream.~~

14. ~~O hUiginn replied that it was possible to ensure that the matter be addressed in opening statements. To go beyond this was to raise the prospect that the entire negotiations would be hazarded on decommissioning.~~ Thomas felt that not to allow for some substantive discussion was to come close to the parody sketched in the House of Commons, in which parties would address decommissioning by saying "Good morning" to it. He felt that the Governments could not control the process to the extent envisaged by the Irish side.
15. ~~Donlon asked what timeframe the British envisaged for the negotiations. Thomas did not know:~~ the electoral legislation allowed the forum to sit for one year, extendable to two. Donlon suggested that the two Governments could work to create the expectation "that it be within a certain range." O hUiginn remarked that people were disinclined to get down to serious business unless they were up against a deadline. Stephens asked if it were realistic to expect the decommissioning agenda to be completed in a couple of months. Hill said that the 1991/2 precedent, when there had been fewer parties and a smaller agenda, did not encourage a view that the negotiations could be quickly completed.
16. Returning to the decommissioning question, O hUiginn said that it was helpful that both Governments had an interest in channelling the matter so that it would not "gum up the works". The core point remained what constituted a satisfactory degree of address. The Irish Government was at the minimalist end of the spectrum. Stephens recalled that the Tánaiste had spoken of the need to show "good intent". Donoghue felt that this could be accomplished in opening statements.
17. Stephens noted that the Irish paper made no mention of parallel decommissioning. He asked what was meant, in the first indent of para. 6 (iii), by "to progress decommissioning, along the lines set out in the report of the International Body." O

hUiginn explained that the language left open the possibility of positive developments. Hickey pointed out that in this area the Body's report did not make a definitive recommendation, but suggested discussion. Stephens asked whether what was being aimed at was a general agreement or a specific timetable. ~~O hUiginn envisaged that the plenary session would also give the decommissioning mechanism a specific remit - this was for the Dalton/Chileot group to carry forward.~~

18 . Thomas wondered whether Sinn Féin would be happy to be singled out as a party "judged likely to have influence on the paramilitaries." O hUiginn felt that they might not be, but that it would be necessary to be firm.

19. ~~Hill said that Trimble had indicated a desire to talk to the British Government about the organisation of the plenary session. However, the scenario envisaged by the Irish Government was too quick. If more time were allowed, Unionists might feel more comfortable.~~ Stephens thought that greater clarity about where the Governments stood on the substance of the decommissioning issue would be positive. Donoghue felt that the parties could be shown the two Governments' paper in advance, once it was agreed.

20 . Cooney argued that if decommissioning were the only item to be substantively discussed in the opening session, this would be allergic to nationalists. Thomas replied that decommissioning was treated differently in both the Communiqué and the Ground Rules. Nevertheless, as even Trimble had recognised, everything would not happen at the start. Donlon feared that Trimble was building up a case for parallel decommissioning. ~~Thomas~~ observed that Ken Maginnis had spoken of pre-determined instalments. A "three-card trick" would not carry Unionists along. ~~The parties were autonomous agents and needed a sense that not all was pre-cooked.~~ Donoghue felt that a detailed remit for the proposed mechanism would assuage worries. Stephens remarked that "disobliging" references to decommissioning in opening statements could not be deemed to constitute ~~an adequate address.~~ Thomas said that one way in which the Governments could inject substance into the debate was by publishing details of their proposed legislation on decommissioning.

*ie SF saying there would be none or none until a final agreement*

21. O hUiginn said that the Irish Government would look forward to the ideas of the British Government. Clarity between us was essential if we were to achieve agreement with the parties. Donlon mentioned the eagerness of the Taoiseach to offer the parties all possible assurance and re-assurance before the election campaign got under way.

British papers on agenda and procedures for negotiations

22. Hill, stressing that the two papers were very much a first draft, said they had been largely drawn from the 1991/2 precedents. He hoped they were consistent with the ground rules.

23. Commenting on ~~the agenda~~, Cooney said that the basic approach we would favour would be to read back from the Framework Document. There were several other points: for example, in the Strand 3 agenda, great prominence was given to the involvement of the parties, although the ground rules specified that the negotiations were between the two Governments. ~~The reference to the "constitution of the Irish Republic" on its own was unbalanced. A range of "parity of esteem" issues could also be included. Agreeing with the last point,~~ Thomas thought that an explicit reference to the Framework Document would be unwise.

24. ~~O hUiginn thought that the agenda could be set out in less elaborate language, with no introductory material.~~ He asked how it was envisaged that the three strands would actually operate in parallel. Hill said that Trimble was keen for there to be one UUP team, unlike in 1992. He wanted to avoid a sequential approach, and indeed to look at wider issues at the start. Donoghue felt that this approach could also apply within strands: it might not be necessary to proceed in order. Thomas, recalling the DUP's wish to handle constitutional issues first, was not sure that this would work. O hUiginn thought that Trimble's approach was sensible and welcome, but wondered if it could be completely relied upon.

