

Meeting with David Trimble, 17 June 1996

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MR. P. TEAHON	
MR. S. DONLON	
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(Ogleason)
The Attorney General, accompanied by the undersigned, met David Trimble and Reg Empey in the margins of the negotiations at Castle Buildings, Belfast. The meeting, which had been proposed by the AG, earlier in the day, began at 6.25pm and lasted approximately 30 minutes. The atmosphere was cordial throughout.

Empey opened discussion by referring to the problems which the UUP had both with the nature of the responsibilities which the two Governments has attempted to assign to the Independent Chairman, and with the order of the proposed scenario for the opening plenary, which he claimed was incompatible with the provisions of the February communique. He explained that the UUP objected to the "overblown" role which British and Irish civil servants had designed for Senator Mitchell, in particular, his power to take decisions without reference to the participants. He pointed to the dangers inherent in giving Senator Mitchell such responsibility by referring to the judgement he had made last January in relation to decommissioning, at a time when "these people were wiping his eye". Empey suggested that Mitchell was now in place and would be in a position to use his influence, without the need to have this spelt out in high-handed terms.

Empey felt that the nature of the guarantees which the two Governments had sought to put in place had been based on a fear that the UUP would not participate in good faith in the negotiations. He argued that this mistaken belief had been clearly dispelled and that a more reasonable and democratic approach was in order.

Empey concluded by expressing his regret to the people of the Republic for "the recent event in Co Limerick".

The Attorney General took note of what had been said as regards the role of the Chairman, but pointed out that it would be undesirable to have a mere cipher in the chair.

Trimble argued that Mitchell would be free to exercise his judgement but that the Governments' attempt to "overload his role" was not hopeful. He claimed that there had been a clear political imperative in the Governments' actions which had been designed to

appeal to Sinn Fein. He said that Mitchell had told him that he had not seen the proposals in advance.

The Attorney General appealed for a practical and political approach to the resolution of differences on this matter. He said that the last thing he wanted was a heavy-handed legalistic approach along the lines threatened by McCartney.

Empey pointed out that the most unacceptable aspect of the Governments' proposals were their prescriptive tone. He stressed that such an approach was unnecessary after last Tuesday when Trimble had gone out on a limb for the sake of the negotiations.

Trimble explained that the order and content of the agenda was an even bigger problem than the procedures and the role of the Chairman. He emphasised, in particular, the position of decommissioning on the agenda.

The Attorney General noted that the situation had changed radically as a result of Saturday's bomb in Manchester. He asked if there was not now a danger that highlighting decommissioning would serve only to push the loyalists overboard. He acknowledged that there were some who would be glad to do just that.

Trimble stressed that the UUP were not among them. He acknowledged that care would be needed to shape an approach which would keep the loyalists on board while not giving hostages to fortune by allowing Sinn Fein to enter the talks without fully addressing the question of decommissioning. He said that he and his colleagues had had some discussion of this matter with Mayhew and Ancram over lunch earlier in the day. He said that there had been agreement that Sinn Fein could not be allowed into the talks in a way which would enable them to dodge the requirement to make a clear commitment to peaceful means and to deal with decommissioning in an adequate way. Trimble suggested that such arrangements could be fairly easy to deal with in the current circumstances.

The Attorney General asked Trimble if he were sure that this was the best way forward.

Empey referred back to the joint communique of 28 February which, he argued, made it clear that the report of the International Body had to be addressed at the beginning of the talks. He agreed that the communique set down a clear sequence: the Mitchell principles; decommissioning; agenda and principles. He claimed that the Governments had sought to take these matters out of this sequence and asked why this commitment had been artificially and arbitrarily dodged. Trimble pressed that this was not the time to be saying to our people that we are going soft on terrorism.

