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Ruler

FROM: S J LEACH
ASSOCIATE POLITICAL DIRECTOR (L)
20 SEPTEMBER 1996

DESK IMMEDIATE

- cc PS/Sir John Wheeler (B&L) -B
- PS/PUS (B&L) -B
- PS/Sir D Fell o/r -B
- Mr Thomas o/r -B
- Mr Bell -B
- Mr Ray -B
- Mr Shannon -B
- Mr Steele -B
- Mr Watkins -B
- Mr Wood (B&L) -B
- Mr Beeton -B
- Mr Hill -B
- Mr Lavery -B
- Mr Perry -B
- Mr Stephens -B
- Mr Whysall (B) -B
- Ms Mapstone -B
- Mr Campbell Bannerman -B
- Mr Lamont, RID -B
- HMA Washington (via IPL) -B
- HMA, Dublin -B
- Ms Collins, Cabinet Office (via IPL) -B

PS/Michael Ancram (B&L) - B
PS/Secretary of State (B&L) - B

DISCUSSIONS WITH IRISH AND UUP: 20 SEPTEMBER 1996

Summary

1. Good understanding with Irish (apart from late intervention by O'hUiginn); mixed messages from UUP, but further meeting fixed for Monday to dispose of UUP questions before main trilateral.

Detail

2. It was arranged at Wednesday's Ministerial trilateral that British and Irish officials would meet the UUP this afternoon to address their list of questions. We received this morning a lengthy draft paper responding to these questions prepared by the

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Irish; and I separately circulated a possible speaking note for use with the UUP. Since Michael Ancram was wary of offering a detailed sequential response, on the lines the Irish proposed - as this might prompt follow-up requests to see the answers in writing, the submission of further lists, etc - he asked me to prepare a draft merging my earlier speaking note with as much as possible of the language in the Irish draft.

3. I gave the resulting text (**Annex A**) on an **ad referendum** basis to the Irish team of David Cooney, Val O'Donnell and Brendan Callaghan when they arrived at 15.30hrs, with the suggestion that we should speak to this to start off the UUP meeting but then draw on their longer paper in dealing with the specific questions. I suggested we should also (subject to any drafting comments they had) seek to agree the Annex A paper by Monday in time to table it with the UUP at the Ministerial trilateral, to complement the "Suggested Conclusions" paper prepared by Mr Hill which they had separately received. They readily agreed to this, and Val O'Donnell in particular saw no difficulty with the paper (including - until we pointed out that the Irish did not agree to it - the proposal that the Committee should include the Chairman designate of the Independent Commission!)

4. We then met the UUP delegation (Alan McFarland, John Hunter, Peter King and - unfortunately only for 15 minutes at the beginning - Peter Weir). Mr Myles will be producing a full note of the meeting, but the most striking feature for me was the contrast between the basically moderate and constructive line (with one exception) taken by McFarland, and the aggressive and suspicious tone of Hunter's contributions (rather like the discord between Trimble and Taylor at Wednesday's meeting, although McFarland was less effective than his leader in sidelining the dissenting voice).

5. I opened the meeting, as agreed, by speaking to the text at Annex A: explaining that, while everyone would prefer legal weapons to be seized with no further ado, **decommissioning** was a separate

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procedure which would inevitably require the co-operation of those holding illegal arms. The modalities therefore had to have their assent, and details of a decommissioning scheme, and the consequent powers and privileges required by the Independent Commission to administer it, could only be settled once that agreement had been reached through essential preparatory work. The Governments proposed that this should be carried forward in a Committee to function alongside the political negotiations. Since that would be the forum for settling the details, the Governments did not and could not have a concluded view on a number of the detailed issues covered in the UUP questions - but we were nonetheless happy to address those questions subject to that caveat.