25. ~~Hill thought that in engaging parties on the agenda, the paper should not seem too polished and final.~~ ✓ O hUiginn thought that the wording we would propose would be more generic. Donoghue said that in its present form the paper would in certain respects be unacceptable to nationalists - he instanced the reference to the Northern Ireland Grand

Committee.

26. Moving on to the British paper on **procedures**, O hUiginn said there was much in it that was useful. However, he queried the flavour of paragraph 25 (reference to the Forum) remarking that the presumption appeared to be that this might be a routine occurrence. He also wondered about the treatment of sufficient consensus. Were the mathematics worked out? He feared that the other parties might be hostile to the possibility of domination by the UUP and SDLP together. He took the use of "minimal departure from unanimity" in the Ground Rules as implying that the rules would essentially be aimed at preventing one or two minor groupings or individuals from preventing progress. *Important difference* Stephens countered that the British had seen "minimal" as meaning that such departures would be rare. He pointed out that a high weighted majority would make it easy to block the negotiations.
27. O hUiginn agreed that the more an SDLP/UUP consensus could develop, the better. But it would be dangerous to enter into a referendum with, perhaps, a third of the electorate opposed. It would also be feared that a 66.6% weighted majority could be used as a precedent for an assembly.
28. Commenting on paragraph 29, in the section dealing with Strand 3, Cooney said that this new language on the role of the parties, taken in conjunction with the agenda proposed by the British, seemed to allow them to shape the negotiations to an extent not envisaged in the Ground Rules. O hUiginn saw echoes of Trimble's ambition to curb the two Governments' freedom of action.
29. Cooney asked who the British saw as the Chairman of the opening plenary. Thomas thought it could perhaps be the two Governments jointly - they had chaired the Strand 3 liaison arrangements in 1992. Donoghue felt that this exercise had been too low-key to constitute a useful precedent. Thomas proposed an independent chairman as an alternative - perhaps that of Strand 2, or maybe a "guest appearance." He mentioned the need to find a deputy to chair the Business committee in the absence of the Strand 2 chairman. Hill confirmed that the Unionists had not seen any distinction between the

chairmanship of the business committee and of Strand 2. Stephens thought that their suspicions of the business committee's role had been mitigated by the final version of the Ground Rules.

#### Chairmanship of Strand 2

30. ~~O hUiginn said that if Senator Mitchell were not the chairman of Strand 2, it would be hard to explain why. He had the capacity and the track record. He hoped Unionist objections were not insuperable. Thomas replied that it now seemed that we needed to find a number of chairmen: of the opening plenary, of Strand 2, of the decommissioning body, and perhaps a deputy for Strand 2, and the business committee, if the main chairman happened to be busy. A balanced ticket would be saleable all round.~~

31. ~~Donlon indicated that the Taoiseach would wish to see them after settled soon, and might seek to raise it with the Prime Minister. Thomas reported that Sir Ninian Stephen might after all be unavailable. Might he make an appearance at the opening session? O hUiginn saw the possible need for an available deputy, but wondered if this was the right way to approach the opening session. Montgomery wondered if in the absence of the Strand 2 chairman the business committee could be chaired on a rotation basis by the~~ parties. Kirwan thought that there could be a number of meetings of the plenary at different stages throughout the negotiations.

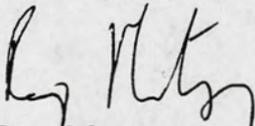
*including at end when results of all strands being considered together*

#### Last-minute restoration of the ceasefire

32. ~~O hUiginn recognised the last-minute restoration of the ceasefire before 10 June, a preoccupation of the British, as a possibility, but not a likely one. All that could be said was that the context of a ceasefire, and the way it would happen, would be politically significant. Thomas commented that the Secretary of State had said something similar in the Commons. If a ceasefire were declared at five minutes to midnight, people would require some convincing that it was unequivocal. The Secretary of State had to make a legal determination on the point.~~

33. Budd emphasised the very real problem the Government had with its backbenchers. Stephens stressed that the legislation put in "imperative language" the Secretary of

State's duties concerning the invitation, and disinvitation, of parties to nominate their negotiators. He had said during the second reading that he would consult the Irish Government (as set out in the 21 march consultation paper, but not in the legislation itself). ~~Thomas said that the nightmare scenario for the British was that a late, or conditional, ceasefire could be used by Sinn Fein to try to break the current consensus on the rules for participation.~~ O hUiginn agreed that the two sides should keep in close touch.



Rory Montgomery

29 April 1996