

Confidential

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PST; PSS; Ministers Owen,
de Rossa & Taylor; Attorney
General; Minister of State
Coveney; Messrs: Teahon,
Donlon & Dalton; Ambs.
London and Washington; Joint
Secretary; Counsellors A-I.

Trilateral meeting with the UUP**18 September 1996****Irish Government:**

Tánaiste, Minister for Justice, Attorney General, Tim Dalton,
Sean O hUiginn, David Donoghue, Paul Hickey, David
Cooney

British Government:

Secretary of State, Michael Ancram, David Fell, Stephen
Leach, David Hill, Nick Perry

UUP:

David Trimble, John Taylor, Ken Maginnis, Peter Weir,
Peter King

1. The meeting began at 4.15 pm after a fifteen-minute delay. This arose from a UUP request for a private conversation with the Secretary of State to clarify remarks made by the latter on decommissioning at an earlier bilateral meeting with the DUP. On arrival, Trimble apologised for the delay, attributing it to excitement caused by his DUP neighbours, who had now been "sedated".
2. The Secretary of State opened the proceedings by suggesting that matters had moved on substantially over the past fortnight. The UUP had made clear to both Governments their need for confidence that the Governments were serious about a decommissioning scheme. They had suggested that it would be helpful if they were given sight of the draft legislation which each had prepared. This request had been taken seriously by the Governments and meetings had been held at technical and Ministerial level the previous day to show the UUP what had been done and to provide the necessary reassurances. It would be useful to have a view from the UUP now on the extent to which this had been helpful and had facilitated the wish of all concerned to move on to the inauguration of the three-stranded negotiations.
3. Maginnis asked if the UUP could have copies of the two draft Bills in front of them for the meeting (which, according to Trimble, Taylor had not yet seen). These were provided.
4. The Tánaiste described the arrangements made to brief the UUP on the legislation as a reasonable way of making progress. Following his meeting with the UUP last week, the Irish draft legislation had been presented in Cabinet and endorsed. He had been glad to have the meetings with the UUP yesterday and he hoped that the present meeting would be productive. We were determined to introduce the legislation in Dáil Eireann at the outset of the forthcoming session and to process it as expeditiously as possible. He hoped that the exceptional departure in this

951/3

instance from the normal procedure in relation to draft Bills would be recognised by the UUP as a sign of the Government's good faith and would serve to build confidence. We would be happy to answer any further queries at technical or political level.

5. Trimble described the exercise as very useful. He regretted, however, that it had taken so long to get to this point. The UUP's meeting with the Government last March had indicated that this stage might have been reached well in advance of the commencement of talks. The legislation provided only a framework, however. The "real meat" would be in the regulations, on the one hand, and the decommissioning scheme on the other. The UUP recognised that regulations would not actually be made until a later stage and that these and the scheme might have to be fine-tuned in the light of circumstances.

What they wanted now was as much clarity as possible on how the scheme would operate. They also wanted work to be done in the International Commission. They had no clear picture as of now on the structure and operation of this Commission. They also needed a clear understanding of what would happen if and when Sinn Féin entered the talks and if there was a failure to implement actual decommissioning at the appropriate stage.

These points had been raised with the two Governments. The UUP had now prepared a list of questions, to which, however, they were not expecting replies at this stage. This list was circulated.

6. The Secretary of State described the list as helpful. He again underlined the interest of both Governments in establishing how the prospects for the inauguration of the three-stranded talks looked following the previous day's initiative.
7. Trimble observed that the technical position in the talks was that the agenda for the remainder of the opening Plenary needed to be agreed. Effectively, all that was missing was agreement on the comprehensive agenda. The UUP had not concluded their discussions with the SDLP on this but a high degree of convergence had been achieved (admittedly by settling for a degree of blandness). There would, of course, have to be a formal address to decommissioning. The current exercise could not replace that, as the other parties would insist on their say (and, judging from today's "alarums and excursions", this could be an interesting debate). One issue for consideration was how the outcome of the current exercise might be presented to the other parties.
8. The Tánaiste noted the emphasis in the Mitchell Report on the need for agreement among all parties on the decommissioning issue. The draft legislation had been shown to the UUP as that party had requested sight of it. Many of the answers to the UUP's questions were contained in the Report itself. It would also be useful to clarify how the sub-committee would work. Recalling that the Report envisaged expert advice being made available to the latter, he pointed out that there were various sources (the Governments themselves, international organisations etc.) from which expertise could be drawn and he suggested that this could be worked on as

951/4

the legislation was going through the respective Parliaments.

