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PSM; PSS; Messrs. Teahon,
Mansergh & Dalton;
Ambassadors London &
Washington; Joint Secretary;
Counsellors A-I

Date: 2 September 1997

No of pages including this one: 4

To: HQ

From: Belfast

To: Mr Dermot Gallagher

From: Joint Secretary

Subj: Taoiseach's phone conversation with Prime Minister

1. We have had access to an internal British note on the Taoiseach's phone conversation over the weekend with the Prime Minister. The following are the main points of interest.
2. The conversation is described as extremely friendly and constructive. The Taoiseach was "as helpful and constructive as he could be" in current circumstances, though he would need to be "pinned down to precise forms of words". In the latter connection, the note indicates that the Prime Minister was dissatisfied with various formulations which had been put to him beforehand by British officials and, accordingly, did not make proposals on language to the Taoiseach.
3. According to the note, the Prime Minister observed to the Taoiseach that both Governments were in a tricky position at present in terms of getting the Unionists into substantive talks. Matters had not been helped by media speculation and comment. The Prime Minister said he had told Trimble that he would not ask the Taoiseach to make any further moves unless he was clear that these would be successful in terms of keeping the UUP on board. He reaffirmed to the Taoiseach his commitment to all-party talks and his resistance to purely bilateral contacts. He also emphasised the fragility of the Loyalist position, suggesting that it was not impossible that the Loyalist ceasefire might break down if things did not go well. He also remarked on the relatively high level of public expectations about the talks due to get underway on 15 September and the corresponding risks attendant on failure.
4. On the consent issue, the Prime Minister hoped that it would be possible to say that consent would be the guiding principle for the Governments in the negotiations and in any political settlement.

↳ Bains formulation
we sent to No 10 and
not one they sent
back to us

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5. On decommissioning, he hoped that the Irish Government could use the words "actual decommissioning" in an appropriate context, e.g., that the Governments would wish to see actual decommissioning happen (even though this was not obligatory). This would be of value not merely in providing Trimble with a fig-leaf but also in neutralising claims that the British Government had already agreed that there would be no decommissioning during the negotiations.
6. On the chairmanships, he said that Trimble was very keen for De Chastelain to chair the Commission without relinquishing the chairmanship of Strand Two. He asked whether this posed an insuperable problem for the Taoiseach.
7. As regards the confidence-building measures flagged to him by Trimble last week, the Prime Minister said that he hoped to be able to satisfy the UUP leader on most of these while avoiding giving offence to the nationalists. *(see attached)*
8. The Taoiseach, according to the note, agreed that all-party talks were much better than the alternative (bilaterals and multilaterals). He was happy to look at a form of words in relation to consent. He was opposed to De Chastelain chairing Strand Two as well as the Commission and expressed a clear preference for Mitchell in Strand Two. He understood from Washington that Trimble might be prepared to accept Mitchell in Strand Two - was this correct?
9. The Prime Minister replied that, as far as he was aware, this was not the case. Trimble might, however, accept some form of rotating arrangement for Strand Two which would leave Mitchell as effectively the Chairman (if not in name). The UUP leader's difficulty was not with Mitchell personally but with the position taken by his party in the past (i.e., that De Chastelain should perform both roles and that Mitchell should not chair Strand Two). *last week reason*
10. The Taoiseach responded that Mitchell was the best man for the job, that De Chastelain was not his intellectual match and that he could not support any position in which Mitchell was excluded from Strand Two.
11. The Prime Minister agreed with the assessment of Mitchell but remarked on Trimble's need for cover for his involvement in substantive talks. A joint chairmanship arrangement of some kind might provide a way forward. "We must remember that

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Trimble is being asked in effect to eat his words on decommissioning and cannot be pushed too far".

