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S/S Ó hUiginn; Mr Teahon;
Mr Dalton; Dr Mansergh;
Ambassadors Ottawa and
Helsinki; Counsellors A-I Div;
Section; BoxMeetings with the UUP16 July 1997

The Minister for Foreign Affairs and the Minister of State took part in bilateral and trilateral meetings with the UUP at Castle Buildings yesterday in advance of the Plenary.

The bilateral meeting took place first. The UUP delegation consisted of David Trimble, Ken Maginnis, Reg Empey, Peter Weir and David Campbell. Second Secretary ÓhUiginn, Wally Kirwan, Val O'Donnell and the undersigned were also present.

The Minister said he had listened carefully to the points made by Trimble at their previous meeting and had also had discussions with the British Government since then. Recalling his own time as Minister for Justice, he emphasised the efforts which he and the Government were making, and would continue to make, to seize all paramilitary weapons. However, decommissioning in the sense of the Mitchell Report required in practical terms the cooperation of all concerned. He knew that Trimble accepted this.

The two Governments would provide joint clarification later in the Plenary in relation to the various points raised by Trimble. He trusted that this would meet all of the UUP's legitimate concerns.

In relation to one of these concerns, the Minister said that, since their last meeting, a lot of work had been done on the question of the legal arrangements in our jurisdiction. He could reassure the UUP leader that there would be no legal hold-ups in relation to decommissioning. The necessary orders could be made and no legal problem existed.

Trimble said that they needed to have an impression of what the Irish Government believed the Mitchell compromise actually was. The UUP regarded it as meaning actual decommissioning during the talks. Did the Irish Government share that view? If reference was made to the Governments trying to "bring about due progress", that, in the UUP view, would mean that the Irish Government would exert itself to ensure actual decommissioning during the talks, i.e., there would be a definite commitment to this end

rather than mere "lip service". This was why the UUP had sought this meeting.

Noting that this and other points would be covered in the clarification exercise later, the Minister emphasised the Government's desire to see decommissioning now. We believed that no paramilitary weaponry should be in existence at all and we would be working very closely with the British Government on this. The Government were committed to the Mitchell Report and all that was involved in it.

Trimble asked whether the Government and the UUP had the same interpretation of what Mitchell actually intended. Were the Government committed to trying to secure decommissioning at all times during the process? The Minister confirmed that we would wish to see the talks process working in such a way that parallel decommissioning could be achieved. However, neither we nor the British Government had the power to compel this. Asked about the degree of pressure which would be applied, he replied that there would be ongoing pressure.

Trimble began a complaint about the previous Irish Government's commitment in this respect. The Minister cut him short, making clear that he accepted fully the good faith of the previous Government. Trimble said that the UUP lacked confidence and would not support something in which they had no confidence. The Minister trusted that the joint clarification prepared by the two Governments would meet their legitimate concerns. While the UUP were clear players, there were other participants around the table and, in fairness to them, the responses would have to be delivered in the Plenary in the afternoon.

Maginnis asked whether he could infer that the Government would see no purpose in Sinn Féin being in a talks process unless they had given a clear commitment to begin substantial disarmament concurrently with the beginning of substantive political talks. He situated this question against a background of scepticism about the authenticity of any ceasefire which might shortly be declared. (The IRA would exploit the requirement for a mere six weeks of non-violence prior to 15 September, Mitchel McLaughlin had signalled that INLA might in any event be a proxy for IRA violence, etc). He did not want a response "carefully crafted on paper" which would not answer his simple question.

The UUP, he went on, did not know where they stood with the British Government, who had given a contradictory account of their contacts with Sinn Féin. To what extent had contacts between Martin Mansergh and Gerry Adams developed? The Taoiseach had said that he

would not have contact with Adams. While there had been no face-to-face meetings, Maginnis believed that there had been some contact.

