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REG 20/96

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

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

Irish Delegation

Minister Hugh Coveney
Sean Ó hUiginn
Val O'Donnell
Wally Kirwan
David Donoghue
David Cooney
Brendan Callaghan

UUP Delegation

David Trimble
Reg Empey
John Hunter
Peter King
Peter Weir

1. After being welcomed by Mr Coveney, Mr Trimble said that they had had a meeting with the SDLP, at which they discussed the agenda for the remainder of the Opening Plenary and how the issue of decommissioning might be handled. The SDLP had not been enthusiastic about the UUP proposal to set up a preliminary working group on decommissioning. The UUP's view was that if the working group route was not taken, discussion of the issue in Plenary would expand, since the parties not involved in the key bilaterals would want to have their say. The UUP did not want Sinn Féin to enter the Talks after the Talks had moved into substantive negotiations without provision for the decommissioning agenda. If that happened and the decommissioning issue had not been dealt with, the UUP would be very exposed. The important thing was to get the key issues, such as the amnesty, the International (Verification) Commission, its structure, terms of reference and powers, settled in advance. There could only be a general discussion on issues, such as the modalities of decommissioning and the timetable, which could only be discussed in detail when the parties who would be directly involved in decommissioning were involved in the Talks. In order to make progress, he was suggesting that the UUP have a session with the two Governments to go over the decommissioning legislation. They wanted to have a serious discussion on when it would be introduced and a commitment that best efforts would be made to have it on the statute books quickly. It was a matter of great disappointment that legislation which they had been given to understand would soon be available (for example, at their meeting of 11 March in Dublin) had not yet come forward. However, that was now the past. Minister Coveney welcomed the suggestion of looking at the issue on a trilateral basis.
2. Mr Empey said that if Sinn Féin came on to a sub-committee on decommissioning it would never come to a conclusion. They would obstruct its work. The UUP wanted to deal with the decommissioning issue as quickly as they could and have it cleared out of the way in so far as that could be done. What they wanted from the two Governments was a commitment to implementation of legislation as soon as possible, within a reasonable period of time. The UUP would be at risk if the negotiations entered the three strands without the legislation being in place. Primarily, they wanted to know what the Commission would entail. As it was, they had no

information. How far had drafting of the legislation gone?

3. Minister Coveney said that the Irish delegation had intended to seek a meeting with the UUP the next day, when both the Tánaiste and the Attorney-General would be present. The present meeting was, however, very welcome and would be a valuable listening session. The decommissioning legislation was 90%+ complete. They were checking whether Cabinet approval was required before discussing it with any outside party. Our primary problem was how far we could go in the absence of those parties which would be involved in decommissioning. If the scheme was made too specific it might make it difficult for those concerned to join the process. He confirmed that the amnesty being offered would only relate to actions connected with decommissioning.
4. Mr Trimble said that he recognised that there was a certain imprecision in what he was asking for. He appreciated that not everything could be nailed down in advance. What they were looking for was a reasonable idea of the Commission and how it would operate. Minister Coveney said that we were not yet at the stage of naming people who would be on the Commission.
5. Mr Trimble said that he still had a slight preference for a working group. Simple bilaterals would be a waste of time - trilaterals were necessary.
6. Mr Empey said that following the trilaterals there would be a general debate in the Plenary on decommissioning. The outcome would be a commitment by the participants that they would do what they could to promote the proposals in the Mitchell report. To put the UUP's situation in cold political language, they did not want to be involved in the three stranded negotiations when Sinn Féin entered them and then said that they would never agree to decommissioning. The UUP and the SDLP had a common basic problem: neither believed the other's stated position. The UUP were trying to address this. Otherwise it would be impossible to make progress. As someone on the British side had said, they wanted a vehicle with a key in the ignition, ready to go. They wanted to be in the position where, given the right circumstances, it would be possible for decommissioning to take place.
7. Mr Ó hUiginn said that they would be in a position to answer some of their questions. However, there was a grey area - how to strike the right balance between enabling legislation and the amount of detail that would colour it. The Irish Government would share UUP concern to ensure a commitment to work constructively on decommissioning. In the absence of Sinn Féin from the Talks and without a ceasefire, decommissioning was a moot point.
8. Mr Trimble said they recognised that some loose ends would remain as long as the two sets of paramilitaries were not involved. Knowing how to strike the balance and what the loose ends would be easier when they saw the legislation. Mr Empey said that the current situation was that at the moment they had nothing on decommissioning. Even if the will to decommission was there, nothing could happen. The finer details could be a problem, but they would not know to what extent until

they saw the legislation. In addition, the Commission might have ideas of its own.

