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FROM: TED HALLETT
Talks Support Unit
18 September 1996

cc PS/Secretary of State (B&L) - B
PS/Sir John Wheeler (B, L & DFP) - B
PS/Michael Ancram (B&L) - B
PS/Malcolm Moss (DHSS, DOE & L) - B
PS/Baroness Denton (DED, DANI & L) - B
PS/PUS (B&L) - B
PS/Sir David Fell - B
Mr Thomas - B
Mr Bell - B
Mr Legge - B
Mr Leach (B&L) - B
Mr Steele - B
Mr Watkins - B
Mr Wood (B&L) - B
Mr Beeton - B
Mr Priestly - B
Mr Hill (B&L) - B
Mr Lavery - B
Mr Maccabe - B
Mr Perry - B
Mr Stephens - B
Ms Bharucha - B
Ms Mapstone - B
Mr Whysall (B&L) - B
Mr Holmes, No 10 - M
Ms Collins, Cab Off (via IPL) - B
Mr Dickinson, TAU - B
Mr Lamont, RID FCO - B
HMA Dublin - B
Mr Westmacott (via RID) - B
Mr Campbell-Bannerman - B
Mrs McNally (B&L) - B

M. M'Kenill
L. M. Veigh
C19/1

NOTE FOR THE RECORD

TALKS, 17 SEPTEMBER

SUMMARY

Useful progress was made on decommissioning in bilaterals involving the UUP and the 2 Governments but it will not be possible to clinch a "deal" on this issue before next week. The UUP were shown the 2 Bills and given an opportunity to question officials on the details. They appeared broadly satisfied with the content of the

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Bills, but made clear that, in addition, they wanted early progress on establishing the commission and in drawing up an outline decommissioning scheme. While the atmosphere was generally friendly and constructive, it was clear that the UUP and the Irish Government continue to be suspicious of each other's real intentions. The UUP doubt the Irish Government's good faith on decommissioning, while the Irish Government fear that the UUP will continue to use the issue to delay the move to substantive political negotiations.

DETAIL

The day began with a bilateral meeting at 9.30 between the UUP (led by Mr Trimble, Mr Maginnis and Mr Empey) and NIO Officials responsible for the decommissioning legislation (a record of these discussions is being circulated separately). The UUP were shown the draft Bill and invited to put detailed questions to officials. The discussions were positive and constructive and the UUP's questions were of a genuinely exploratory nature, with no attempt to be obstructive or to find points of difficulty. There was no mention of "benchmarks" or "timetables" (contrary to the report in that morning's Newsletter, which quoted a UUP spokesman as saying that these would be sought).

The Secretary of State and Michael Ancram joined the meeting at around 10.35. The UUP indicated, however, that useful progress was being made, but that their detailed questioning of officials had not been completed, and that they would like to resume discussion in the same mode later in the day. The Secretary of State urged them to make maximum use of the time available to meet the Irish to conduct a similar examination of the Irish Draft Bill. The UUP agreed to meet the Irish team at 10.45, initially with officials, and subsequently with the Tanaiste and Mrs Owen. Before Irish Ministers met the UUP delegation, the Secretary of State and Michael Ancram took the opportunity to brief them about their discussions with the UUP.

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Over lunch, the Secretary of State and Michael Ancram compared notes with their Irish colleagues on their respective meetings with the UUP. While the Irish agreed that the UUP appeared to be adopting a constructive approach, they were more cautious than the UK team in their assessment of UUP attitudes and intentions, retaining a suspicion that the UUP might simply pocket what was being offered by the Governments on decommissioning and then demand more. There was no disagreement, however, that the 2 Governments should continue with the approach of outlining to the UUP what they were prepared to offer on decommissioning. It was recognised that it would not be possible this week to clinch a political deal with the UUP on decommissioning, and that discussions should continue in exploratory mode in the hope that a deal could be concluded after further meetings next week.

The Irish indicated 2 points of concern arising from their discussions with the UUP:

- i. the UUP wish to establish the Commission, at least in embryo, before the decommissioning scheme was developed;
- ii. the UUP argument that a draft decommissioning scheme should be published alongside the legislation.

One potential point of concern to us emerged in the lunch when the Irish appeared to suggest that, under paragraph 34 of the Mitchell Report, the Talks participants need do no more than "consider" an approach under which some decommissioning took place during the negotiations. They were quickly reminded that they had agreed in the 6 June document that the participants should actively work towards such an approach.

