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Reference Code: 2021/99/3

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Secure Fax: 658

2 July 1997

No of pages including this one: 6

To: HQ
For: Second Secretary OhUiginn

From: Belfast
From: Joint Secretary

Subj: Text of Trimble letter to Prime Minister

The following is the text of Trimble's eight-page letter of 30 June to the Prime Minister. (This is a near-verbatim transcription from a copy in the possession of my British colleague, who was not instructed by No 10 not to provide us with a copy).

"Dear Prime Minister

As you acknowledged in the House last week, there are aspects of your statement and the Governments' proposals on which I must seek further progress and clarification.

1. The statement gives Sinn Féin a last chance to join the "settlement train" by ending violence, failing which the train will move on without them. This necessarily implies a finite time within which Sinn Féin must declare that the violence is over. What period of time do you intend? Do you intend to state publicly a specific date by which they must act?

There are some clues in the statement and the accompanying documents, but these are not entirely consistent. You referred to substantive talks beginning "in early September at the earliest", whereas the "Possible Conclusions" paper states a precise date, 15 September. The statement and the aide-memoire refer to "some six weeks", whereas the aide-memoire suggests a fixed precise six-week period. One interpretation is that Sinn Féin are to be given until 4 August. This we would consider to be completely inappropriate. It would put Sinn Féin in a privileged

position vis-a-vis the democratic parties present in the talks, as Sinn Féin would be able to wait until democrats had committed themselves, possibly to their detriment, before deciding. In any event, there is no need to give Sinn Féin any further appreciable time. The murders and attempted murders since they received the aide-memoire are answer enough.

2. We have concerns about the definition of a genuine ceasefire. The Government has used different language from time to time. Can we be assured that the Government will insist on a genuinely complete and permanent ending of violence? It will know our reservations in relation to mentioning a time period. Will the Government consult with us, and others, regarding the interpretation of any ceasefire and any invitation to Sinn Féin to enter the talks?
3. Is there really a six-week period before involvement in the talks, as experience has shown that the bulk of the negotiations take place away from the Plenary? The aide-memoire makes clear that immediately after a ceasefire Sinn Féin would have access to Ministers, the Independent Chairmen and the talks building and could hold bilateral meetings with other parties. Is this consistent anyway with the assessment as to whether the ceasefire is genuine? How can there be participation in the talks before the invitation by the Secretary of State under the Act? Or are there two periods, one to assess the ceasefire followed by a six-week period?
4. Will the Government make clear that the procedures in the "Possible Conclusions" cannot be used to block actual decommissioning, as distinct from talking or negotiating about decommissioning?

I note that, in your statement in reply to me, you said:

"In respect of decommissioning, as I made clear, it must be during the negotiations" (col 853).

and that, in reply to Andrew Hunter MP, you said:

"Decommissioning should happen during the negotiations" (col 857).

and that, in reply to Ken Maginnis MP, you said:

"Decommissioning has to be something that happens during the negotiations" (col 859).

The above comments are consistent with the view that parallel decommissioning must actually be parallel, ie, that decommissioning begins with the talks, continues during them and is complete at the end. However, there is a problem about the way in which you suggest this would be achieved. You said:

"Obviously, the Committee will discuss the precise way that is to be done" (col 853).

And, in reply to William Hague MP, you said:

"The timetable for substantive negotiations on decommissioning will be discussed by the Committee that will be established".

I assume the suggestion that we must first discuss a "timetable for negotiations" is a slip of the tongue and that, in both replies, you were suggesting that the Committee would discuss the way in which decommissioning alongside talks will be done, including a possible timetable. This, however, raises questions as to whether the Committee has any function in relation to decommissioning. It would be a very serious problem if it did. Under the talks procedure, there cannot be sufficient consensus unless there is agreement by, inter alia, a majority of nationalists and the Irish Government. Consequently, either the Irish Government or the SDLP could veto any agreement in the Committee. As we believe that neither wishes to see Sinn Féin embarrassed by a requirement to hand in weapons, either could use these procedures to block permanently any actual decommissioning. It was for this reason that we steadfastly opposed giving the Committee any function other than being a mere conduit for information.

The terms of reference of the Committee, as set out in the "Possible Conclusions", are ambiguous. While "consider" can imply that no particular function has to be discharged, "charged with assisting the implementation" implies that there are things the Committee must do. It is essential that the Committee is deprived of any ability to block progress on decommissioning.