The Minister said that he and others in Fianna Fáil had met Adams while in Opposition. Since entering Government, however, they had made clear (in keeping with the practice of successive Irish Governments) that Sinn Féin could have no contact with democratically elected representatives of the Government while IRA violence continued. Maginnis repeated his view that contacts were continuing between Dr. Mansergh and Sinn Féin. The Minister replied that it was important for contact to remain at the official level and clarification to be given. We had never sought to deny such contacts. The Government, along with the British Government and the US Administration, were doing everything possible to get the IRA to call an unequivocal ceasefire which would allow Sinn Féin to enter the talks process on the basis of their mandate.

Returning to his earlier question, Maginnis suggested that he would have difficulty in assessing the "unequivocal" nature of a ceasefire if the Irish Government would not give him an unequivocal assurance that one of the elements required for that assessment would be substantial disarmament in a parallel process.

Trimble hoped that the Government would mean what it said in the joint response and said that the UUP were not encouraged by "people dancing around questions". The Minister denied the latter claim and emphasised the Government's absolute good faith.

Noting the possibility of the question remaining purely hypothetical, O hUiginn commented that there would be no point in Sinn Féin entering the process if they were to refuse to subscribe to the Mitchell Principles, one of which called for "the total disarmament of all paramilitary organisations". On accepting these principles, Sinn Féin would enter a process in which the two Governments had said that they regarded this result as an indispensable part of the outcome. We had also made clear that the absence of preparations by the two Governments would not be an obstacle. There was no point, however, in the Governments giving a spurious certainty in relation to something which they did not control. What they could do was to set up goals and mechanisms for decommissioning. Decommissioning required the cooperation of those concerned and this would not be forthcoming without a degree of dialogue. One would not be possible without the other.

Picking up the reference to goals, Maginnis suggested that substantial disarmament would be

a legitimate goal for Unionists. He would not want a relationship with the Irish Republic if the latter seemed unwilling to pursue actively the disarmament of all paramilitary organisations. The Minister said that the Government's goals were exactly the same as those of the UUP. They abhorred paramilitary violence on all sides. He felt as strongly about this as anyone else on the island, including the Unionists.

Empey noted an indication by Martin McGuinness that Sinn Féin would be happy to "consider" the Mitchell compromise. Consideration, he observed, could go on forever. The UUP wanted a commitment from Sinn Féin and all present participants that, when Sinn Féin arrived (and with mutuality applying), they would be "expected and required" to pursue immediately a programme of disarmament throughout the process. Would Sinn Féin be required to commit themselves publicly to physical disarmament taking place throughout the duration of the process?

The Minister referred to the joint clarification due later in the day. Empey hoped that whatever was given would not be so obtuse that the UUP would have to go through the next stage of tabling amendments.

The Minister enquired about UUP views on the Chairmanship of the Commission. Trimble replied that they had made suggestions in this regard some time ago but had had some second thoughts in the interim. He was reluctant to disclose their thinking. He had told the British Government last Thursday that, if they hoped to establish the Commission on 29 July, consultations with the parties would be required. There had been none so far, however. The consultations would need to extend beyond the Chairmanship issue to the Commission's structures, remit and work procedures. He did not see how all of this could be achieved within the next thirteen days. The Minister replied that, if the will was there, this could be done.

Maginnis said the UUP saw some merit in having a degree of cohesiveness in the process as a whole. However, they were reluctant to commit themselves on a Chairmanship proposal anticipating that anything they proposed would be automatically opposed by the Irish Government and the SDLP.

Picking up O hUiginn's reference to the need for dialogue, Trimble asked what would happen if dialogue took place but disarmament did not occur promptly enough. O hUiginn emphasised our desire to see decommissioning take place. Under para 38 of the Mitchell

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Report, however, the details of decommissioning have to be determined by the parties themselves. This means that there will have to be some consideration of the matter before actual decommissioning takes place. We hoped to see a benign dynamic develop. The paramilitary groups might actually see public relations advantages if they were to engage in a certain amount of decommissioning activity. However, this could not be compelled. We could not deliver either political progress or decommissioning; we could only work towards them.

