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- **Hume** opened his response by expressing the 'strong appreciation of the SDLP' for Government efforts, particularly the Taoiseach's Finglas speech, towards 'creating the present circumstances for a restoration of the IRA ceasefire'. On the elections and all-party negotiations, the SDLP position is very straightforward. The party's participation in the elections is based simply on them being 'a straight route to all-party talks'. Their engagement in the Forum is predicated on its work being in the 'reconciliation building' mould but they would not continue to partake if it interferes with or obstructs the negotiations through, for example, the passing of motions on matters being considered in the talks. Owing to a lack of expertise on arms, the SDLP have a problem with the decommissioning issue being addressed by means of an all-party committee. It should be remitted to an independent Body expert in such matters and running in parallel with the political talks.
- The **Taoiseach** replied that precisely such matters are being discussed in the Liaison Group but many square brackets remain. **O hUiginn** added that the scenario for Day One of the negotiations is not clear yet. However, since all strands would run concurrently, the two Governments would be there from the start. An interim stage to deal with decommissioning may be required to bridge the Unionist position of it being addressed on

Meeting with the SDLP
Tuesday, 21 May 1996

The Government side comprised the Taoiseach, the Minister for Equality and Law Reform, the Minister of State at the Department of the Environment, Mr. Teahon, Mr. O hUiginn, Mr. Kirwan, Mr. Donlon and Mr. Cribbin. The SDLP were represented by John Hume, Seamus Mallon, Eddie McGrady and Bríd Rodgers.

The key exchanges were as follows:

- The **Taoiseach** opened the meeting with an account of his telephone conversation the previous evening with the British Prime Minister. The Government are basically happy with the approach set out by the Prime Minister in his recent *Irish Times* article. While seemingly okay on the Terms of Reference for the Decommissioning Body, there is a worry that Major may go beyond his present position to assuage the 'Wilshires' of his party and thus create a reaction whereby Sinn Féin will not go to the IRA seeking a reinstatement of the ceasefire. In that regard, the Intergovernmental Conference meeting on the following day would be crucial and, no doubt, the Tánaiste would be endeavouring to ensure that Mayhew will exercise circumspection in his comments afterwards. Judging from his recent meeting with Trimble, the Taoiseach felt that the UUP's private position on decommissioning is, in some respects, more flexible than that of the British Government.
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the first day of talks and preceding the virtual immediate establishment of a Decommissioning Body and the Sinn Féin position of Republicans not being ready for that. While concurring with Hume's view, Sinn Féin however was not keen on the decommissioning issue being addressed by themselves and the Loyalists only in the talks. The opening scenario is still 'uncertain and worryingly open-ended on the decommissioning issue'. If Trimble was allowed to set out two or three steps requiring deliverance before his party would engage further in the process, the whole negotiations would run aground quickly.

- **Mallon** said that the question of verification is the key element in the satisfactory resolution of the decommissioning issue. However, the position as set out in the six principles of the Mitchell Report is contradicted in paragraph 38. Due in some part to that contradiction, it would be 'very very difficult and indeed dangerous' if the verification process was left to a Committee which was subject to continuing demands for progress reports from the main political negotiations.

- The **Taoiseach** responded that there is no question of an all-party committee on decommissioning being established until the initial process (Mitchell six principles etc.) had first been gone through. That could take some weeks during which it is hoped that a consensus might possibly emerge on how the decommissioning issue will be addressed in reality. **Teahon** said that three phases essentially are tentatively envisaged. The first, spanning at least a week, would cover the Agenda, the six Mitchell Principles and how decommissioning might be addressed; the second phase would be initiated at the Chair's discretion and he would announce proposals on the establishment of an all-party committee on decommissioning subject to Terms of Reference drawn from the appropriate paragraphs in the Mitchell Report. Its work would parallel the political elements; and the third phase, again determined by the Chair, would deal more substantively with such matters as modalities and targeting.

- **Mallon** interjected that only the two Governments and perhaps Senator Mitchell are in a position to assess matters like the quantities of explosives held by paramilitaries and negotiations would have to precede the establishment of any committee on decommissioning. **O hUiginn** said that while the best way of handling this might very well have been the two Governments plus an International Body dealing only with Sinn Féin, the UDP and PUP, both Sinn Féin and the British Government prefer the all-party approach. The **Taoiseach** said that the aim of negotiations not becoming blocked on decommissioning was crucially linked to the authority vested in the Chair. **O hUiginn** added that the Liaison Group discussed these issues on Friday - in particular, how much discretion to give to the Chair. The Irish Government are seeking maximum discretion. Regarding the all-party committee, our aim is that it would first deal in a theoretical sense with the decommissioning issue and then move onto the practical. The **Taoiseach** added that the Committee would look at all confidence measures as well as decommissioning.