9. Trimble said the UUP were extremely cautious about the function, "if any", which the sub-committee might have. They had disliked the "fourth strand" concept from the outset. Because of concerns on the decommissioning issue in their own ranks and the community generally, they needed to make clear that the issue would be addressed and not simply postponed.
10. The Tánaiste asked the UUP to be realistic about the voluntary nature of decommissioning. A process would have to be created which would stimulate confidence in the people who would be carrying this out. The issuing of edicts would not achieve what we wanted.
11. Maginnis accepted that there would need to be cooperation, as the whereabouts of the weapons were not known. However, the legitimate expectations of all those who adhered to the democratic process in both parts of the island were the other side of the coin. It would not be acceptable if one track were to make substantial progress while the other did not move at all.
12. The Minister for Justice suggested that there was also a responsibility not to create false expectations in the community that the elaboration of schemes would in itself achieve decommissioning. There had to be realism about how much progress could be made without the cooperation of those in possession of the weapons.
13. Trimble responded that, while it might not be possible to finalise certain aspects of the Commission until that stage was reached, it should be possible to have a fairly clear idea at this stage of the task the Commission would perform, its structure and how it would operate and the kind of people who would be on it and how they would be appointed. Perhaps there could be an indication that certain individuals were envisaged for it. While it might not be formally established, there could be informal or formal designation of its members. It was no secret that General De Chastelain had been mentioned since last January as someone who could chair the Commission. There was no reason why he "and some other people" could not be informally in existence at this stage.
14. The Minister for Justice asked if he envisaged this happening after the legislation was enacted. Trimble did not see why it could not be sorted out now. Maginnis drew his attention to difficulties mentioned earlier by the Minister about setting up the Commission in advance of enactment of the legislation. He emphasised, however, the UUP's need for something tangible in relation to a "core Commission on which we can hang our ideas and draw down technical expertise".
15. Ancram suggested that the Tánaiste's proposal to make technical advice available to the sub-committee should go some way towards meeting the UUP concern. In response, Maginnis commented that anything done in this area "must have meaning". The reality had to be faced that the decommissioning process might not actually succeed - and there would have to be a time-scale within which that judgement was made. The Unionists would find themselves "out there in a limbo"

951/5

if nothing substantive happened in relation to decommissioning.

16. The Tánaiste pointed out that political progress was the only avenue likely to produce results in this area (as the Mitchell Report had itself recognised). He suggested that Maginnis was underestimating the capacity and potential which a sub-committee could bring to bear on the whole process and he referred again to the technical and military expertise available to both Governments from various sources which could be provided to the sub-committee within days of its establishment.
17. Trimble said that his heart sank at the idea of the sub-committee giving advice in relation to a scheme, as this could merely be a device for postponing action. To let the issue go into a sub-committee, which might take a long time to establish, would expose the UUP to the risk that nothing might ever happen on decommissioning.
18. The Minister for Justice pointed out that the sub-committee, with the benefit of expert advice, would be able to do very valuable work and would, in effect, do what Maginnis envisaged the Commission doing.
Trimble said that the UUP had no interest in the mechanics of decommissioning. Their only concern was to ensure that it happened. The mechanics, he suggested, would be largely dictated by the nature and condition of the materials concerned (whether firearms or explosives etc.).
19. Dalton emphasised that the Government were taking the UUP suggestions very seriously. He felt that a body of experts could be assembled more or less immediately to provide the kind of advice sought by the UUP.
20. Trimble repeated his suggestion that some of those who would eventually form part of the Commission might now be made available and "could be present here, doing some work with General De Chastelain". Something on those lines would be very close to what the UUP had in mind. He recalled John Chilcot's analogy of a car with the key in the ignition waiting for the appropriate people to get in and drive it away.
21. The Minister for Justice observed that this car would have to have four wheels to begin with. She reiterated that decommissioning could not be forced but would depend entirely on the voluntary cooperation of those who held the weapons.
22. Maginnis said that the UUP had successively softened its position on decommissioning to that set out in the Mitchell Report. It now wished to ensure that the latter position was "bench-marked" in some way. They were willing to compromise on how to move forward but there had to be tangible progress.
23. Ancram noted agreement on both sides on the need for a body of experts. This would produce the tangible element sought by Maginnis. When Trimble asked what advice they would be giving, he noted the various options set out in the Mitchell Report. Trimble suggested that getting the parties to agree to use those as the methods of decommissioning would take a maximum of half an hour ("maybe add

951/6

another hour for Bob McCartney!").

24. In the first of a number of bellicose interventions, Taylor asked whether either Government had looked at the type of Commission which might be envisaged. Complaining that the discussion was going round and round, he alleged that neither Government had moved on the legislation or set dates for its implementation.
25. The Tánaiste said he did not accept that. The Secretary of State told Taylor that he "knew as well as I do" that no firm undertaking could be given about a date without the consent of Cabinet colleagues and the Parliamentary managers. He hoped, however, to be able to have it passed by Christmas.
26. Asked about the Irish Government's intentions, the Tánaiste told Taylor that he had made them clear at the previous day's meeting, while "others" who were not present were outside telling the media that no progress had been made. Taylor claimed the UUP had been told last March that the legislation would be through by June. The Tánaiste denied this. The legislation would, however, be through by Christmas.
27. The Secretary of State warned that his own ability to get the British legislation through by Christmas would depend on the cooperation of the House of Lords. Trimble suggested that, while certain aspects might cause sensitivity there, UUP support should ensure speedy passage.
28. The Tánaiste invited Trimble once again to outline his party's views on the timetable for the political track, the second part of this discussion. He saw a very real danger of a vacuum developing because of the lack of progress in this track so far.
- Trimble replied that he had no timetable in mind in terms of dates ("certainly not at this stage"). It would be a question of seeing how long it would take to sort out the remaining matters in relation to the opening Plenary, in particular the address to decommissioning. They had told the SDLP that the current exercise could, in their view, be completed quite quickly. Dealing with the two Governments, however, had made for slow progress, as "each piece of information has had to be extracted like a tooth".
29. The Minister for Justice, responding to Taylor, recalled that it had taken the talks participants a very long time to agree rules of procedure, because the Unionist parties had wished these to be the creature of the process (rather than something imposed by the two Governments). It would appear, however, that the UUP were taking a different approach to the Commission, no less a creature of the process, and were "demanding their cake before it had been baked". She sought a commitment to the sub-committee, also a creature of the process.

