

NEG 45/96

Confidential

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-L.

Trilateral with the UUP23 September 1996Irish Government:

Minister for Justice, Attorney General. Paddy Teahon, Sean O
hUiginn, David Donoghue, Paul Hickey, David Cooney, Linda
O'Shea Farren

British Government:

Secretary of State, Michael Ancram, Harold Elletson, Stephen
Leach, David Hill, Jonathan Stephens, Nick Perry

UUP:

David Trimble, John Taylor, Ken Maginnis, Peter King, Alan
McFarland

1. The Secretary of State opened the discussion by suggesting that last Wednesday's bilateral had been helpful in exploring the concerns of both Governments and the UUP in a manner which would permit more frankness than was possible in the Plenary. There had since been two trilaterals with the UUP at official level, which, he hoped, had also been helpful.

It was common ground that we were all seeking a means of leaving the opening Plenary and getting into the three-stranded discussions. Fear and suspicion existed about the whole process. The UUP needed reassurance that the Governments were for real in bringing forward a decommissioning scheme which would meet their anxieties and reasonable requirements. The Governments, in turn, were anxious to establish that the UUP were committed to getting into the three-stranded talks in the shortest practicable period.

The UUP had indicated earlier this month that they needed to see the draft legislation. This had now been done. They still had a concern that the decommissioning schemes, yet to be formulated, would not be sufficient. The Governments needed to discuss now what the UUP considered had still to be done to enable them to agree to an "exit strategy" and to play their part in it. We recognised that the UUP were under attack from the DUP and needed to have plenty to show in order to forestall these attacks between now and the enactment of the legislation. Equally, the two Governments needed reassurance that there was a desire on the UUP's part to get into three-stranded talks.

The Minister for Justice endorsed these remarks.

2. Noting the emphasis on a quid pro quo, Maginnis said that the UUP did not wish to get into a situation in which they were trading political progress for guns (or, as

Trimble interjected, for "no guns"). How did the two Governments envisage that the Unionist position would be safeguarded? The UUP could find themselves merely "stumbling along" the decommissioning track while moving forward at the same time on the political track at a speed which a section of society would reject.

3. The Secretary of State saw the UUP being reassured by means which would also reassure the British Government and its supporters - because they all shared a fear of a process which would be indefinite and would involve no timetable. The two Governments wanted something tangible in place which would fill the gap until the legislation was enacted. This was where they saw the attraction of a committee of the type under discussion.
4. The Minister for Justice suggested that the UUP would already have had an element of reassurance in the fact that they had been shown the draft legislation by the two Governments, as she understood they had requested at the 2 September meeting. They had been able to satisfy themselves that work had been done to a point where the legislation could be passed during the present Parliamentary terms. The Minister hoped that the technical briefings provided - superior to anything she herself had experienced as a back-bencher - had been of assistance to the UUP and their supporters.
5. Trimble began with a complaint that the briefing provided to him by the British Government was less than that afforded to the Labour Party. He expected that the legislation in both jurisdictions, when published, would raise as many questions as it answered. While sight of the drafts had provided some reassurance, this was not so significant when measured against the time it had taken for the legislation to be brought forward. While the UUP did not wish to return to the previous week's charges and counter-charges, they felt that there had been an inordinate delay in reaching this point.
6. Maginnis said that what the UUP had been talking about at the Dublin meeting last March was the process, irrespective of how this was defined. They had made clear (at that time) that the drafting of legislation to provide this process had to begin.
7. The Secretary of State said that the Governments proposed to maintain the impetus via the committee. They were not waiting for the legislation to be enacted but were doing things in advance. What anxieties remained on the UUP's part?

Trimble replied that the meetings at official level had not really achieved very much and they wished to see more progress. They were decidedly uneasy about the committee concept. One danger was that, under the sufficient consensus rule, there was no guarantee that progress would be made there. They needed reassurance that decommissioning would come out of the committee in a satisfactory form and would not be blocked there. They had proposed a working group last July to work through the summer on this subject.
8. Maginnis asked to what extent the Governments were responding to the UUP suggestion for continuity from the start of the process. There was a need to ensure

that the Chairman-designate of the Commission would be available to those who wished to discuss "user participation" in decommissioning schemes which would evolve under the legislation. Until this was clarified, they could not make much progress.