Union again emphasised the importance of the two Governments ensuring that the agenda for negotiations must not become hostage to 'the Unionists digging in the heels until there is progress on decommissioning'. The **Taoiseach** said the authority vested in the Chair would be 'very important in that regard'. The Chair would be 'managing the process along with the two Governments'. The parties must know that if they fail to reach agreement, it will default to the two Governments to act. Before that could happen however we must first have been seen to have 'gone out of our way to embrace all efforts towards agreement'.

- **McGrady** said that while the focus at present is on the most difficult issue - decommissioning - the approach to reaching a political agreement is very important as well. In that regard, the Irish Government and the SDLP should pursue 'broad common objectives'. We must be open with each other and liaise very closely. After all, the British Government have been very open on how where they stand with the Unionists. In response, the **Taoiseach** referred to his Finglas speech which included a signal that the Government would work with the SDLP in the negotiations while at the same time showing an openness to Unionist views and concerns. There will be regular Government consultation with the SDLP throughout the talks though meetings with others could not of course and would not be excluded. On the objective of the negotiations, the nearest approximation would be the Joint Framework Document. The Government will be seeking dynamic North/South structures with specified functions and room for growth. An advantage from our perspective is that the British Government have committed themselves in the Document to that as well. If however the SDLP want to go beyond the provisions set out in the Framework Document, then the Government would 'look at that'. In response to a question from Hume, the **Taoiseach** said that close liaison and contact between the two sides is 'essential' but the presentation of such contact that avoids alarming others is also important. **McGrady** agreed. The **Taoiseach** went on to say that the composition of the Government team has not yet been determined and the EU Presidency would place a very heavy burden on his own time and that of the Tánaiste. **Hume** mentioned that the SDLP have not yet decided on their team either.

- **Mallon** expressed a fear of the Unionist parties sticking in negotiations to their public positions on the Joint Framework Document thus making substantive negotiations very difficult. There are very deep Nationalist worries about the worst case scenario where Trimble, Paisley and McCartney might say that, without indications of intent on decommissioning and actual decommissioning of IRA arms, the rules enabling Sinn Féin exclusion on the basis of dishonouring the Mitchell principles are now being invoked. If that were to happen, the SDLP would be in a very difficult - indeed impossible - situation. Would the British Government ensure that the negotiations would continue even if the Unionists had walked out?

answering the first point, the **Taoiseach** said that in his view, Unionists privately accept that the final agreement will be around 'the Joint Framework Document minus frame' and that Sinn Féin would possibly accept 'the Joint Framework Document plus frame'. In relation to Mallon's second point, it was noted that paragraph 17 of the Ground Rules paper was important but **Teahon** said that since the Ground Rules paper does not set out arbitration procedures, the role to be accorded to the Chair is a significant factor in present deliberations. The **Minister for Equality and Law Reform** said that Sinn Féin and the SDLP have the same power to veto as any of the Unionist parties. **Mallon** accepted that point but the likelihood of any Sinn Féin invocation of a possible veto like a walkout would be towards the end of negotiations and not at the beginning as in the case of the Unionists. It would be very important, if the talks were to break down, that it would be clearly seen what parties, by walking out, were responsible. The two Governments must ensure that nobody has that lever. They must ensure that negotiations continue in the event of walkouts. **Hume** agreed but added that doors should be left open for the return to negotiations of those who had chosen to leave. The **Taoiseach** concurred, citing the South African experience of contacts having been maintained with parties who had left in an effort to secure their return which later actually happened. A pragmatic approach would be needed. If at the end of the day, however, all efforts to reach a settlement failed, then the two Governments would have to respond. In such circumstances, a deepening of the Anglo-Irish Agreement seemed the most likely outcome. **O hUiginn** said that while nobody can prevent any party from walking out of the negotiations, there is a difference between Trimble walking out and he seeking to eject other people by setting a unilateral deadline for Sinn Féin to show its commitment to the Mitchell Report. Therefore, a clear scenario for the conduct of the negotiations is required.

- **Mallon** suggested that a 9 to 12 month timeframe for negotiations should be sufficient - 'the longer the timeframe, the more opportunities there would be for delaying tactics and banana skins of all sorts'. **Hume** drew attention to the effects of the marching season and the August holiday period on any proposed timeframe, adding that the RUC are 'very very worried about the marching season this year'. **McGrady** suggested that the ground covered in the 1991-92 talks should perhaps be re-travelled with speed in the negotiations - all parties not then present should perhaps be put on 'a fast learning curve'.
- **Hume** brought the meeting to a close at this point. The SDLP and the Government should stay in contact and the meeting should be described publicly as a regular update and review of developments

James C. ...
22 May 1996