5. We need to avoid unnecessary delay. You will recall that last Tuesday I referred to the delay implicit in the "Possible Conclusions". That paper suggests that, while formally established on the launch of the three-stranded negotiations, the Verification Commission would not actually commence work until those negotiations began. The Commission's responsibility, as in the Annex, implies that several months would then elapse before the Commission was in a position to actually receive any weapons or supervise their destruction.

This is completely unacceptable. Last Tuesday, the Secretary of State said that the Commission could be set up and running "very quickly". This is essential. The Commission must be operational immediately. Substantive talks cannot occur until the Commission is in a position to receive arms. Consequently, the "Possible Conclusions" will have to be clarified in such a way as to reflect the Secretary of State's assurance to you [sic] and to ensure no possibility of obstruction.

6. Setting up the Commission will take time. We asked repeatedly if the Government has yet identified possible members. It certainly has not yet consulted with us regarding possible members or structure. Such consultation is indispensable.
7. The Parliamentary timetable may also be a problem. The Commission can only be established by statutory instrument after consultation with the Irish Government. Has that consultation taken place? When will the statutory instrument be made?
8. The decommissioning schemes also require legislative procedures. When will the necessary Order or Orders be made in relation to the UK? In the Irish Republic, schemes must be made by regulation. Has there been an assurance regarding the making of such regulations? Has the Government taken account of the excessive delay in introducing and enacting the Irish primary legislation? Can we be assured that there will be no similar delays regarding the regulations? How in the light of the above can the timetable in the aide-memoire be kept?
9. There is a need also for a clear timetable for disarmament. It is wholly inconsistent for there to be a timetable for negotiations without an equivalent for disarmament. Otherwise your pledge that there will be no exchange of concessions for guns cannot be guaranteed. Such a timetable cannot be left until after Sinn Féin has joined the process, for the disarmament will not be parallel.

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10. The review mechanism envisaged by the "Possible Conclusions" requires clarification. The essence of the idea was that in such a review there would have to be a consensus or sufficient consensus for progress beyond the review, so that, if there had been no, or insufficient, progress on actual decommissioning, the talks would automatically halt and stay halted until the necessary confidence is restored. The wording of para 6 of the "Possible Conclusions" needs to reflect this more clearly.

In addition, while two months may be an appropriate period to review a process once started, it is too late for a first review. The object of the exercise is to create and maintain confidence. Such confidence cannot be created until actual delivery or comes too late [sic]. We need to create an effective mechanism on or about the point of entry to ensure that confidence is created.

11. Will the Government ensure that Sinn Féin is not allowed to deny its connection with the IRA? Sinn Féin is only admissible on the basis of a clear commitment to disarm by the IRA. In this respect, the commitment in para 2 of the "Possible Conclusions" needs to be clarified. A bald reference to "the compromise approach in paras 34-35" is insufficient. It should be clear that the commitment is to parallel decommissioning and that Sinn Féin must commit itself to secure such disarmament from the IRA.

Moreover, it must be made clear that Sinn Féin will give a commitment to the absence of violence and the threat of violence from the Republican movement. The genuine difficulties encountered from defections and splinter groups must not be allowed to generate a flag of convenience for the IRA. It is necessary that the Government assures the parties of their approach and that your assurances last Tuesday that Sinn Féin would have to be excluded from the talks in the event of IRA violence will be carried out.

12. Can you assure us that there will be no further meetings, contacts, communications or any other form of negotiation with Sinn Féin? I was heartened by the clear statement from Lord Richards in the House of Lords last week, but NIO briefings have been ambiguous and, despite the assurances given by the Secretary of State in the House tonight, there is reason to believe that some contact in addition to that mentioned by the Secretary of State continued after the murder on 16 June.

Finally, two commitments were given:

- "1. The two Governments are resolutely committed to the total disarmament of all paramilitary organisations";
- "4. (e) adequate mechanisms to ensure that the modalities of decommissioning envisaged in the Report can be implemented as needed and that no delay or obstacle is caused by any lack of Government preparation or provision in this respect".

The assurances we need merely build on those commitments. It is essential that confidence is created in your Government's determination to fulfil these commitments and, just as crucially, that the new Irish Government is, unlike its predecessor, equally committed. At present, that confidence does not exist. There is little prospect of progress until it is created.

(Signed by David Trimble)