6. Hunter persisted in trying to regard this as a refusal to address the questions - although eventually, after we had repeatedly stressed our willingness to discuss them as fully as was realistically possible, he retreated into arguing that he did not have enough time to go through them this afternoon. We accordingly agreed with the UUP that we would have a further meeting with them at official level at around 11.30 on Monday, in order if possible to dispose of their questions before the main trilateral in the afternoon.

7. In contrast with Hunter's dogged focus on the details, McFarland tried to respond to our presentation of the big picture, and had clearly absorbed some of the points about the need for confidence-building and the important preparatory role of the Committee. He said that the UUP would wish to consider and explore further the Committee's role. (We said that we would be happy to do so at the Monday meeting). He pressed on the concept of an "inchoate Commission" associated with the Committee to give further substance to its work. Without ruling this out, I commented that the main difference between an inchoate Commission and a Committee supported by technical expertise was that the Committee would include all the participants, which would be a considerable

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advantage in reaching consensus on the arrangements and modalities for decommissioning which would allow the process to go ahead. This led McFarland (under pressure from Hunter) to suggest that the UUP would find it very difficult to sit down with Sinn Fein in any format until they had actually started to decommission their weapons. [This severely agitated Mr Cooney; but Mr Hill and I mollified him somewhat after the meeting by making clear that in our view McFarland had got UUP policy wrong - a key point of the May elections was to enable the UUP to interact with Sinn Fein without prior decommissioning].

8. Overall, Mr Perry, Mr Hill and I thought that the meeting was positive in enabling us to register our broad view of the way ahead with the UUP, and to engage their (or at any rate McFarland's) interest in it, with a promise of further engagement. Despite Hunter's spoiling tactics, we hope to be able at the further meeting on Monday to get the UUP questions out of the way before the main trilateral. At the same time, if the Hunter world-view is prevalent in the party, it is difficult to see that Trimble will be able to make the decisive move forward that is now needed.

9. The Irish clearly took a gloomy view of the proceedings, and indicated their Ministers' likely opinion that, if Monday afternoon's trilateral was not exactly the Last Chance Saloon for the Unionists, it was pretty close to it. We said that our Ministers also believed that it would be important for the UUP to give a sign of good faith on Monday; but they could not be expected to do so in a vacuum, and we should therefore put them to the test by tabling our "exit strategy" - that is to say, our general view of the way ahead to which the Governments might speak at the Plenary debate [that is, Annex A, subject to any Ministerial comments and proposals from the Irish] and the "Suggested Conclusions", which we would table for approval by the Plenary and which Mr Hill had passed to the Irish the previous evening. In the time remaining, we discussed this draft and agreed a slightly revised version ad referendum to Ministers - this agreed text is attached at Annex B.

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An important task for Monday (among several others) will be to reach final agreement with the Irish on Annexes A and B in time to hand them over to the UUP at the main trilateral scheduled for (I believe) 16.30hrs.

10. Both sides also noted in passing that the "inchoate Commission" idea clearly attracted the UUP, and we agreed to consider over the weekend if there were any ways of giving substance to it without encouraging any Unionist hopes of dispensing with the Committee altogether. (Cooney reiterated Irish concerns about giving de Chastelain the Chairman - designate role, citing the risk of "polluting" strand two.)

11. [Postscript]: in a slightly ominous coda to the day's proceedings, David Cooney returned somewhat apologetically to say that, although he had agreed Annex B apart from some very minor points, Sean O'hUiginn had now instructed him by telephone to reserve the Irish position on one of the key sections - the turet at the top of the second page beginning "agree to work constructively ...". I said that I could not understand this reservation, since the language was very close to that used in the joint paper of 6 June, save that the participants themselves were being asked to "agree to work constructively to secure the implementation of the Report" rather than the Chairman satisfying himself that they showed good intent to do so. But that could not be reinstated, since we knew that the Chairman did not want this function. Cooney did not dissent, but indicated that O'hUiginn would doubtless be ready to explain his reservations at some length on Monday!

(Signed SJL)

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