9. The Secretary of State asked what the consequences would be in terms of entry to the three-stranded talks if the two Governments were to put forward proposals which met the UUP's concerns in this regard.

Maginnis said that he would leave this to his party leader. He had understood from the earlier meetings that, while they were not keen to appoint the full Commission, the two Governments could probably facilitate the UUP in terms of the Chairman and some advisers.

The Minister for Justice made clear that no such commitment had been given. Rather, the question of experts being made available to the committee had been discussed.

Maginnis held that there could be no process without continuity. This would be a crucial consideration in terms of any decision the UUP made. They had successively modified their position on decommissioning but could not go on modifying it indefinitely. Referring to Monday's London explosives find, he remarked that this was "a good day for us to say this". He also noted the relevance of this find to the concerns he had earlier raised with the Secretary of State about how to ensure that legislation which applied to Northern Ireland would have comparable effect in the rest of the UK.

10. Responding to the UUP point about "advisers", Ancram recalled the two Governments' suggestion that technical experts could be made available to the committee, probably by the Governments, to advise on technical detail.

Maginnis accepted that this would represent continuity in respect of advisers. He also needed, however, a degree of continuity in terms of the people who would actually constitute the Commission. McFarland recalled the UUP model of a core Commission, perhaps involving the Chairman and two staff officers with a small HQ. If, for example, paramilitary groups were to "come in earlier than expected", they would need to have someone to talk to. There should be an independent organisation from the outset which would gather information and be ready to receive arms when the time came. In response to Ancram, who pointed out that the Commission could not begin to operate until the legislation was enacted, McFarland saw nothing to stop information being gathered at this stage.

11. The Minister for Justice noted that the UUP were talking about a Commission without teeth. She asked what role they saw for the committee. Did they see this as a creature of the talks process, or would it stand alone?

Trimble replied that they remained to be convinced that there was any utility in the committee. At this point, he spelled out a number of key concerns for the UUP.

First, the methodology of decommissioning. Their concern was less with the detail in this area (the technical experts could help to flesh out the general approaches provided in the Mitchell Report) than with being assured that it would happen and that it would be verifiable.

Second, the establishment of the Commission to provide this verification was a crucial concern. They needed to have a good idea of how the Commission would be structured and how it would operate. They wished to see it "starting to build up" as soon as possible.

Third, agreement was needed - both in this trilateral format and in the Plenary - on the procedures and sequencing envisaged if and when Sinn Fein entered the talks. Sinn Fein would have to do a certain amount of catching-up in terms of addressing the Mitchell principles. Inevitably, what Ken Maginnis called "bench-marking" would also be required. Thought would have to be given to the commitments to be required of Sinn Fein and the other parties representing paramilitary organisations and the consequences which would arise if these commitments were not respected.

He saw all of this as part of the process of addressing decommissioning. The detailed debate might also throw up further issues requiring attention.

12. The Secretary of State asked in what respect a committee would not be a satisfactory forum to discuss these.

Maginnis replied that a committee would never have power. If the Minister for Justice could suggest that a Commission would be of little significance before it was legally authorised, there should be no difficulty in understanding this UUP concern. He saw no point in getting into the committee unless it was going to contribute something to the "continuous process".

The Minister for Justice pointed out that the problem could only be solved by politicians, not by the eminent personalities who might be brought in to serve on the Commission, and that the committee would be the forum for the politicians. She emphasised that decommissioning could not be handled in isolation from political issues and the talks process as a whole.