12. The Prime Minister repeated that he would only ask the Taoiseach to make these moves (on consent, decommissioning and the chairmanships) if Trimble committed himself to entering substantive all-party talks on this basis. He understood that the Taoiseach could not live with a situation in which Trimble came back repeatedly with fresh demands. He could not be sure that Trimble would agree to a deal on this basis but he would not ask the Taoiseach to contemplate the moves in question unless such agreement was forthcoming. It was worth making the effort as, in the Prime Minister's view, this could make the crucial difference between all-party talks and the alternative of bilaterals. All-party talks would be tremendously important in both psychological and symbolic terms.
13. The Taoiseach, the note continues, was willing to look at wording on consent and on decommissioning and to go back to the SDLP and Sinn Féin on the latter, if necessary. If an effective compromise could be found on the chairmanship of Strand Two, he would be willing to look at that.
14. The Taoiseach asked whether more could be done to address the problems of Loyalist prisoners, which were causing him some concern. The Prime Minister shared his concern. He had already discussed the matter with the Secretary of State. If something could be done for the Loyalist prisoners, it would be done. The Taoiseach promised Irish Government support for any action which might be taken.
15. The Taoiseach also said that the two Governments would need to consider what should happen on 9 September and later if Trimble did not agree to move ahead into substantive talks. We would need to look at the technicalities of how to find a way, in these circumstances, to launch substantive talks involving the UUP.
16. The Prime Minister agreed with this, noting that these were very difficult issues and would require further reflection.
17. Asked by the Prime Minister when the Irish Government might respond on the three points he had mentioned, the Taoiseach indicated that their respective offices would be in contact early this week. He was ready to move fast. He had no difficulty in

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referring to consent as the guiding principle (as this merely reflected language from the Dublin Forum). He would also look at what could be done on the two other points. He wished to do everything possible to keep the UUP on board.

18. The Prime Minister observed that Trimble would need to be able to say that he had extracted progress from both Governments. The Taoiseach remarked that there was an onus on Trimble to be generous against the background of the exceptionally peaceful August we had experienced. The Prime Minister agreed but referred to Trimble's internal party problems.

2/9/97

They recall that in the Declaration which they recall included their respective recognition that.

NORTHERN IRELAND

The two Governments believe that it may be helpful to clarify their views on two crucial issues, consent and decommissioning, in the run-up to the proposed resumption of all-party talks.

2 *which* Consent is one of the fundamental principles set out in the Downing Street Declaration of December 1993, which received broad cross-party support at the time. The two Governments remain fully committed to these principles, which will continue to determine their own approach to the negotiations on a political settlement due to begin on 15 September. They recognise the key importance of the consent principle, under which there can be no change in the status of Northern Ireland other than with the consent of a majority of the people, and believe it should be a guiding principle through the negotiations, from which no outcome is of course excluded or predetermined. *including their provisions on consent as set out in the Declaration*

The two Governments also attach great importance to the decommissioning of illegal weapons, which is why they have passed the appropriate legislation in their respective jurisdictions and agreed to establish an Independent Commission. Security experts in both jurisdictions have made preparations to brief the Commission so that options for draft schemes for decommissioning, in conformity with the Mitchell report and the Independent Commission's terms of reference, are available for discussion with all the participants from 15 September. The two Governments remain totally committed to the implementation of the Mitchell Report in all its aspects, and believe early progress on decommissioning will be an indispensable part of the confidence-building process in the negotiations. Successful decommissioning will ultimately depend on the cooperation of the paramilitary organisations themselves. But both

but both the two governments believe that it would be a major contribution.

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Governments want to see actual decommissioning under way alongside progress in the political negotiations and look to all parties to negotiate in good faith on this basis.

The two Governments have also considered the question of Chairmanship of the Independent Commission on decommissioning. They believe that General John de Chastelain is extremely well qualified to take on this task and have therefore asked him to do so with the agreement of the parties. This clearly raises questions about General de Chastelain's ability to devote time to his other role as one of the three independent Chairmen of the political talks, in particular his proposed Chairmanship of Strand 2 of the talks. The two Governments, following consultation with the Independent Chairmen, therefore intend to propose that, to avoid problems of overload, Senator Mitchell or Prime Minister Holkeri should be available to deputise for General de Chastelain in Strand 2 whenever necessary or appropriate.

Clarify as