9. Mr Coveney said that there could be difficulties with putting legislation through the Dáil if nothing was happening in the substantive negotiations at the time.
10. With regard to the Opening Plenary, Mr Trimble said that there was not a lot of business to get through: the agendas for the three strands, decommissioning and the opening statements. He would be surprised if the agendas for the three strands were a problem. It was his view that the opening statements would take longer than the one to two days which the SDLP envisaged, perhaps a week. Following the Opening Plenary they would then move into the strands. The discussion of decommissioning should take about one week, if the meat was being dealt with elsewhere. Mr Empey said that discussing decommissioning for any longer would result in the participants talking themselves into difficulties.
11. Mr Trimble said that the Secretary of State had not yet got a commitment from the British Cabinet on the timing of legislation. The UUP had put it to the British side that they thought the legislation could go through the British Parliament by the end of November. There had not been any screams in response to this. In response to a query from Mr Hunter, Minister Coveney said that the Dáil reassembled on 25 September. He thought that the opposition would agree with the principle of the legislation, but might query some of the detail. It could go through the Oireachtas quickly if people were behind it and the context was right. To achieve this, it was important that the SDLP would say that the legislation was necessary to bring about progress in the Talks.
12. Both sides agreed to hold a meeting the next day. Minister Coveney said that the Tánaiste and the Attorney-General would not be available until the afternoon. Mr Trimble said that he, along with a number of others, including John Hume, would be attending a CBI lunch, and so he would also not be available until the afternoon. However, John Taylor would be available from 2 pm. He suggested that a meeting in the late afternoon be pencilled in. Mr Ó hUiginn suggested they make contact after lunch. This was agreed.
13. Mr O'Donnell enquired to what extent the lack of filling out of decommissioning detail by the end of the opening plenary would cause difficulties. Mr Trimble confirmed that such matters as the timetable for decommissioning would not be tied up and what they were looking for was information on the Commission, its powers and procedures and on the amnesty.
14. Mr Empey said that they would like a debate on what people meant by "decommissioning". It was a buzz word which people had not defined. Mr Hunter asked whether there would be a definition in the legislation. The Irish side confirmed that there would be. The UUP had a two line definition, which, however, they were not willing to produce.

15. Mr Coveney said that he recognised that the UUP wanted the legislation to be as tight as possible. However, the Irish Government did not want to make it so tight that it would give Sinn Féin an excuse for not joining the Talks. Mr Trimble said that they needed to build on Mitchell - all the principles were there. If there was no agreement on decommissioning, the Talks would be stuck. Mr Ó hUiginn said that legislation was enabling and would not be able to guarantee decommissioning. The danger of having too much detail in legislation was that they might have to go back to the legislature if changes became necessary in the light of discussions or developments. Mr Trimble said that if they had a clear statement from the two Governments, followed by the legislation coming forward, that would help to give assurances and lower tensions. Mr Empey said that, for the SDLP, confidence-building would come from the substantive issues being addressed.
16. Turning to the moves to expel the two loyalist parties from the Talks, Mr Ó hUiginn asked whether the UUP had any information on what arguments the two parties would use in their defence. Mr Trimble said they did not. Mr Empey said that the situation was that a threat had been issued. It should not be in existence and was a complicating factor. The UUP might contribute to the debate on the matter in plenary the next day. They were aware that the "plaintiffs" might seek a judicial review of the Governments' decision if the matter did not go their way. Mr Trimble and others were attempting to bring about mediation on the threat. There was a glimmer of hope that something would come out of it. If so, it would be a way out of the problem. They understood that there was also a matter of money having gone missing.
17. Mr Coveney hoped that the two parties were getting good advice and taking it seriously. The UUP had no information on this. Mr Trimble was not convinced that the parties were handling the matter well in the media. Mr Ó hUiginn said that they seemed to believe that attack was the best form of defence. In Mr Coveney's view the DUP case was not very well presented. Mr Empey said that they were not taking a view on the matter at this stage, but wanted to hear what would be said the following day. It had never been the UUP's policy to drive the two parties out of the Talks. They were playing a straight bat with the media at the moment on the issue.

B Callaghan