NGG. 21/96

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

Meeting between Irish Delegation and UUP Delegation
10 September 1996, 5.30 pm

Irish Delegation	UUP Delegation
Tánaiste	
Minister Hugh Coveney	John Hunter
Attorney General	Peter Weir
Sean Ó hUiginn	Reg Empey
Val O'Donnell	Jeffrey Donaldson
Wally Kirwan	Peter King
David Donoghue	(A N Other)
David Cooney	
Brendan Callaghan	

1. The meeting opened with Mr Hunter, Mr Weir and another present on the UUP side. Mr Empey, Mr Donaldson and Mr King joined the meeting subsequently. On enquiry, the Irish side were informed that Mr Trimble was unable to attend as he was detained at UUP HQ in Glengall Street.

2. The Tánaiste said that he understood that the previous day's meeting had been a good one. Mr Weir said that it had been a useful first step. The Tánaiste said that it was important that we disposed of a number of complicated matters on the agenda. We wanted to be positive. It was important to get out of the current impasse. We were aware of the problems the UUP had with the issue of decommissioning, and we had taken note of the reassurances they needed. After speaking to the Minister for Justice they were in a position to take draft legislation to Government the following day. After Government approval, it would be possible to make it available to the UUP the following week. This was not the normal procedure with legislation. Normally, draft legislation was made available to all the opposition parties simultaneously after approval by Government. However, to get momentum into the Talks we were willing to brief the UUP on the legislation. This would be on the basis of confidentiality and trust. It would not be helpful for the UUP to pass the information thus received on to other people.

3. He would also recommend to the Government that Dáil time be made available to consider the legislation. Mr Weir enquired as to whether it would be possible to say in which week it would be considered. The Tánaiste said that he expected it to be passed by the Dáil in the coming session. It would then be considered by the Seanad and, if amendments were made, return to the Dáil for further consideration. He expected to receive the co-operation of the opposition parties on the legislation. The UUP had been told at the meeting the previous day that the draft legislation was of an enabling nature and followed the terms of the Mitchell report. After the legislation a detailed scheme would be drawn up and the Verification Commission established. The legislation was one side of the bargain: he was interested in the other side.

Mr Empey said that at this point they had nothing on decommissioning. Their concern now was that if they moved into the three strands they would never get anything on decommissioning. They did not want Sinn Féin in the Talks and blocking out decommissioning. This was both wrong and politically impossible for the UUP. Mr Weir said that decommissioning would have to be sorted out before substantive negotiations started. They had fears which might be assuaged by what the Irish side had. They were aware that discussing decommissioning put a lot of people in the spotlight. The Tánaiste said that the SDLP would not work on decommissioning until the three strands were set up. Mr Ó hUiginn said that the SDLP felt that open-ended negotiations on decommissioning would leave them exposed.

5. Mr Ó hUiginn said that there was a strong sense that the hard substance of decommissioning would be dealt with in a separate stream, as envisaged in the Opening Scenario document of 6 June. While the DUP, UKUP and, to some extent, the UUP placed great emphasis on discussion of the issue, other parties would want to get into the substantive negotiations quickly and not drag out any general discussion. The UUP role in this would be pivotal. We believed that we could satisfy the unionists of our good faith. On the assumption that the UUP, after examination of our draft legislation, was satisfied that it was consistent with the Mitchell report, he asked the UUP to take us through the scenario they envisaged.

6. Mr Weir said that their original proposal had been that a working group to handle the decommissioning issue would be set up and would report back to the Opening Plenary. However, the SDLP had a number of concerns with this proposal and he expected that the Irish Government had also. They therefore now proposed instead that a series of bilaterals/trilaterals (the latter involving the UUP and the two Governments) be held to move the consideration of decommissioning forward. These would be preceded by a general decommissioning debate in Plenary. They did not envisage the debate as being open-ended. They envisaged the bilaterals/trilaterals would involve the UUP and the SDLP. The PUP and the UDP also had an interest. (Mr Hunter said that they were assuming that the PUP and UDP would still be participating in the Talks.) There was a question of how vital the other parties would be. The bilaterals/trilaterals would curtail the role of the parties not involved in them. As a result, some of these parties would want a more extensive debate in Plenary. If their original proposal of a working group had been accepted, the initial debate in Plenary would have been brief, with the parties confining their remarks to a few comments.

7. Mr Empey said that the preliminary debate could provide a vehicle whereby the two Governments could decide to introduce a paper suggesting a target date on which legislation would be introduced, allied with a commitment to proceed with it.

8. Mr Ó hUiginn asked what were the preliminaries which would have to be disposed of by the bilaterals/trilaterals. What product did they expect? How much detail did they require on the Commission in the context of the bilaterals/trilaterals? It would, for

example, be difficult to get people to agree to serve on the Commission when decommissioning was not on the point of starting. Mr Hunter said that they would require a fair amount of specific detail on eg. how the two Governments would envisage dealing with verification. He expected that the groundwork had already been done by the two Governments. It was necessary to look at the experience of other countries and to seek out people to serve. He took the point about the difficulty of getting such people in advance of decommissioning starting. What they wanted was to do as much as possible on decommissioning in the next one to two weeks and then put it to bed. They wanted progress on such issues as whether the Governments would honour their commitment, when they would do so, the terms of the legislation, the amnesty and what would happen if the mutuality provision was met. Mr Ó hUiginn said he appreciated the wish to obtain information on legislation, which had a long lead time. Mr Hunter said that in the absence of draft legislation they were working blind. Mr Ó hUiginn asked how much would be left open until the people necessary for decommissioning were involved in the process. What level of detail on decommissioning could be worked out in the absence of the parties which would be involved in decommissioning? The only people who could decommission were the parties who spoke for the paramilitaries. There would be no point in having a timetable for decommissioning in their absence. Minister Coveney said that if arrangements were tightly tied up they would be of no use. The Tánaiste said that it would be possible to have a scheme which was perfect but was only of academic interest. This would happen if there was no political progress.