The bilateral with the UUP resumed at 17.20, beginning with further questioning of officials about the contents of the Draft Bill, and continuing with Ministers at 1800. After Ministers had joined the meeting, Mr Trimble asked for an outline of the intended timetable for enacting the legislation, noting that the Irish had said that

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they could have their Bill in force by Christmas. The Secretary of State replied that the timing of the introduction of the Bill would be a matter for discussion with his colleagues but he did not anticipate any difficulty over this. The fact that the UUP would be pressing for early progress would help secure the co-operation of both Houses.

The UUP asked for the Government's view on when a detailed decommissioning scheme would be drawn up and the verification commission be established. They expressed concern that the Irish seemed to be suggesting that introduction of their Bill, with an undertaking to have it enacted by Christmas was sufficient progress on decommissioning at this stage. The Secretary of State suggested that much depended on progress in the decommissioning sub-committee. The Bill outlined four possible methods by which decommissioning might be implemented. It might be possible to set up an inchoate commission by nominating a Chairman (perhaps General de Chastelain) before a scheme were drawn up.

The UUP expressed doubt as to whether the sub-committee envisaged was necessary or useful. Since all participants would be represented, it was difficult to see how useful progress could be made, particularly in the event of Sinn Fein's entry into the negotiations. They made clear that they favoured the early establishment of the commission and the drawing up of an outline decommissioning scheme as a more effective way of making progress. They said that the Irish had seemed reluctant to contemplate this approach and envisaged waiting for the participation of Sinn Fein/IRA before drawing up the details of the decommissioning scheme. It would be impossible, however, for the UUP to accept a situation in which there was 3-4 months discussion in the 3-stranded political negotiations while there was no substantive progress on decommissioning. They continued to have serious doubts about the Irish Government's intention to make serious progress on decommissioning.

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The Secretary of State replied that confidence was a two-way process. While the UUP had doubts about the Irish good faith on decommissioning, the Irish continued to have suspicions that the Unionists were attempting to use the decommissioning issue as a means of delaying substantive political negotiations. It was necessary to overcome both suspicions and generate mutual confidence. Mr Trimble and Mr Empey reiterated that they could not accept 3 to 4 months of political dialogue without any real progress on decommissioning. The Minister of State suggested that the introduction of the legislation and the establishment of the decommissioning sub-committee alongside the 3 strands would demonstrate substantive progress on decommissioning. The UUP reiterated their reservations about the sub-committee. It would be governed by the principle of "sufficient consensus", which would enable the Irish Government and the SDLP to prevent real progress. If agreement were reached trilaterally on an outline decommissioning scheme and on the establishment of the Commission in embryo, the sub-committee would be irrelevant and could be dispensed with. Mr Trimble doubted whether the British and Irish Bills could in fact pass their respective Parliaments unless accompanied by an outline decommissioning scheme. The Secretary of State replied that it would be possible for the Bill to pass in its present form if the UUP were behind it, but it would be much more difficult if the UUP indicated serious reservations about it.

The UUP drew attention to the absence from the Bill of provisions applying to Great Britain, but did not press the point further after the Secretary of State had explained the reasoning behind this.

The UUP asked, in conclusion, whether the Government thought the Irish could be persuaded to accept the early establishment of the Commission and a decommissioning scheme. The Secretary of State replied that the Irish might be persuaded to accept something along these lines provided they were convinced that the Unionists were genuine and were not seeking to obstruct real political progress. They would be looking for such reassurance at the trilateral meeting the following day. The UUP responded that in negotiations the Irish had always pushed the Unionists "one bridge too far". The Secretary

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of State reiterated that there were suspicions on both sides, which had to be overcome if progress were to be made.

The meeting concluded at 1835, with the UUP indicating that they might seek further bilaterals with the Governments and possibly the SDLP before the trilateral on 18 September.

The Secretary of State commented after the meeting that there were signs of "rocks breaking through the surface", in that the UUP still appeared to be seeking agreement on detailed provisions on decommissioning before agreeing to move into substantive political negotiations.

(signed)

TED HALLETT

WEDNESDAY 16 SEPTEMBER 1994

Summary

A full day, but with optimism at the close that progress had been made, particularly in arrangements for developing the UUP position on decommissioning. The earlier complaint from the UUP of a breach of the Mitchell principles has been clarified, a vague reference from Mr. McCartney to a 'judicial review' of the two governments' positions on the decommissioning arrangements. The further complaint from the Alliance Party and the Catholics were clarified, and a lively debate on the subject continued for Wednesday.

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