Cooney took up the claims that the Governments had resiled from the undertakings in the February communique. He pointed out that there had always been a difference of interpretation between the British and Irish Governments on the timing of the delivery of the confidence building measures set out in paragraph 12. He recalled that the Irish Government had successfully sought the inclusion of the term "at the beginning of the discussions" instead of the term "as the first item" which had figured in an earlier draft. (Trimble nodded that he was aware of this fact). Furthermore, Cooney pointed out that paragraph 14 of the Ground Rules indicated that the agenda would be adopted before decommissioning was addressed. He explained that, in the view of the Irish Government, those who would be expected to decommission would be likely to do so only on the basis of confidence that meaningful negotiations were being offered, and that the most obvious evidence of this would be the adoption of a comprehensive agenda.

Cooney stressed that he had felt it necessary to make these points, not with a view to entering into argument, but rather to stress that the Irish Government had at all times operated in good faith, based on its legitimate interpretation of the February communique.

Trimble said that it was precisely because the reordering of the agenda for the opening plenary had been designed to suit certain parties that they objected to it.

The Attorney General stressed his own personal abhorrence of terrorism, which was fully shared by the Government.

Empey urged a recognition of the realpolitik with which the UUP was confronted. He stressed that the UUP had "got the stuffing kicked out of them last week". They had very few alternatives and had to hold the line on decommissioning. They could not accept a distortion of the arrangements set out in the February communique.

The Attorney General said that he would prefer to look at what could now be done and asked how the Government could help on specifics, particularly as regards any alternative to pushing decommissioning up the agenda. Empey again returned to the February communique, insisting that the order which it suggested be honoured. He argued that, for this to happen, item 8 on the agenda proposed by the two Governments should be moved up to item 5. As regards how this might be presented, he noted that the communique referred to a number of confidence building measures of which decommissioning and the agenda were two. He wondered whether it might be possible to have an item titled "confidence building measures", with decommissioning as the first sub-item and the agenda as the second.

Trimble pointed out that the whole rationale for moving the adoption of the overall agenda up the agenda for the opening plenary was now redundant, given that Sinn Fein would not now be there, either this week or next week. He said that what was more important now, was to establish what would happen if and when Sinn Fein were to enter the negotiations, and whether suitable arrangements could be formulated without driving out the loyalists. He said that Ancram and Ken Maginnis believed that they could come up with a formula, although he himself was not quite so sure.

Cooney, at the invitation of the Attorney General, speculated that such ideas might be based on the provision in the International Body's report that decommissioning should be mutual; that is, involving both republican and loyalist weapons. He suggested that, on this basis, demands on loyalists to engage in physical decommissioning could be delayed.

Trimble said that this was indeed the avenue being explored by Ancram and Maginnis.

Empey noted that there now appeared to be a considerable sense of betrayal within the Irish Government directed at Sinn Fein for having spurned all efforts to bring them into

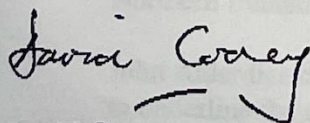
the negotiations. He pointed out that the UUP had never been of the view that Sinn Fein would come on board and that there was pressure in their ranks to take a firm line on decommissioning. Trimble pointed out that this pressure had markedly increased as a result of the position which he had taken last Tuesday. Empey said that if they were to emerge from the present round of discussions to say anything other than decommissioning would be addressed forthwith, Paisley would destroy them.

The Attorney General stressed that he had no authority power to agree anything on behalf of the Government but undertook to relay the UUP's concerns to them.

Trimble asked was there anything further that could be said about the Irish Government's position. Cooney replied that, while the position of the UUP was fully understood, and while there should be absolutely no doubt as to the total revulsion of the Irish Government in the face of terrorist acts such as took place in Manchester, the Government would nevertheless be concerned to ensure that the hurdle which Sinn Fein would be obliged to negotiate in order to enter the negotiations should not be set so high as to effectively exclude any possibility of their entry.

Trimble and Empey repeated their concern at decommissioning should nevertheless be brought up the agenda and pointed to the strong public feeling in the Republic against Sinn Fein. The Attorney General acknowledged the current depth of feeling but suggested that, in his experience, public opinion was ephemeral.

The meeting concluded with the Irish side remarking that, while it would not be helpful to Trimble to say so publicly, the constructive approach which he had adopted in last week's negotiations had made a positive impact on public opinion in the Republic. Trimble lamented that this reaction had not been mirrored within unionism.



David Cooney

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