9. Mr Weir said that after the Opening Plenary concluded they saw a sub-committee being set up which would tie up the loose ends. Because the bilaterals/trilaterals would have worked out most of the detail, the function of the sub-committee would primarily be a liaison and fine-tuning/refining one. The timetable for decommissioning and actual decommissioning would also be the work of the sub-committee. It would report how things were working out. The process would obviously have to be refined if Sinn Féin entered the Talks. While the sub-committee would be in existence, it would not have a lot to do in advance of actual decommissioning taking place. Mr Ó hUiginn asked whether they envisaged that the Commission would be up and running at the start of the substantive negotiations. Mr Empey said that in practical terms he did not think so. However, it would be necessary to pencil in people for membership of the Commission who would have the standing to inspire confidence in the community.

10. Mr Weir said there was the question of how the bilaterals/trilaterals would be brought to an end. There might be some sort of report to Plenary on progress made and on the draft legislation or there might be a statement by the two Governments. After that there could be agreement on the agendas for the three strands. They did not envisage a very long process.

11. The Tánaiste asked what Mr Trimble meant by his statement at the previous day's meeting that some issues could only be discussed in detail when the parties which would be directly involved in decommissioning were involved in the Talks. Mr Weir

said it depended on one's definition of detail.

12. The Tánaiste said that he understood that it had been suggested at the previous day's meeting that the general debate on decommissioning would take 2-3 days. Mr Weir said it would more likely take a week, perhaps a working week (approximating to three days). The Tánaiste queried the need for a lengthy general debate on decommissioning. He could make a statement less than two hours long which would be exhaustive. The areas which needed to be covered were: chapter VI of the Mitchell report, the commitment of the parties to work constructively, the structure of the decommissioning strand and the Verification Commission. Three days seemed too long for this. The SDLP statement would probably take 30-60 minutes. The PUP and UDP would not say a lot. Mr Hunter said that to some extent they were plucking figures out of the air when estimating the amount of time needed. It was dangerous to tie the amount of time down too closely.

13. Minister Coveney said that they had concerns about getting into a procedure where they gave draft legislation to someone outside Parliament. The Attorney General said that the Irish side were offering something very specific to people who were outside the Governmental system. They were looking for specificity on the quid pro quo for making the draft legislation available. They wanted to be sure that there were no matters coming from the UUP side which would detain progress. The Tánaiste said that things had to move in parallel. When the Minister for Justice rose to ask the Dáil for support for legislation she had to know what was on the other side of the equation. They had no problem in giving a commitment to legislate within a reasonable period of time. Mr Hunter said that they could not be more specific until they saw draft legislation. It was difficult at this point to give clear answers. They were keen to get into substantive negotiations but they wanted to have the decommissioning issue dealt with in a substantive fashion first. A lot of the substantive issues were in the hands of the two Governments (eg. legislation and verification).

14. Mr Weir said it was his understanding that certain commitments on legislation were given by the Irish Government in March, but nothing had appeared. This had given rise to suspicion of the Government. Mr Hunter said they were being told that the legislation was 90% ready. They had a suspicion of what the remaining 10% consisted of. Minister Coveney said that the draft legislation was more than 90% ready. The Attorney General said the process was one of constant refinement. Aligning legislation in two jurisdictions was difficult. There was the question of the status of the Commission. The Tánaiste said that we needed a sense that after production of the draft legislation we would be travelling together. We had to protect our positions.

15. Minister Coveney said that there seemed to be no differences of principle between the two sides, just differences in emphasis. Mr Empey agreed and said that they had not yet got the draft British legislation. The Tánaiste said that we were working with the British side on the legislation.

16. Mr Hunter said that at the previous day's meeting it had been stated that it was important to get the SDLP's support for the legislation. He asked whether this would be necessary, in view of the Government's majority in the Dáil. The Tánaiste said that politicians also took a medium-term perspective. An election would take place next year. Furthermore, they also wanted to act on Northern Ireland by agreement with the parties. Mr Ó hUiginn said that the context in which legislation went to the Dáil was very important. If too much detail was included in legislation in advance of the arrival at the Talks of parties which would be involved in decommissioning, the Government would be accused of departing from reality. This would cause a greater problem than the opposition.

17. The Tánaiste said that his impression was that they had gone backwards from the previous day's meeting. The necessary clarity was not present. The other side of the equation was unclear. On the basis of the previous meeting, he had spoken to Government colleagues and was pushing the legislation forward.

18. Mr Donaldson said that their work with the SDLP was ongoing. A lot of progress had been made on the agendas for the three strands and a decommissioning mechanism. The important things was to formulate agenda items, such as constitutional issues, in such a way that people were not embarrassed. They hoped to have a bilateral at leader level the next day. This was the next important stage.

19. Mr Empey said that they were flapping their wings in the air until they saw the legislation. The fundamental problem was that they did not think the SDLP were serious and the SDLP thought the same about them. There was a danger that we could talk ourselves out at this meeting. Mr Weir said that some of their conversation was premature.

B Callaghan