Trimble again expressed fears that, if the issue was passed to a sub-committee, it would never be heard of again. The Tánaiste pointed out that the UUP had a safety net in the form of a trade-off between progress in the sub-committee and progress in

951/7

the political talks. Trimble preferred to sort out everything satisfactorily at this stage.

30. Maginnis observed that, after only a one-hour meeting yesterday, the UUP had concurred with both Governments. The Tánaiste noted, accordingly, that the UUP concurred with the draft legislation in both instances. Trimble agreed with this. The "meat" would be in the regulations.
31. Taylor intervened again to regret that the Irish draft legislation had not been available hitherto and to claim that a commitment had been given last March. The Minister for Justice denied this strongly. Taylor persisted in offensive terms, causing his leader to observe, in a somewhat lame effort to lighten the atmosphere, that "John didn't take as many sedatives this morning as I did".
32. Trimble tried to move the discussion back to the political talks, asserting his readiness to get into serious talks (and not to engage in filibustering tactics there). A solid foundation, however, would have to be laid - "if we postpone everything, we are preparing a disaster".
33. The Tánaiste emphasised the need to get Sinn Féin into the talks if decommissioning was to be achieved. Maginnis expressed concern that a terrorist organisation should not be seen to be dictating the entire agenda. The Tánaiste suggested that he was missing the point. While the Irish Government had a very obvious interest in achieving decommissioning, we had to be realistic about the way in which this would in practice be achieved.
34. O hUiginn said it was not clear what would enable the Unionist parties to begin the process of negotiation necessary to resolve this problem. The SDLP would have difficulty in sustaining their involvement in a process which their constituents did not regard as crucial at present. If there was progress on the political track, they would be in a position to sustain some pressure in this regard. Given that we all shared the same objectives, the key question was how to mesh the launch of political discussions with satisfactory engagement on decommissioning. Decommissioning could only be achieved in an inclusive process, based on motivating those concerned to cooperate voluntarily. Some degree of engagement with them was necessary.
35. Maginnis hoped that O hUiginn's remarks on the SDLP and their constituents were not accurate. He dismissed any idea that progress could be made in the political track without "real decommissioning taking place and the threat of violence being assuaged". There was no possibility of "spurring ahead of the game" in terms of a political settlement. The political track would have to be handled in a business-like way. It could not be a single track matched by merely a buffer on the decommissioning side. There would have to be a continuous process.
36. Dalton reiterated the offer of technical expertise as a means of bridging the gap between the establishment of the sub-committee and the enactment of the legislation.

951/8

37. In a further sortie, Taylor said that there could be no real progress on the three strands until the Government got their legislation onto the statute-books.

The Tánaiste commented that Maginnis' remarks sounded very like a return to Washington Three. Furthermore, if Taylor's position was that of his party, "we could all go home".

Trimble suggested that, if nothing were to happen in the sub-committee, we might all be in the latter situation. He emphasised the very serious risks for the UUP in allowing matters to drift.

38. The Minister for Justice pointed out that simultaneous progress should be possible on both tracks. The establishment of the sub-committee would unlock the political side. When both Parliaments resumed, the two Governments could proceed to the implementation of the draft Bills (with which the UUP had expressed themselves satisfied) more or less immediately.

Taylor claimed that the regulations could not be considered until the Acts were through but Trimble corrected him, suggesting that "it could be done simultaneously".

39. The Minister for Justice emphasised that both the political and decommissioning tracks could be moved along in parallel. She suggested that public opinion would have great difficulty in understanding why a Commission on decommissioning would be set up at a time when they had nobody to talk to. Trimble replied that public opinion was more likely to be concerned that Unionist parties would be engaging in substantive discussions with the representatives of paramilitary organisations without a satisfactory resolution of "these issues". When the Tánaiste pressed him to clarify this remark, he referred to the points made in the earlier discussion and to the list of questions.

40. The Secretary of State then brought the meeting to a close. He suggested that there was a lot to think about and more work to be done. We needed to identify a scheme which would be the best possible for all our purposes. The British Government saw a need to get into the three-stranded talks for their own sake and also as part of a necessary tactic to achieve decommissioning. The role of experts should be considered. The two Governments would study the list of questions.

41. It was agreed that a further trilateral meeting would take place next Monday afternoon (exact timing to be arranged). Contact at official level with the UUP was also envisaged, possibly for Friday afternoon.

David Donoghue

David Donoghue
19 September 1996