13. Maginnis reiterated his need for an element of continuity between the committee and the Commission. He saw two dimensions to the decommissioning issue: on the one hand, the hope that the paramilitaries could be brought to cooperate; and, on the other, the need to establish the principle of decommissioning, as reassurance to the public in Northern Ireland and further afield. This would require continuity from the outset. There could be no movement unless this issue was addressed.
14. Ancram observed that Maginnis had recognised that it was necessary to get the paramilitaries involved in the decommissioning process. He repeated that the committee was the only forum which would bring together the relevant parties with other politicians and the two Governments.

15. Trimble said the UUP had never envisaged that they would sit in a committee discussing decommissioning with paramilitaries.

Taylor asked whether the committee would remain in existence after the legislation was enacted and, if so, for how long. The Secretary of State replied that, if desirable, this would be the case. Recognising Maginnis' desire for a continuum, he suggested that it should not be necessary to await enactment before doing certain things.

16. Trimble emphasised his need to see the matters he had mentioned earlier resolved. If they could get down to discuss these, it might be possible to settle them very quickly (even to "pre-cook" them). They were nervous about the committee, whose procedures might prevent it from making any progress on this issue.

17. Maginnis said that, if they were to suppose that the Commission would be chaired by "General De Chastelain or whoever", there would be nothing in it for the UUP unless they could interact with the General and unless he had some advisers who would afford a degree of continuity. He could imagine bilateral contact taking place with the Chairman-designate and his advisers and with the two Governments.

He suggested that the two Governments should examine this matter and "sort out what we require". He felt he could contribute nothing further at this point.

18. The Secretary of State returned to the question he had posed earlier, asking what view the UUP would take of the "exit strategy" if a means could be established to meet their concern to have an uninterrupted process.

Trimble replied that, in addition to the continuity element, they would need reassurances on the timetable. If agreement could be achieved on decommissioning and on the comprehensive agenda (where he thought agreement with the SDLP was close), "the way forward would be clear". He wished to see these various matters sorted out as quickly as possible. As regards the comprehensive agenda, he suggested that the UUP's July proposal of two sub-committees working in parallel might be of value.

19. Responding to the suggestion from Maginnis that it was now over to the two Governments, the Minister for Justice observed that there were many questions to which the UUP should be supplying answers.

Maginnis countered by asking to what extent the two Governments had consulted the Chairmen on the UUP ideas (if De Chastelain was to be the Chairman-designate of the Commission).

The Minister for Justice asked to what extent the UUP had decided, as a party, what would happen when it obtained satisfaction on its decommissioning concerns. She asked whether there would be a reply to the question posed repeatedly by the Secretary of State. Trimble claimed that he had answered it. If there was a mechanism to address the issues he had mentioned earlier, he would see that as very significant progress. He confirmed that, for the time being at least, he had "no other

questions in my mind" than those he had posed.

Asked to clarify his timetable concern, he said he had no clear picture in this regard but wished to have "a clear destination and target". He hoped to see intensive progress made on the decommissioning concerns with a view to wrapping things up as soon as possible and, hopefully, within a shorter period than that mentioned by the Secretary of State (Christmas).

Invited by Ancram to agree that this should permit rapid movement through the opening Plenary and into the three-stranded talks, he said merely that, until there was "meat on the table" (knowledge the the Commission was "there" and would operate in a certain way), the UUP would not know how far it could commit itself. Their nightmare was that Sinn Fein could arrive at the door with the decommissioning issues unresolved.

20. The Minister for Justice expressed concern at the ever-lengthening list of UUP requirements ("a piece of string which is getting longer and longer"). Trimble replied that the questions he had put today were the same as those which he had put to the NIO as far back as last June. It would have been better if the Irish Government had addressed the issue properly at an earlier stage. It was important to get into the issue now and not to hover around it. The Minister for Justice observed that neither Government had anything to decommission.
21. The Secretary of State wound up by suggesting, with the Minister for Justice's concurrence, that the two Governments might devise possible conclusions to the Plenary debate on decommissioning and have another trilateral meeting to discuss these. Trimble responded immediately that it would be helpful to get things down on paper.
22. The meeting, which had lasted for ninety minutes, concluded at this point.

David Donoghue
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25 September 1996