Trimble replied that the "hope" of a benign dynamic was utterly inadequate. If Sinn Féin did not honour the commitments they made, they must be excluded. The Minister commented that the reality was that, if no progress was made on decommissioning, there would be no political progress in the talks.

Trimble repeated that the "state of mind" revealed on the Irish side, already familiar to him from previous discussions, was wholly inadequate and would mean that no further progress would be possible. In response, the Minister reiterated the Government's determination to use their best endeavours to secure paramilitary disarmament. However, "no magic wands" could be waved. He hoped that the UUP would make a positive judgement of the clarification to be offered in the afternoon. He again noted the reassurance he had provided about the legal position in our jurisdiction. He fully accepted Trimble's commitment and asked that his own be accepted by Trimble.

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In the subsequent trilateral meeting between the two Governments and the UUP, the Minister and the Minister of State were accompanied by Second Secretary O hUiginn, Val O'Donnell and the undersigned. The British Government were represented by the Secretary of State, Minister Murphy, Question Thomas, David Hill and Peter Smith. The UUP team were as before, though Alan McFarlane replaced Reg Empey.

Murphy opened the meeting by going through the sequence of events set out in paras 9-10 of the clarification document. When he reached the reference in para 10 to a decommissioning scheme being implemented as soon as there was "any indication of intent" on the part of a

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paramilitary organisation to begin decommissioning, Trimble criticised the apparently passive role envisaged for the Governments in this context. Thomas pointed out that the intention was to create a benign dynamic. Trimble preferred a provision which would make clear that, if Sinn Féin were to be present in the talks on 15 September, there would be a scheme which would take immediate effect. The Governments could not be entirely passive in the matter.

Murphy said that the intention was to have various options available by 15 September for draft decommissioning schemes - to meet a concern voiced by Trimble. In a revealing comment, Trimble said that what Murphy had read out (i.e. paras 9-10) had been, up to the phrase he had complained about, exactly what Murphy had read out to him at their meeting the previous day. "People will fall about laughing" if the phrase about an indication of intent were retained. Options for draft schemes, he continued, were not the same as having an actual scheme in place on 15 September.

Turning to another UUP concern (about possible vetoes on the Liaison sub-Committee), Murphy read out the language to deal with this point in the clarification document. He pointed out that the two Governments had gone quite far down the line in terms of meeting UUP requirements.

Trimble sought further clarity about the Mitchell compromise approach, noting that this had not been defined at any point in the joint paper. Murphy replied that the matter was set out in paras 34-35 of Mitchell. He was clear that it meant some decommissioning happening during the negotiations. When Trimble asked why this could not be stated clearly, Murphy replied that "it says it itself".

Trimble complained that the joint paper was importing an ambiguity from the Mitchell Report, to which the Minister responded that the Governments were not prepared to rewrite the Mitchell Report. Trimble complained that the commitment at the end of para 1 of the joint paper was only to "the earliest possible decommissioning". The failure to make a commitment to decommission from the outset of the talks would undermine the entire scheme. It was not a matter of rewriting the Mitchell Report but of spelling out what was in para 34.

Trimble returned to his complaint about "options for draft schemes", describing this as very loose language and preferring a reference made by the Secretary of State to "alternative draft

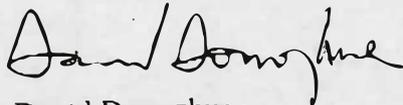
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schemes".

O hUiginn sought confirmation that the UUP accepted para 38 of Mitchell. Trimble responded by repeating his concerns about a situation in which determination in which these matters by the parties would only begin on 15 September. He regretted that consultation had not occurred a long time ago.

Trimble subsequently had a private meeting with the Secretary of State on the envisaged British Government clarification in relation to the aide-memoire to Sinn Féin. The two Governments agreed on a minor adjustment to the clarification document to meet the UUP leader's concern about the "indication of intent" phrase.



David Donoghue

17 July 1997